
MONDAY, MAY 18, 2009

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

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

BUDGET MEETING: AOA & RSVP

[9:00:56 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Finance Technician Lora Aspenlieder and Wendy Marquardt, AOA Director Jim Atkinson, RSVP Office Administrator Wes Hula, Clerk Kile

Atkinson presented the projected budget for Agency on Aging and Hula presented the Retired Senior Volunteer Program projected budget for FY09-10.

DOCUMENT FOR SIGNATURE: ROAD CLOSURE PERMIT/ BIGFORK STAGE ROAD

[9:35:15 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve the road closure permit. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

BUDGET MEETING: FAIRGROUNDS

[9:36:02 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Fair Director Jay Scott, Finance Comptroller Joe Garza, Finance Technician Lora Aspenlieder and Wendy Marquardt, Clerk Kile

Scott reviewed the Fairground's projected budget for FY09-10.

BUDGET MEETING: COUNTY ATTORNEY'S OFFICE

[9:45:40 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Finance Technician Lora Aspenlieder and Wendy Marquardt, County Attorney Ed Corrigan, County Attorney Office Administrator Vicki Eggum, Clerk Kile

Corrigan and Eggum reviewed the FY09-10 projected budget for the County Attorney's office.

BUDGET MEETING: CLERK & RECORDER'S OFFICE

[10:00:42 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk & Recorder Paula Robinson, Finance Comptroller Joe Garza, Finance Technician Lora Aspenlieder and Wendy Marquardt, GIS Director Mindy Cochran, Plat Room Supervisor Vicki Gallo, Records Preservations Manager Jan Hardesty, Clerk Kile

Discussion was held relative to the Clerk & Recorder's projected budget for FY09-10.

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(Continued)

BUDGET MEETING: SOLID WASTE DISTRICT

[10:30:10 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Solid Waste Operations Manager Jim Chilton, Finance Comptroller Joe Garza, Finance Technician Lora Aspenlieder and Wendy Marquardt, Clerk Kile

Prunty reviewed the FY09-10 projected budget for Solid Waste.

FINAL PLAT: STAGECOACH ESTATES NO. 2

[11:10:29 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planner Alex Hogle, Tom Sands, Eric Mulcahy Clerk Kile

Hogle entered into record Final Plat FFP09-08, Stagecoach Estates No. 2; an application submitted by Al Schellinger with technical assistance from Sands Surveying for a four lot residential subdivision located approximately five miles southwest of Whitefish. Preliminary plat approval was granted on August 10, 2005, subject to 17 conditions. A one year extension was granted on July 2, 2008.

Commissioner Brenneman made a **motion** to approve final plat of Stagecoach Estates No. 2. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

BUDGET AMENDMENT: HEALTH DEPT/ WIC & TOBACCO

[11:15:55 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve Budget Amendment Resolution 2206. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

BUDGET AMENDMENT
RESOLUTION # 2206

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2008-2009, 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 2008-2009; 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 18th day of May 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By/s/James R. Dupont
James R. Dupont, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

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(Continued)

DATE OF ISSUE: 5/11/09		BUDGET ENTRY			VOUCHER NO.:	
DATE OF RECORD:					Entered by:	
		RESOLUTION # 2206				
FUND	DEPT	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2971	0190	331141		WIC		23,413.00
2971	0190	440171	210	OFFICE SUPPLIES	4,000.00	
2971	0190	440171	222	CHEM/LAB.MED SUPPLIES	4,492.00	
2971	0190	440171	228	EDUCATIONAL SUPPLIES	2,601.00	
2971	0190	440171	311	POSTAGE	2,250.00	
2971	0190	440171	335	MEMBERSHIPS/REGISTRATIONS	400.00	
2971	0190	440171	345	TELEPHONE	1,000.00	
2971	0190	440171	363	MACHINE REPAIR/MAINT	450.00	
2971	0190	440171	378	TRAVEL	400.00	
2971	0190	440171	380	TRAINING	4,800.00	
2971	0190	521000	820	TRANSFER TO ADMIN	3,020.00	
Explanation	WIC				23,413.00	23,413.00

DATE OF ISSUE: 5/14/09		BUDGET ENTRY			VOUCHER NO.:	
DATE OF RECORD:					Entered by:	
		RESOLUTION #2206 (Cont'd)				
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2968	0190	331134		TOBACCO USE PREVENTION GRANT		2,400.00
2968	0190	440110	380	TRAINING SERVICES	400.00	
2968	0190	440110	398	OTHER CONTRACTED SERVICES	2,000.00	
Explanation					2,400.00	2,400.00
Tobacco FY09 Contract was more than we budgeted for						

DOCUMENT FOR SIGNATURE: PLAT, QUIT CLAIM DEED & EASEMENT/ KILA SCHOOL DISTRICT

[11:16:57 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Debbie Boreson, Tom Sands, Clerk Kile

Sands explained the county is deeding a strip of land to the school and the school is dedicating an easement back to the county to use the road. He noted when a survey was done they discovered the school didn't own the land they thought they owned and access to the county road needs straightened out also.

Commissioner Brenneman made a **motion** to approve the quit claim deed and easement. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

BUDGET MEETING: HUMAN RESOURCE OFFICE

[11:30:56 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, HR Director Raeann Campbell, Clerk Kile

Campbell reviewed the FY09-10 projected budget for Human Resources.

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(Continued)

CONTINUATION OF AWARD BID: ELECTRONIC SECURITY SYSTEM/ JUSTICE CENTER

[11:55:44 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Office Administrator District Court Bonnie Olson,
Clerk Kile

Commissioner Brenneman made a **motion** to approve the Electronic Security System contract for the Justice Center and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman **Abstained** - Dupont. Motion carried by quorum.

CONSIDERATION OF HR TRANSMITTALS: COMMUNITY HEALTH CLINIC PROGRAM COORDINATOR, ADMINISTRATIVE SUPPORT SPECIALIST MEDICAL BILLING, COMMUNITY HEALTH SERVICE DIRECTOR, COMMUNITY HEALTH SERVICE NUTRITIONIST, COMMUNITY HEALTH SERVICE LICENSED PRACTICAL NURSE AND COMMUNITY HEALTH SERVICE PUBLIC HEALTH NURSE

[11:46:43 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Chairman Lauman read the HR Transmittals for consideration.

Commissioner Brenneman made a **motion** to approve the HR Transmittals as read and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #09-07-5-21-083-0

[11:48:39 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve the DPHHS Contract. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 19, 2009.

TUESDAY, MAY 19, 2009

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

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

Russ Crowder, 2868 Lower Lost Prairie Road representing American Dream Montana presented copies of letters to the commission and stated he wanted to bring several issues to their attention since the Planning Office budget was being discussed today. He then read a letter dated May 1, 2009 from the Planning & Zoning Office that was sent to residents in Somers in regards to an organizational meeting that was scheduled to discuss the future of the Somers Neighborhood Plan. He then spoke about a meeting held at Barb Miller's home on December 12, 2007 in which he spoke of his concern in regards to boundaries mentioned in the letter. A letter dated December 13, 2007 was then reviewed in which the summary of discussion says that Somers is also doing a neighborhood plan and they have a drafted plan (not releasable yet, according to the chairperson) but will be shared. He then said he didn't know how much the county is planning on spending on the Somers Neighborhood Plan, but it appears to him that it was already done in 2007. Crowder then said he would make a prediction that if the laws continue to be ignored as they have been for the past 15 years on land use issues in Flathead County that in June of 2010 the property owners are going to take their private property rights back in Flathead County with or without the support of the commission. He went on to say that he encouraged the commission to look long and hard at how the money is going to be spent in the Planning & Zoning Office this year.

TUESDAY, MAY 19, 2009
(Continued)

Donna Thornton, 151 Amatasia Lane stated that 42 days ago she came in and asked for copies of documentation involving the Lakeside Neighborhood Plan and has yet to receive a response of any kind. At that same time a copy of the expenditures on the Lakeside Neighborhood Plan was also requested from the Flathead County Planning & Zoning Office which have been undecipherable with the way records are kept. She then noted since 2006 the Planning Office budget has more than doubled and in that time subdivision applications have declined more than 50%, housing starts have declined more than 50% and staff has increased; prior to that the office operated on approximately \$300,000 a year and now their budget is over one million. Thornton went on to say the difference could be spent for dust abatement. She then said with all the e-mail documents generated from Eric, Andrew and Jeff's computer that there is not a single paper document about the Lakeside Neighborhood Plan process. She also said state statute sets out guidelines for record retention for all local governments including counties and is followed by some county departments but not all; the policy mandates that e-mails be kept for 3 years and the County Attorney feels it is okay to delete e-mails. The secret web-site was then spoken about that refers to the County Commissioners and Flathead County Planning Board, which because they are mentioned she believes it then becomes a government website and the documents as well as passwords in order to access the website should be accessible to the public. A District Court ruling out of Yellowstone County was then reviewed where a ruling was made by the Supreme Court in regards to illegal meetings. Thornton stated a certified letter was sent to the Lakeside Neighborhood Planning Committee requesting all their documents which she has not received and requested that the commission not improve a budget increase for the Planning and Zoning Office.

Dennis Thornton, 151 Amatasia Lane stated it has been 42 days since he and his wife requested the budget on the Lakeside Neighborhood Plan. He then said state statute says that records are to be available anytime during business hours and stated he is protesting any budget for the Planning Department until he receives the documents. Thornton then requested the password for the secret yahoo website as well as an investigation into the collusion that went on between the Planning Office and the Lakeside Neighborhood Planning Committee.

Jim Etzler, 1600 Whalebone Drive stated he would like to protest the budget for the Planning Office since it is quite obvious they are not following open meetings laws. He then said he received the letter from the Flathead County Planning and Zoning Office dated May 1, 2009 that refers to the Somers plan which he said has been in the works for a long time. He then added this has been a common practice of the Planning & Zoning Office for a number of years in not including people up front, which was done on his property on Osprey Ridge Condominiums; he was noticed the weekend before the meeting. Etzler stated on May 5, 2009 he sent a letter requesting all information in regards to Spring Creek Zoning and has received copies of the Commissioners file but nothing from any other office. He also spoke about a memo that refers to open meeting laws and stated that it needs to stop; that it is hurting a lot of people. He further stated that he wanted the budget to be cut in half and put to use where it should be used and to terminate Mr. Harris's contract.

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

BUDGET MEETING: PLANNING & ZONING OFFICE

[9:11:27 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman (Seated [9:15:36 AM](#))

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Finance Technician Wendy Marquardt, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Planning & Zoning Office Administrator Mary Sevier, Russ Crowder, Bev Etzler, Jim Etzler, Donna Thorton, Dennis Thorton, Tammi Fisher, Clerk Kile

Harris reviewed the FY09-10 projected budget for the Planning & Zoning Office.

DOCUMENT FOR SIGNATURE: AMENDED BY-LAWS BIGFORK LAND USE ADVISORY COMMITTEE

[9:17:08 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Pat Wagner, Craig Wagner, Gary Ridderhoff, Chuck Gough, Tammi Fisher, Clerk Kile

Chuck Gough explained the changes were basically house keeping along with secretarial duties which were changed to state the position is to keep minutes.

Commissioner Brenneman made a **motion** to postpone consideration of the amended Bigfork By-Laws for one week. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

TUESDAY, MAY 19, 2009
(Continued)

BUDGET MEETING: MAINTENANCE

[9:38:49 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Finance Technician Wendy Marquardt, Weed & Parks
Director Jed Fisher, Clerk Kile

Fisher reviewed the Maintenance Departments FY09-10 projected budget.

BUDGET MEETING: WEED & PARKS

[9:51:09 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Finance Technician Wendy Marquardt, Weed & Parks
Director Jed Fisher, Clerk Kile

Fisher reviewed the Weed & Parks Department FY09-10 projected budget.

BUDGET MEETING: JUSTICE COURT

[10:09:26 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Finance Technician Wendy Marquardt, Judge David Ortley,
Justice Court Office Administrator Kim Dumon, Clerk Kile

Ortley reviewed Justice Court's FY09-10 projected budget.

BUDGET MEETING: I.T.

[10:15:57 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Finance Technician Wendy Marquardt, I.T. Director Vicki
Saxby, I. T. Technical Operations Supervisor Jae Carnsew, Clerk Kile

Saxby reviewed the FY09-10 projected budget for the I.T. Department.

BUDGET MEETING: CLERK OF DISTRICT COURT

[10:30:33 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Finance Technician Wendy Marquardt, Clerk of Court Peg
Allison, Clerk Kile

Allison reviewed the FY09-10 projected budget for Clerk of District Court.

BUDGET MEETING: TREASURER

[10:45:35 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Finance Technician Wendy Marquardt, Treasurer Adele
Krantz, Clerk Kile

Krantz reviewed the Treasurer's Office FY09-10 projected budget.

TUESDAY, MAY 19, 2009
(Continued)

11:30 a.m. Commissioner Brenneman: Agency Administrators meeting @ MacKenzie River Pizza, Whitefish
11:45 p.m. Commissioner Lauman: Kalispell Chamber of Commerce of Red Lion
4:00 p.m. Commissioner Dupont: RAC meeting @ Forest Service Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 20, 2009.

WEDNESDAY, MAY 20, 2009

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

7:30 a.m. Commissioner Lauman: FVCC Community Conversations @ Arts & Technology Bldg., Room 144
9:15 a.m. Commissioner Lauman: RSVP Board meeting @ Heritage Place
11:00 a.m. County Attorney meeting @ Co. Atty's Office
1:00 p.m. Commissioner Brenneman: 911 Administrative Board meeting @ Commissioners' Room
4:00 p.m. Commissioner Brenneman: Lake Book meeting @ Fish, Wildlife & Parks Conference Room
5:00 p.m. Commissioner Brenneman & Lauman: Kalispell Chamber of Commerce "Unwind" @ New West Health Services Gateway Community Center

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 21, 2009.

THURSDAY, MAY 21, 2009

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

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

Jim Etzler, 1600 Whalebone Drive stated he has been a taxpayer in the county for 29 years. He then requested the password for the secret website being used for the Lakeside Neighborhood Plan which he stated he would like to have today, and if not he would like to have in writing why not. He then went on to say he heard a rumor that Somers also has a secret website and asked for their password. Etzler then requested a full audit of the Planning & Zoning Office to see where every taxpayer dollar is going.

Sue Ellen Brady, 74 Brady Way said she lived on her property prior to the development of Whitefish Hills along with 11 homeowners that try to maintain the road the best they can; after Whitefish Hills came in and severely impacted Stelle Lane they said they would take care of it and that it would get paved. She said with all the construction they can't walk down the road and now another 50 lots off KM Ranch Road are being added where a traffic study showed that 60% of all that traffic on top of all the traffic that has already been put on it will be using the road. Brady asked that the commission consider the impact that the citizens have to endure and make the road safe.

Marie Wolff a resident off Stelle Lane stated she has lived there for 15 years and has seen the number of cars grow from an occasional car to a lot of construction traffic with awful dust problems now. She asked that consideration be made in regards to paving Stelle Lane.

Michael Moffitt, 1250 Whitefish Hills Drive stated that he has lived there for almost 5 years now and agreed with the previous speakers that the amount of traffic on Stelle Lane has gone up dramatically. He then added that you can't drive the road carefully or safely without running into potholes, and for six months out of the year it is just barely passable; it wasn't meant to take the traffic that uses it now.

Leo Tracy, 327 Spokane Avenue stated he agreed with some of those that spoke about Stelle Lane. He then said he was concerned about a circumstance that happened at the Flathead County Planning Board hearing in regards to a recommendation made by them based on traffic impact studies that concluded that a certain percent of Stelle Lane should be paved. Tracy quoted statistics that showed 65% of the traffic will use Stelle Lane and 35% will use KM Ranch Road and using the direct impact formula the percentage of roads the developer will be required to pave will be 15.4% of KM Ranch Road and 58.1% of Stelle Lane. He then quoted subdivision regulations that state the cost must reasonably reflect the expected impacts directly attributable to the subdivision. Tracy also spoke about an agreement that does not exist between the developer of Whitefish Hill and the homeowners association.

Don Murray, Attorney representing the developer of Whitefish Hills explained staff did recommend the developer be required to lay asphalt on KM Ranch Road and also some on Stelle Lane. He then noted the Planning Board saw more merit in getting one or the other done, and the decision was made to require the developer to pave KM Ranch Road; part of that was based on a commitment the developer made several years ago when Whitefish Hills Forest first came before the Planning Board. Murray stated they are sympathetic with the people that use Stelle Lane and would like to think they could work with them to share the cost of paving the road; a proposal was presented to them to share the cost 50/ 50 which was not accepted. He went on to say if the commission were to go back to planning staffs recommendation of some pavement on KM Ranch Road and some on Stelle Lane that in my internal optimism I would like to think we could get together with the residents that use Stelle Lane and figure out a way to share the cost of doing the rest of Stelle Lane.

Verdell Jackson, 555 Wagner stated he has heard a River Committee was going to be appointed and said he would like to be on it. He noted he lives on the river and his district covers most of the lake as well as a lot of Flathead River.

THURSDAY, MAY 21, 2009
(Continued)

Paul Coe, 75 Whitefish Hills Loop spoke as a private citizen and as the President of Whitefish Hills Homeowners Association. He stated he attended the Planning Board meeting and was taken aback when Marc Pitman made the ultimate motion to move all the paving over to KM Ranch Road specifically based on the criteria that he felt it would be best for the county from a financial point of view since it is maintained by the county and Stelle Lane is maintained privately. He went on to say it appears to him that the subdivision regulations don't provide for moving mitigations around to financially suit you better. Coe stated they support the recommendation from staff that splits the paving between the two roads consistent with how the impacts are created.

Tom Sands commented the paving requirement that came back from planning staff was a little over 6/10th of a mile on Stelle Lane and a little over a ¼ of a mile on KM Ranch Road and they would be more than open to go back to that.

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

COS REVIEW: HIMSL

[9:05:31 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Deputy County Attorney Peter Steele, Planner Dianna Broadie, Rick Breckenridge, Allen Himsl, Clerk Kile

Broadie review the request by Allen Himsl to divide a 5.77 acre parcel located in Lakeside along Lakeside Boulevard into the following:

Parcel 1A and 1B	4.42 acres to be transferred to Michael A. Himsl, Son
Parcel 2	.54 acres to be retained by Allen W. Himsl
Parcel 3	.44 acres to be retained by Allen W. Himsl

Broadie explained this is unusual in that the applicant is trying to do a retracement and basing it upon Montana Statue. She then stated parcel 2 and 3 are not valid as exemptions and should not be allowed as shown. The applicant is contending the division should be allowed because the property is bisected by a state highway. She further stated Lakeside Boulevard is not a state highway therefore, statue does not apply and the COS cannot be filed. Broadie noted there is a presumed pattern of development and recommended the application be denied.

Allen Himsl, 166 Lakeside Blvd. explained the rectangular piece of property has 500 foot of frontage and is about ½ mile deep. He then said in 1989 his dad split the property between his five kids with them each getting approximately five acres. His intention now is to split the property between his kids.

Rick Breckenridge said their research revealed the county didn't go far enough in the paperwork submitted. He then stated back in 1913 Lakeside Boulevard was a state highway because the legislature made it a state highway; since it was used for public travel it was taken in by the state and after Highway 93 was built it was given back to the county. Breckenridge went on to say the county highway was just an easement and it has been an easement since the 1880's. When the State comes in and says it ours then the Attorney General's opinion does apply and that is why it was submitted the way it was. It was stated their contention is that it is a state highway and so the Attorney General's opinion is valid.

Peter Steele said when a state highway bisects a piece of property it makes two parcels, but a county road that bisects a piece of property doesn't. He then said he would look at the Attorney General's opinion which he has not read and see if it does apply.

Commissioner Brenneman asked Mr. Himsl if it was his desire to give parcels to his children why he didn't give them to his children and is instead giving them to himself.

Allen Himsl explained on a map how the property is split and said the piece he is proposing to split is the one he wants to give to his son.

Commissioner Brenneman asked why he was also dividing the other two parcels.

Allen Himsl said he was giving another parcel to his wife for estate planning purposes.

General discussion continued in regards to Resolution 509D and the proper way to transfer the property.

Rick Breckenridge noted it was a state highway and it did split the property at the time it became a state highway when the legislature acted and the Governor signed it. He went on to say once they abandoned the highway then that doesn't take away the effect of what happened because of a legislative action; so what they did was a retracement of the piece.

Commissioner Brenneman said if it had obviously been split during the time when it was a state highway then that would be one issue, but in fact it was not and remains one parcel. If it had been split you wouldn't be doing this. He then stated it is a county road right now and is one lot.

Commissioner Dupont commented that he is unclear as to what is being proposed with Mr. Breckenridge saying one thing and Peter Steele clearly saying that he didn't research all the material in order to give the county a legal position to stand on.

Steele said it is the counties position that it is one piece. He further said it is his advice right now to not act on this today and he would go back and read the Attorney General's opinion. Steele also said he would like to know why previous COS's showed it as one piece on both sides of the county road.

Rick Breckenridge stated and on both sides of the highway.

THURSDAY, MAY 21, 2009
(Continued)

Commissioner Dupont made a **motion** to not deny but to send it back for further review.

Commissioner Brenneman questioned the timeline in which Broadie said they have had a problem before by not giving an answer within a certain timeframe. If they give no answer then the county violates their timeframes.

Steele said they originally denied the applicant a hearing because they were outside the timeline, so they are already outside of the timeline.

Commissioner Brenneman **seconded** the motion and stated he wanted the question clarified.

Steele said as long as agreement is made that the county is outside the timeline.

Rick Breckenridge said they would make it one parcel and come back and argue the second retracement at a later time.

Chairman Lauman said we will re-schedule at another time then.

Rick Breckenridge said they will say that parcel 3 and parcel 2 are one piece and they will come back and argue that next time.

Chairman Lauman clarified that he would re-submit then.

Rick Breckenridge said he needs a decision on this one today with that condition of putting parcel 2 and parcel 3 together and will get with Peter Steele and go through the entire history and if they agree will submit it as a retracement; if not they will talk to Mr. Himsl to see what he wants to do. We will combine parcel 2 and parcel 3 together, get with Peter Steele do the family transfer and then come back and argue whether Lakeside Blvd. splits the piece.

Steele said the problem they have is they don't have a COS to approve.

Broadie said they can resubmit and they will look at it at 509 and they won't necessarily deny it because of a pattern.

Steele said if the commission didn't look at the split between parcel 2 and parcel 3 and agree that A & B is two parcels when they resubmit to 509 it would go through rather than be rejected.

Commissioner Brenneman noted for the record that Mr. Breckenridge is withdrawing his consideration for the COS review today and will resubmit another family transfer request.

Rick Breckenridge stated that words were being put in his mouth.

Commissioner Brenneman said he wanted to know because they have had trouble in the past when they have thought they had an understanding and found out what their understanding was, was not conveyed to other entities; I want to make very clear what it is you are going to do. Brenneman further said if you want us to act on this today we will, but if you are asking us not to act on it today because you are going to submit something else.

Rick Breckenridge stated he was reacting to the motion made. He then explained his suggestion and stated they would argue the Lakeside Blvd. question at another date and do the family transfer and parcel 2 and parcel 3 will be one parcel and the other would be a remainder; they will resubmit it to the county. Parcel 1 will be the family transfer.

Broadie said the cleaner way to do this would be to allow them to resubmit and when they see what he is talking about at 509 we won't send out a pattern letter.

Opposed - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to deny the family transfer request before them with the understanding it will be resubmitted with what is now delineated as Parcel 1A to be transferred to his son and Parcel 2 and Parcel 3 to be one parcel. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

BUDGET MEETING: 4-H OFFICE

[9:32:10 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, 4-H Director Karole Sommerfield, Clerk Kile

Sommerfield reviewed the 4-H Office FY09-10 projected budget.

BUDGET MEETING: OES

[9:36:55 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Deputy OES Director Cindy Mullaney, Fire Services Area Manger Lincoln Chute, Interim Director Mark Peck, Clerk Kile

Discussion was held relative to the FY09-10 projected budget for OES.

THURSDAY, MAY 21, 2009
(Continued)

BUDGET MEETING: LIBRARY

[9:53:27 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Library Director Kim Crowley, Library Office Administrator Karen Marr, Laura Long, Clerk Kile

Crowley reviewed the FY09-10 projected budget for the Library.

BUDGET MEETING: HEALTH DEPT.

[10:04:54 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Health Dept. Director Joe Russell, Clerk Kile

Russell reviewed the FY09-10 projected budget for the Health Department.

MEETING W/ DAVE PRUNTY/ PUBLIC WORKS DIRECTOR RE: BIRCH GROVE PROPOSED APPROACH

[10:33:23 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Patti Vernarsky, Clerk Kile

Prunty explained a citizen is requesting an exemption for an approach permit on Birch Grove Road to enter a field.

Commissioner Dupont made a **motion** to require the applicant to pave the approach. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF HR TRANSMITTAL: SEASONAL LABORER/ SOLID WASTE

[10:40:55 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Operations Manager Solid Waste Jim Chilton, Clerk Kile

Commissioner Brenneman made a **motion** to approve the HR Transmittal Form for a Seasonal Laborer at Solid Waste. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

BUDGET MEETING: DISTRICT COURT

[10:47:00 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Office Administrator District Court Bonnie Olson, Clerk Kile

Olson reviewed the FY09-10 projected budget for District Court.

BUDGET MEETING: SUPT. OF SCHOOLS

[10:54:54 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Superintendent of Schools Marcia Sheffels, Clerk Kile

Sheffels reviewed the Superintendent of Schools projected budget for FY09-10.

THURSDAY, MAY 21, 2009
(Continued)

CONSIDERATION OF RELEASE OF COLLATERAL: MYSTIC MOOSE

[11:14:49 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Assistant Planning & Zoning Director B J Grieve, Clerk Kile

Grieve reported the SIA for Mystic Moose expired on July 31, 2006 and the letter of credit expired September 30, 2006. He then explained an inspection was done and the work the SIA covered was for the road and utilities; the road is complete but they are unable to confirm the utilities are in.

Commissioner Brenneman made a **motion** to release collateral and close the file. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF RELEASE OF COLLATERAL: BADROCK ESTATES

[11:24:12 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Assistant Planning & Zoning Director B J Grieve, Clerk Kile

Grieve reported Badrock Estates is a 2 lot subdivision off of Badrock Drive. The SIA was for a mid-point cul-de-sac to be built on an existing road, however, it was not built and the SIA has expired; the cashiers check from Whitefish Credit Union which was the collateral is still good. Grieve noted there are no public health and safety issues in regards to construction of this mid-point cul-de-sac and would make the internal access ridiculous.

Commissioner Brenneman made a motion to return the check and release the collateral with the understanding the work is no longer relevant or needed. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

REQUEST TO CLOSE FILE: MAPLE DRIVE SUBDIVISION

[11:18:03 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Assistant Planning & Zoning Director B J Grieve, Clerk Kile

Grieve reported the SIA for Maple Drive Subdivision was approved on February 23, 2006 and expired on February 1, 2007. He then noted instead of a letter of credit they were given a cashiers check from Parkside Federal Credit Union for \$6,231.00 which was void after 90 days. Grieve noted they called Parkside Credit Union twice and were told the check was good that the 90 days was standard. Planning and Zoning assumed the check was still good but after checking into this further discovered it was re-deposited to the developers account on August 18, 2006, without the improvements which include improved approaches, culverts and paving that was to be completed with the SIA money. The original developer has since sold the property.

Commissioner Dupont made a **motion** to request to close the file for Maple Drive Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

PRELIMINARY PLAT: WHITEFISH HILLS FOREST, PHASE 2-5

[11:33:45 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Deputy County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Eric Mulcahy, Tom Sands, Pat Hierl, David Hierl, Patrick M. Sullivan, Don Murray, Gary Hall, Clerk Kile

Broadie entered into record Staff Report FPP 09-01, Whitefish Hills Forest Phases 2-5; an application submitted by Don Murray, Mark and Donna Lies with technical assistance from Sands Surveying and WMW Engineering for preliminary plat approval of a major subdivision that would create 49 residential lots between KM Ranch Road and Blanchard Lake. Lot sizes range from 10 to 20 acres from a 524 acre parcel. There will be one primary north-south road that extends from KM Ranch Road north to connect with previous phases extending Whitefish Ranch Road. A loop road will extend to the east of this road which is proposed to serve 15 lots. A cul-de-sac will extend to the west which is proposed to serve another six lots. The applicant has proposed four phases to this plat. The first would have 19 lots, the second 12, the third 4 and the last 14 with a full three years for each. Each phase would pave the internal subdivision road and extend utilities to the lots related to that phase as it is completed.

Broadie noted the primary and biggest issue is in regards to paving.

THURSDAY, MAY 21, 2009
(Continued)

Tom Sands said when Whitefish Hills was first started in 2000 the developer and the county entered into an agreement to upgrade the north south portion which is Big Ravine Drive that is a county road (Stelle Lane has always been a private road). The developer was to upgrade Stelle Lane and Big Ravine Drive. He noted last fall he asked the Road Department if they would allow them to rebuild a couple portions of Stelle Lane to straighten out corners. Sands then stated they would be willing to upgrade and pave the road all the way to Big Ravine Drive which is about 8/10th of a mile all the way to the highway; it would be a little less than 1/2 of a mile that would be unpaved, but it has been under a dust abatement program for the last 6 or 7 years. In addition to that they would be willing to pave from the frontage of the property on KM Ranch Road which is about 3/10th of a mile which would add up to about 1 1/10th of a mile.

Eric Mulcahy noted for the record there were some mathematical errors in the staff report in regards to calculating pavement requirements.

Discussion was held relative to CC&R's and enforcement of them.

Sands noted the applicant would like to switch the phasing plan because of traffic and start at the north end.

Commissioner Brenneman noted finding of fact 21 would then need to be changed to: The applicant is swapping phase 2 and phase 3. Phase 2 becomes phase 3.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP 09-01 as findings of fact with the change to finding 21 and as the Planning Board amended finding 20; finding 8 will remain as in the original staff report. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Eric Mulcahy asked that condition 26 be stricken because the CC&R's require wood rail fences that are wildlife friendly. Also condition 4 the Planning Board added DNRC as a sign off for their fire suppression access, and the DNRC letter says they want two tanker recharges; one at the north end and one at the south end and one is already at the north end at Blanchard Lake. Mulcahy asked that he be allowed to work with a local fire district. The Commission agreed to remove the need for DNRC approval from condition 4.

Condition 23 was changed to state: Off site improvements to include paving Stelle Lane from Hwy 93 to Big Ravine Drive and also paving KM Ranch Road along the frontage of the south boundary of the original subdivision. (Phase 1).

Condition 25 and 26 were deleted.

Commissioner Brenneman made a **motion** to approve preliminary plat for Whitefish Hills Forest, Phase 2-5 with amended conditions. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. 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 4.7.18(iv), Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of an updated approach permit to KM Ranch Road from the Flathead County Road Department indicating the current approach is acceptable. [Section 4.7.18, FCSR]
3. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures. [Section 4.7.15, FCSR]
4. The applicant shall comply with reasonable fire suppression and access requirements of the Whitefish Rural and the West Valley Fire District as applicable for the portion of the plat in that district. A letter from those offices stating that the plat meets the requirements of the both Fire Districts shall be submitted with the application for Final Plat. [Section 4.7.28, 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 4.7.27, 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 4.7.18, 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 4.7.17(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 4.7.25, 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 4.7.14, FCSR]
10. Centralized mail delivery site/s 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 4.7.30, FCSR]

THURSDAY, MAY 21, 2009
(Continued)

11. Where the aggregate total disturbed area of any construction as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction, such disturbed area is equal to, or greater than one acre, a Montana State Department of Environmental Quality MPDES Storm Water Construction General Permit shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction. [ARM 17.30.1115]
12. The developer shall provide and improve a location for the safe loading and unloading of students and shall submit a letter stating that the design and location is approved by the Superintendent of Schools. [Section 4.7.31, FCSR]
13. 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 4.7.28.c, FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.25, FCSR]
 - c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.24, FCSR]
 - d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.27, 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 4.7.15, 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.
14. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]
15. 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 4.4.28 FCSR]
16. 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 4.4.23 FCSR]
17. Preliminary plat approval for the first phase (Phase 2) is valid for three years. The final plat for Phase 2 shall be filed prior to the expiration of the three years. All subsequent phases shall be filed within three years of one another after the final plat approval for each previous phase. [Section 4.4.21 and Section 4.4.10 FCSR]

Project-Specific Conditions

18. The applicant shall work with the Whitefish and West Valley Fire Districts to adjust the boundaries of the fire districts such that no lot is split by either district or shall reconfigure the lot boundaries to prevent any lot from being divided by a Fire District prior to final plat. [Section 4.7.5(h) FCSR]
19. The following additional statements shall be placed on the face of the final plat:
 - g. This subdivision is located in an agricultural/silvicultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm/log on adjoining properties will not be restricted as a result of the development or occupancy of this subdivision. [MCA 76-3-608]
 - h. Lot owners are alerted to the presence of potentially dangerous wildlife in the area and are reminded that feeding big game is illegal. [MCA 76-3-608]
 - i. Lot owners 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 such things as bear proofing, pet control, and removing food sources. [MCA 76-3-608]
 - j. Owners are alerted that this may be an area of big game migration and are encouraged to contact the Montana Department of Fish, Wildlife, and Parks for information on wildlife friendly fencing. [MCA 76-3-608]
 - k. Only Class A and Class B fire-rated roofing materials are allowed. [MCA 76-3-608]
 - l. This subdivision is located less than one half mile from the Whitefish Rifle and Pistol club, a long-term lessee on State Trust Lands whose lease is in good standing and whose use may be anticipated to continue indefinitely. Residents should understand that gun clubs can be noisy by nature. [MCA 76-9-101 & 76-9-103]

20. For the portion of Whitefish Ranch Road that eliminates Wetland 3 the applicant shall have an engineer design the roadway to deal with hydric soils and the design and construction shall be certified by a licensed engineer. [MCA 76-3-608]
21. Stop or yield signs shall be installed at all the intersections of both Forest Court and Forest Loop Roads with Whitefish Ranch Road as a condition of the respective phases in which they are constructed. A stop sign should be installed where Whitefish Ranch Road meets Whitefish Hills Drive during the phase labeled Phase 2. [Section 4.7.18, FCSR]
22. A no build zone shall be placed on the slope areas that equal or exceed 40%. [MCA 76-3-608]
23. Off-site improvements to include paving on KM Ranch Road along the south perimeter of Whitefish Hills Forest, Phase 1 together with the paving of Stelle Lane from Highway 93 to the intersection of Big Ravine Road shall be certified by a licensed engineer and constructed in accordance with the Flathead County Minimum Standards for Design and Construction prior to the completion of the first phase, Phase 2. [Section 4.7.9, FCSR]
24. The portion of Whitefish Ranch Road shown as being located on the Phase 3 portion of the preliminary plat shall be certified by a licensed engineer and constructed to secondary road standards in accordance with the Flathead County Minimum Standards for Design and Construction prior to the completion of the first phase, Phase 2. [Section 4.7.18, FCSR and Section 4.7.29, FCSR] [MCA 76-3-608]
25. A wetland buffer of 50 feet shall be placed on Wetland 1 and Wetland 2 and shall be shown on the face of the plat as a "Native Growth Protection Easement and No Build Zone." [MCA 76-3-608]

- 12:00 p.m. Commissioner Brenneman: Flathead Suicide Prevention Coalition meeting @ Earl Bennett Bldg.**
- 12:00 p.m. Commissioner Dupont: Montana West Economic Development Board of Directors meeting @ Mariposa Room, KRMC**
- 2:00 p.m. Commissioner Brenneman: Health Board meeting @ Earl Bennett Bldg.**
- 5:15 p.m. Commissioner Brenneman: Education & Outreach Committee meeting in Somers**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 22, 2009.

FRIDAY, MAY 22, 2009

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

- 10:30 a.m. Commissioner Brenneman: Wildlife Mitigation Advisory Committee meeting @ Flathead Lake Lodge**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 25, 2009.
