
MONDAY, SEPTEMBER 4, 2006

COUNTY OFFICES CLOSED – LABOR DAY

TUESDAY, SEPTEMBER 5, 2006

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

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

BUDGET DISCUSSION

[8:10:40 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Clerk Kile, Laurel Raymond

Discussion was held relative to the 2006-2007 budgets.

FINAL PLAT: EAGLE ROCK

[9:12:44 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Clerk Kile, Jeff Harris, Traci Sears-Tull, Erica Wirtala

Sears-Tull reviewed the application for Final Plat approval of Eagle Rock Subdivision, a 17 lot major subdivision located on Holt Drive. The preliminary plat approval was granted on October 31, 2005, subject to 21 conditions. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the Final Plat of Eagle Rock Subdivision. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

PUBLIC HEARING: ROAD ABANDONMENT #455 (PORTION WAGNER LANE)

[9:32:42 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Clerk Kile, Georgia Branescome, Bill Lincoln, Kari Lincoln, Horace Sauders, Jim Vashro, Richard Rossow, Dennis Carver, Betty Loudon, John D Jellar, Richard Riedel, Robert R Wagner, Warren Elli, Robert Lincoln, Andrew Nelson, Elli Allen, Kristy Allen, Aaron Allen, Justin Burt, Melanie Burt, Carolyn Jellar, M Nelson, Kay Burt, John Kennedy Jr.,

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

Jim Vashro spoke in regards to the letter he read from the Regional Supervisor Jim Satterfield concerning the proposed abandonment. He indicated that there is an informal public access that leads off from a portion of the road that is proposed for abandonment. His office just became aware of the proposal for abandonment on Friday and apologized, but had not been able to determine the legality of the option. He is concerned about the potential loss of the access and asked the Commissioners to delay final action so that they could work with the county to insure some kind of public access.

Warren Elli spoke in regards to representing Flathead Wildlife, which is a Flathead Valley Sportsman Club with approximately 100 members that use Church Slough. He feels the abandonment access is moving too fast with many questions and unknowns. There is a state law that clearly states that the county commissioners do not have authority to abandon a county road that provides access or diminished access to public water or land. The legal notice in the newspaper has 2 segments: the north segment of the abandonment action is a 20 foot public right of way county road from the north line of section 36 to the low water mark of Church Slough, the second part of the proposal deals with the whole right of way that wraps around Church Slough for about ½ mile. Mr. Elli stated that the land owner rights and the public rights on the main strip of Wagner Lane that wraps around Church Slough are unknown. He made two recommendations to the board; the first being the north south strip along the east line of Section 36 being the only absolute access to Church Slough should be denied, the second recommendation that the main part that wraps around Church Slough and Wagner Lane should be tabled until it can be studied with FWP and the public and find out what the land owner rights are and the public rights so a more informed decision can be made.

Robert Wagner indicated that the access to Wagner Lane is totally private and the property belongs to Dick Riedel. He also spoke about the road being in bad shape and stated that it has not been able to be repaired because of the beaver and muskrat holes in it.

John Jellar indicated that he has lived at the north end of the slough for 32 years now and in that time no one has ever tried to maintain the ramp. He commented that the biggest issue with him is that there is no parking and the cars get jammed in and he can't get thru. He commented that if FWP wants a proper access they need to buy the property and make a formal access. He also spoke about the problems with having to call the sheriff's department several times per year in regards to underage kids drinking there. He pointed out that there is another access to Church Slough on Lower Valley Road at the corner where it turns south.

Jo Branscone Wagner spoke in regards to the property they have for sale on Church Slough and indicated they would be interested in selling the property to make a proper public access.

Kay Burt spoke in regards to the road being hazardous to drive on and is concerned for the safety of those using it. She spoke about the private owners having a liability to those using the road. She also stated it's not just at 2:00 a.m. that they have problems, it's during the day also and happening more frequently. She spoke in favor of a new road being built.

John Kennedy, president of the Echo Lake Bass Club spoke in regards to urging the Commissioners not to rush into a decision but to work with the FWP to make sure there is an access of some kind to Church Slough.

Dick Riedel spoke on the abandonment that is being considered. He is still a landowner of part of the land and indicated that the body of water is open to the river and can be accessed directly from Foys Bend and any other place. Church Slough won't be landlocked. He would stand to gain a lot from having the road moved behind him instead of in front of him. He is concerned about the liability situation that he has bore for decades and doesn't feel it's fair to expect a private citizen to bear the liability.

Dennis Carver spoke in regards to purchasing property from Dick Riedel and his support of the petition. He has had two survey companies survey the property and they have determined that the property is outside the high water mark. He indicated that public access is available from Lower Valley Road ¼ mile down the road.

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

Commissioner Brenneman made a **motion** to continue for one week. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

MEETING W/ COUNTY MUSEUM BOARD RE: ADJUSTING TERM EXPIRATION DATES

[10:26:01 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Clerk Kimberly Moser, Brad Hanson, Jesse Malone, Bruce Ruby

Discussion was held relative to changing the board expiration dates.

Commissioner Brenneman made a **motion** to adjust the term expiration dates as recommended by the Museum Board. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

[10:32:33 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Clerk Kile, Raeann Campbell

Discussion was held relative to personnel transactions for the prior month as well as the work comp expenses. The turnover statistics this year compared to last year were discussed.

Commissioner Hall made a **motion** to authorize the chairman to sign the August personnel transactions. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Discussion was also held relative to the survey on wage increases and the options they were looking at in regards to them. A final decision was postponed. The trust fund balance went up and claims went down for the month. Discussion was also held about doing a feasibility study for becoming self insured on Workman's Comp.

CONSIDERATION OF HR TRANSMITTALS: BUS DRIVER/ AOA, BUS CLEANER/ AOA, EQUIPMENT OPERATOR/ ROAD DEPT, GRANT WRITER/ ADMINISTRATION, COOK II/ AOA

[9:16:34 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Clerk Kile

Commissioner Brenneman made a **motion** to approve the HR Transmittal for a Bus Driver for AOA, Bus Cleaner for AOA , Equipment Operator for the Road Department, Grant Writer and a Cook II for AOA. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

PRELIMINARY PLAT: BEAN HILL SUBDIVISION

[10:45:45 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Clerk Kile, Jeff Harris, Rebecca Shaw, Kate Cassidy

Shaw reviewed the application submitted by Paul Stokes and Associates for preliminary plat approval of Bean Hill Subdivision, a two lot residential subdivision on 20.01 acres.

Discussion was held relative to adding a condition that the lots are not to be further subdivided.

Commissioner Hall made a **motion** to adopt Staff Report FPP 06-31 as findings of fact as amended. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat of Bean Hill Subdivision subject to 13 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONDITIONS

1. A letter shall be obtained from the Marion Fire District stating that the fire access, including all driveways, and suppression systems have been reviewed, approved and installed in accordance with its requirements.
2. The following statements shall be placed on the face of the final plat: All driveways in the Bean Hill subdivision shall meet FCSR 3.6.E. which states, “each building site must be able to be accessed by a minimum 12 foot wide drive with a maximum 10% slope.”
3. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator.” [Section 3.9(I)(7), FCSR]
4. Lot owners within the subdivision will participate in a Road User’s Agreement or Property Owners Association for the internal subdivision road, which will require each property owner to bear his or her pro-rata share for maintenance of the private road. [Section 3.9(J)(3), FCSR]
5. All utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
6. The proposed water and septic treatment systems for the subdivision will be reviewed by the Flathead City-County Health Department. [3.15(B), FCSR]
7. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
8. The applicant shall furnish proof of a common mail delivery location approved by the local postmaster. [Section 3.22, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities shall be placed underground.
 - c. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - d. The property owners association or road users agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
 - e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - f. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
 - g. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
 - h. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal. These include, but are not limited to grizzly and black bears, mountain lions, moose, elk and deer. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
 - i. Dogs must be kept under owner control at all times.
 - ii. Residents must use bear-proof garbage containers.
 - iii. Remove obvious sources of food.
 - iv. Birdfeeders must be over 10 feet off the ground and out of the reach of deer and other big game.

- v. Compost piles are prohibited unless secured by electrical fencing.
- vi. Pets should be fed indoors and no pet food shall be left outdoors.
- vii. Fencing must not impeded movement of wildlife.
- i. Waiver of Protest

Participation in Special Improvement District

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

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

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

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

13. A statement shall be placed on the face of the final plat stating that there will be no further subdivision of lots.

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT

[9:19:49 AM](#)

Members present:

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

Others present:

- Assistant Michael Pence
- Clerk Kimberly Moser, Clerk Kile

Commissioner Hall made a **motion** to approve the printing bids from Insty Prints for 2 sets of 500 business cards for \$49.90 and 3 sets of 250 business cards for \$54 for the Health Dept. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the printing bids from American Printing for 500 RX Books for \$78.00 and 1000 Immunization Post Cards for \$33.45 for the Health Department. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

BUDGET AMENDMENT: SR HOME REPAIR GRANT

[9:22:12 AM](#)

Members present:

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

Others present:

- Assistant Michael Pence
- Clerk Kimberly Moser, Clerk Kile

Commissioner Hall made a **motion** to adopt Resolution 1972. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**BUDGET AMENDMENT RESOLUTION
RESOLUTION NO. 1972**

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

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

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

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

DATED this 5th day of September, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Deputy

MEETING W/ JAY SCOTT, FAIRGROUNDS

11:07:52 AM

Members present:

Chairman Robert W Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Clerk Kile, Jay Scott

Discussion was held relative to the fair this year. The attendance was down by approximately 7,000 but the income was up by about \$30,000. An employee turned in her resignation but will stay on ½ time until January. The audit with Denning & Downey went well with just a few suggestions. The livestock sale was very successful and brought in great returns with the hogs going for an average price of \$7.00 per lb.

10:30 a.m. Commissioner Brenneman to attend a meeting w/ John Phelps & Jonathan Smith

11:00 a.m. Commissioner Brenneman to attend a meeting w / Julia Nelson, Business for Social Responsibility

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 September 6, 2006.

WEDNESDAY, SEPTEMBER 6, 2006

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

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

PUBLIC HEARING: BUDGET FY 06-07 AT THE JUSTICE CENTER CONFERENCE ROOM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Clerk Kimberly Moser, Debbie Morine, Carol Norwood, Jay Scott, Laurel Raymond, Ed Corrigan,
Jed Fisher, Raeann Campbell, Richard Stockdale, Marcia Sheffels, Adele Krantz, Judy Stack, Paula Robinson,
Monica Eisenzimer, Jerry Nix, Joe Russell, Peg Allison

Assistant Pence read a statement and submitted it for public review.

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

Jerry Nix spoke in regards to the lack of a budget for the Growth Policy preparation. He stated that from the beginning the County has shown a lack of financial support for the preparation. He asked the commissioners to amend the budget approving an amount to hire someone to consult on the growth policy.

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

PUBLIC HEARING: PERMISSIVE MEDICAL LEVY AT THE JUSTICE CENTER CONFERENCE ROOM

Members present:
Chairman Robert W Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:
Assistant Michael Pence
Clerk Diana Kile, Clerk Kimberly Moser

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

No one present to speak Chairman Watne closed the public hearing.

11:00 a.m. County Attorney meeting at the County Attorney's Office
3:00 p.m. Commissioner Brenneman to Travel to Havre

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 7, 2006.

THURSDAY, SEPTEMBER 7, 2006

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

Commissioner Brenneman to attend Northern Tier Interoperability meeting in Havre
8:30 a.m. AOA TAB at Eagle Transit
4:00 p.m. Commissioner Hall to attend Montana West Economic Development Board meeting

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

FRIDAY, SEPTEMBER 8, 2006

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

No meetings scheduled

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 11, 2006.