
MONDAY, JULY 30, 2007

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

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

CONSIDERATION OF ADOPTION OF RESOLUTION: FIRE RESTRICTIONS STAGE II

[9:00:51 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

County Attorney Jonathan Smith, OES Cindy Mullaney, Fairgrounds Director Jay Scott, Butch Wollard, Myron Boulden, Clerk Kile

Commissioner Lauman made a **motion** to adopt Resolution #2080 to enact Stage II Fire Restrictions. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Resolution No. 2080

WHEREAS, due to hot and dry conditions, the fire danger in Flathead County is in the extreme category;

WHEREAS, the weather forecasts for Flathead County indicate little relief from the very dry conditions;

WHEREAS, the Forest Supervisors for the Kootenai and Flathead National Forests issued Stage II restrictions effective July 30, 2007; and

WHEREAS, fire occurrences in Northwestern Montana are potentially sufficiently numerous that the Interagency Fire Committee has recommended issuance of Stage II Restrictions for all of Flathead County.

NOW, THEREFORE, BE IT RESOLVED that, at the request of the Interagency Fire Committee, the Board of Commissioners of Flathead County, Montana, hereby establishes the following Stage II fire restrictions on all State forested lands and on private forested lands open to the public in Flathead County, Montana, and the following acts or uses are prohibited:

- a) Building, maintaining, attending or using a fire, campfire or stove fire. Fires solely fueled by liquid petroleum or LPG fuels are authorized.[36CFR 261.52(a)]
- b) Smoking, except within an enclosed vehicle or building; a developed recreation site; or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material. [36CFR 261.52(d)]
- c) Between the hours of 1:00 p.m. and 1:00 a.m., the following acts are prohibited:
 - 1. Operating a chainsaw or other equipment powered by an internal combustion engine for felling, bucking, skidding, road building, and woodcutting, during industrial operations or firewood gathering.
 - 2. Blasting, welding or other activities that generate flame or flammable material.
- d) A patrol is required for two hours following cessation of all work related to clause c) of this resolution.
- e) Operating motorized vehicles off of designated roads and trails. [36CFR 261.56]

BE IT FURTHER RESOLVED that the foregoing restrictions shall take effect immediately, and shall remain in effect until rescinded by the Board of Commissioners of Flathead County, Montana.

DATED this 30th day of July, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

CONSIDERATION OF ADOPTION OF RESOLUTION: DECLARE FIRE EMERGENCY FOR FLATHEAD COUNTY

[9:05:23 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

County Attorney Jonathan Smith, OES Cindy Mullaney, Fairgrounds Director Jay Scott, Butch Wollard, Myron Boulden, Gary Mahugh, Clerk Kile

Commissioner Lauman made a **motion** to adopt Resolution #2081 to declare a fire emergency in Flathead County. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

RESOLUTION NO. 2081

WHEREAS, due to hot and dry conditions, the fire danger in Flathead County is in the extreme category and the weather forecasts for Flathead County indicate little relief from the very hot and dry conditions;

WHEREAS, due to the hot and dry weather and the fire occurrences in Montana, the Governor of the State of Montana declared a state of emergency in all of Montana, including Flathead County, on July 16, 2007;

WHEREAS, fire occurrences in Northwestern Montana are sufficiently numerous that the Interagency Fire Committee recommended, and the Commissioners issued, Stage II Restrictions for all of Flathead County on July 30, 2007;

WHEREAS, general fire conditions are such that fires may threaten populated areas and evacuations may be required; and

WHEREAS, local resources may not be adequate to cope with the situation without the use of emergency funds.

NOW, THEREFORE IT IS HEREBY RESOLVED, that an emergency is hereby declared pursuant to Section 10-3-403, M.C.A., because hot and dry conditions have resulted in the fire danger in Flathead County being very high to extreme.

BE IT FURTHER RESOLVED, that budgetary authority to spend funds in Fund 2260, Emergency/Disaster, for the purpose of fighting fires in Flathead County is hereby authorized.

BE IT FURTHER RESOLVED, that copies of this resolution shall be filed with the County Clerk and Recorder, County Assessor and the Montana Disaster and Emergency Services Division in Helena, Montana.

Dated this 30th of July, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Gary D. Hall, Member

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

ATTEST:

Paula Robinson, Clerk

By: /s/Diana Kile
Diana Kile, Deputy

MEETING W/ MIKE MEEHAN, SHERIFF

[9:09:40 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Sheriff Mike Meehan, Clerk & Recorder Paula Robinson, Finance Director Laurel Raymond, OES Cindy Mullaney, Myron Boulden, Gary Mahugh, Clerk Kile

Meehan presented a proposal for modification to the front of the Sheriff's Office that would give the office more security. He then said the design would be to take out four windows on the east wall, putting in a counter with bullet proof glass, doors with magnetic locks and a pass through window. Meehan stated that he feels this is a security measure that is long overdue and is asking the Commission to amend the proposed budget.

Discussion was then held relative to the needs at the Sheriff's Department.

Commissioner Lauman made a **motion** to approve the modification of the budget that will be funded out of capital outlay. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

FIRE UPDATE: GARY MAHUGH

[9:23:43 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Clerk & Recorder Paula Robinson, Finance Director
Laurel Raymond, OES Cindy Mullaney, Myron Boulden, Gary Mahugh, Clerk Kile

Gary Mahugh updated the Commission with a report on the present fires burning.

9:00 a.m. Commissioner Hall to RC&D meeting in Hot Springs

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 31, 2007.

TUESDAY, JULY 31, 2007

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

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

Trevor Schaefer, 107 Spoklie Drive, a neighbor to the south of the development that would be the most affected by Bear Mountain, spoke in favor of the proposed subdivision and stated that the fire mitigation measures that the developer has taken are exemplary. He then said that he is a huge supporter of developments that pay their own way by giving more than they take from the county, and that the project in whole will have a positive effect on the Lakeside community. Schaefer then said that Bear Mountain will provide a great place to live with the project in whole being done with the utmost integrity.

Jim DeWitt, Project Manager of Bear Mountain Subdivision stated that he has been developing property for several years, and in that he upgrades properties to be user friendly. He then said that it has taken a crew 1 ½ months to reduce the fire hazards on the property, and that it also compliments the development as well.

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

DOCUMENT FOR SIGNATURE: JOHNSON CONTROLS CONTRACT

[9:16:54 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Weed & Parks Director Jed Fisher, Finance Director
Laurel Raymond, Clerk Kile

Jonathan Smith spoke in regards to a few details in language that still need to be worked out with the energy contract. He then said that they recently found out about possible hazardous waste that would be the counties responsibility to remove if found.

Commissioner Lauman made a **motion** to approve Resolution #2083 and the Johnson Controls contract and authorized the Chairman to sign the contract. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

RESOLUTION NO. 2083

WHEREAS, the Montana Legislature has authorized State and local governmental agencies to conduct energy audits to determine the feasibility of energy savings in governmental operations, in order to promote efficient use of energy and water resources in local government buildings and energy conservation in vehicles;

WHEREAS, Flathead County entered into a contract with Johnson Controls, Inc., to perform a comprehensive building energy systems audit for the purpose of identifying and documenting conservation measures, cost savings factors, and estimated conservation-related cost savings;

WHEREAS, that investment grade energy audit performed by Johnson Controls, Inc., discovered cost savings factors by which Flathead County could conserve energy;

WHEREAS, the Board of Commissioners requested proposals for a tax exempt lease-purchase plan to finance the energy and water saving measures identified by Johnson Controls, Inc.; and

WHEREAS, based upon that energy audit, Flathead County is negotiating an energy performance contract, pursuant to the terms of Section 90-4-1106(5), M.C.A., and is ready to enter into an energy performance contract.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the Chairman of this Board is hereby authorized to execute the energy performance contract with Johnson Controls, Inc., financed through a lease/purchase agreement with CitiCapital Municipal Finance, and the lease/purchase agreement, when the documents have been finalized and approved by the County's administrative officer, finance officer, maintenance supervisor and attorney.

Dated this 31st day of July, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

BUDGET AMENDMENT

9:21:40 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Finance Director Laurel Raymond, Dick Morrow, Clerk Kile

Morrow reported that the budget amendment for AOA was needed to give authority to increase the expenditure of North West Montana Human Resources.

Commissioner Lauman made a **motion** to approve budget amendment #2082. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

BUDGET AMENDMENT RESOLUTION NO. 2082

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2006-2007, 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 2006-2007; 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 31 day of July 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By:/s/Diana Kile
Diana Kile, Deputy

DATE OF ISSUE:		7/31/2007	BUDGET ENTRY			VOUCHER NO:
DATE OF RECORD:		RESOLUTION #	2082			Entered by:
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2281	0726	345010		Medicad Waver.Rev	10,700.00	
2281		172000		Medicad Wavier. Revenue Control		10,700.00
2281		242000		Medicad Wavier.Expenditure Control	10,700.00	

2281	0726	521000	820	Medicad Wavier.Transfer out		10,000.00
2982	0190	383000		Independent Living.Transfer in	10,000.00	
2982		172000		Revenue Control		10,000.00
Explanation					31,400.00	30,700.00
ADJUSTMENT TO INCREASE SPENDING AUTHORITY IN # OF MEDICAID SLOTS FOR INDEPENDENT LIVING.						

DOCUMENT FOR SIGNATURE: HEALTH BENEFIT PLAN AMENDMENT NO. 3

[9:28:03 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to approve the Health Benefit Plan Amendment No. 3. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

CONTINUATION OF CONSIDERATION OF RESOLUTION OF INTENT TO AUTHORIZE LEVIES: RSID #139, #140, #141 & #142 AND AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: RSID #139, #140, #141 & #142

[9:24:47 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Finance Director Laurel Raymond, Clerk Kile

Commissioner Lauman made a **motion** to continue the consideration of Resolution of Intent and authorization to publish for another week on RSID #139, #140, #141 & #142. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

PRELIMINARY PLAT: ISLAND LAKE ESTATES

[9:30:34 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Planner Eric Giles, Tim Rooney, Jay Dinning, John Vignali, Andrew Beleski, Kris Caister, Clerk Kile

Giles reviewed the application submitted by Tungsten Holding with technical assistance from Flathead Geomatics for preliminary plat approval of Island Lake Estates; a minor subdivision that would create four 20 acre single family residential lots ranging in size from 20.37 to 22.46 acres on 114.11 acres, located off of Island Lake Road at the west end of Flathead County and bordering Lincoln County. The development proposes to have individual wastewater treatment systems and water supply systems with alternative energy until county services can be extended to the site.

Chairman Brenneman said that this was previously brought before them last December, at which time the applicant was asked to work on language to restrict further development of the property; to ensure that the counties services are not over taxed by this project.

Giles stated that a condition could be added that states: No further subdivision of these lots.

Tim Rooney stated that this has been discussed with the Planning Department and that they expect no further subdivision of the property.

- Summary of Findings #3 will be changed to state: Due to the large lot size and their restrictions on further development there will be minimal population increase in the area, the proposed subdivision may not have a detrimental impact to wildlife and wildlife habitat.

Commissioner Lauman made a **motion** to adopt Staff Report FSR 06-25 as findings of fact as amended. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

- Condition #9 (i) will be added: The face of the final plat shall state that no lot shall be further subdivided.
- Condition #9 (j) will be added: Deed restricted.

Commissioner Lauman made a **motion** to approve Island Lake Estates preliminary plat with amended conditions. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

PRELIMINARY PLAT STANDARD CONDITIONS

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
2. The private, internal subdivision road will consist of a 60-foot right-of-way, minimum 24-foot driving surface and be designed and certified by a licensed, professional engineer. [Section 3.9, Flathead County Subdivision Regulations]
3. Roads and driveways will conform in all locations to maximum grade standards [Section 3.6(E) and 3.9, Table 2, FCSR]
4. The applicant shall comply with reasonable fire suppression and access requirements of the Flathead County Fire Services Area or the MT DNRC. A letter from the fire chief stating requirements have been met shall be submitted with the application for Final Plat. [Section 3.21 of FCSR]
5. The applicant shall submit a Storm Water Drainage Plan certified by a licensed Professional Engineer that shall be approved and reviewed by the Flathead County City-County Environmental Health Department and the Montana Department of Environmental Quality. [Section 3.12, FCSR]
6. The subdivider shall obtain and show proof of completed approach permits from the Flathead County Road Department for access onto Island Lake Road, indicating the approaches have been built and received final inspection. [Section 3.8(A), FCSR]
7. Telephone shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable telephone providers. [Sections 3.17 & 3.18, FCSR]
8. The applicant shall obtain a letter from the local postmaster, indicating the applicant has met the postal service's requirements for mail delivery in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. This plat has not been reviewed or approved for individual sewer or water facilities or for building site placement.
 - b. All addresses will be visible from the road, and at the driveway entrance or on the house. [
 - c. The proposed developed lots should incorporate Defensible Space Standards around all primary structures.
 - d. Only class A and B fire rates roofing materials are permitted.
 - e. 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.
 - f. Power is greater than a mile from the subdivision and no further extension of this service is planned. At this time, alternative energy is proposed for this subdivision until county services are extended to this area.
 - g. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game such as deer and bear is illegal in Montana. Lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on methods for safely living near wildlife and minimizing habitat impact. The following are required:
 - i. Dogs must be kept under owner control at all times, either leashed or confined.
 - ii. Bear-proof containers are required for refuse and feed for pets or livestock.
 - iii. Compost piles are prohibited unless secured by electrical fencing or otherwise enclosed.
 - iv. Pets must be fed indoors or food dishes must be brought in at night.
 - v. Bird feeders must be placed out of reach of deer, bear, and other large game.
 - h.

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.
 - i. No lot may be further subdivided
 - j. All lots shall be deed restricted from further 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 subdivider 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]

SITE SPECIFIC CONDITIONS

13. The applicant shall submit a copy of the Storm Water Pollution Prevention Plan and subsequent permit from MT DEQ that was obtained prior to construction of infrastructure [Section 3.13, FCSR].
14. Any culvert or bridge at the intersection of the internal subdivision road and Island Creek shall comply with Section 3.12 of the Flathead County Subdivision Regulations. A letter shall be provided by a licensed professional engineer demonstrating compliance prior to final plat. [Section 3.12(F), FCSR]

PRELIMINARY PLAT: GLACIER VALLEY ACRES SUBDIVISION

[9:44:17 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Fred Newton, Marilyn Newton, Thomas Abel, Clerk Kile

Grieve reviewed the application submitted by Fred Newton with technical assistance from Abel Engineering and RAB Surveying for preliminary plat approval of Glacier Valley Acres Subdivision; a major residential subdivision that would create nine single family residential lots and 1 multi-family lot on 16.4 acres. The proposed subdivision is located approximately two miles south of Columbia Falls on the west side of Hwy 206, just north of the intersection with Lynnewood Drive. The proposed subdivision is located in an unzoned area of Flathead County. The Planning Board recommended approval with a vote of 5-2.

Grieve then reviewed the summary of Findings of fact 1-8.

Chairman Brenneman then reviewed the Planning Boards addendum to Summary of Findings of Fact.

- Findings of Fact #7 was amended to add: However, Hwy 206 between Bad Rock and Kelly Road is heavily traveled and has no shoulders and deep drainage ditches on either side.
- Findings of Fact #10 will be included that states: The current legal environment surrounding community water systems has led the applicant to propose a system of shared wells. It appears that this will become more prevalent until the situation is resolved.
- Findings of Fact #11 will be changed to: There are a variety of adjacent land uses in the area, including low density, agricultural character and residential lots.

Commissioner Lauman made a **motion** to adopt Staff Report FPP 07-21 as Findings of Fact as amended. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Grieve then reviewed the Planning Boards subsidiary motions.

- Condition #20 added: An area approved by the Flathead County Superintendent of Schools and compliant with their safety guidelines shall be reserved as a bus stop to serve the subdivision.
- Condition #15 (g) added: Further subdivision of lots is prohibited.
- Condition #3 amended: The entire development, including the 7 unit structure, shall be accessed via one clearly defined ingress/egress point to exceed 40 feet in width. The remaining Hwy 206 frontage shall be substantially landscaped to prevent access, but may allow visibility of existing 7 unit structures.
- Condition #21 added: The applicant must show proof of compliance with state building codes for multi-family structures of 7 or more residences or apartment complexes.
- Condition #22 added: An easement as determined by the MDOT shall be dedicated to the state to allow for future expansion of Hwy 206.

Commissioner Lauman made a **motion** to approve preliminary plat of Glacier Valley Acres Subdivision with amended conditions. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

PRELIMINARY PLAT FINAL CONDITIONS

1. A 15,000 gallon water storage tank shall be installed to provide water for fire suppression. This tank shall be inspected by the Badrock Fire Chief and proof of approval shall be submitted with the application for final plat. (Section 3.20, FCSR)
2. The private, internal subdivision road system shall consist of a 60-foot right-of-way, 20-foot paved driving surface, and a driving surface radius of 50-feet with an outside right-of-way radius of 55-feet and be designed by a licensed, professional engineer and upon completion of construction shall be certified by a licensed professional engineer for compliance with AASHTO and Section 3.9 of the Flathead County Subdivision Regulations.
3. The entire development, including the 7-unit structure, shall be accessed via one clearly defined ingress/egress point not to exceed 40 feet in width. The remaining Highway 206 frontage shall be substantially landscaped to prevent access, but may allow visibility of existing 7-unit structure.
4. The applicant shall construct a landscaping buffer between the existing 7-unit structure and the proposed internal subdivision road right of way. This buffer shall create a visual and functional break between the access points, but not impede the line of sight for either access or put trees within 20 feet of the MT 206 right of way.
5. The proposed water and wastewater treatment systems for all lots within the subdivision (including the lot containing the existing 7-unit structure) shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A), FCSR]
6. The applicant shall submit a Storm Water Drainage Plan certified by a licensed Professional Engineer that shall be approved and reviewed by the Flathead County City-County Environmental Health Department and the Montana Department of Environmental Quality (Section 3.12, FCSR).
7. The applicant shall submit a copy of the Storm Water Pollution Prevention Plan and subsequent permit from MT DEQ that was obtained prior to construction of infrastructure (Section 3.13, FCSR).
8. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by

the Flathead County Weed Department. The property shall be sprayed as often as needed during construction and prior to sale of lots to control noxious weeds. Weeds covering a significant portion of disturbed terrain shall be grounds for not approving the final plat. [7-22-2116 MCA and Section 3.12(J), FCSR]

9. The subdivider shall pay a parkland fee equivalent to the value of .71 acres of the unimproved, undivided land. The subdivider shall provide a current appraisal from a certified appraiser no sooner than six months prior to the final plat application to set the final amount of the parkland cash donation.
10. The subdivider shall receive physical addresses in accordance with Flathead County Resolution #1626. All addresses and roadway names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
11. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
12. A road identification sign and stop sign shall be installed at the intersection of the internal subdivision road and MT 206. [Section 3.9(I)(8), FCSR]
13. A fifteen foot bicycle path easement shall be reserved and shown on the final plat adjacent to MT 206.
14. The applicant will obtain a letter from the local postmaster, indicating the applicant has met the postal service's requirements for mail delivery in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
15. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities will be extended underground.
 - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - d. Class A or B roofing materials are required on all structures.
 - e. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal, as it not only has negative impacts on wildlife, but also increases the presence of dangerous predatory animals. 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. Keeping dogs under owner control at all times.
 - ii. Using bear-proof garbage containers.
 - iii. Removing obvious sources of food.
 - iv. Securing compost piles with electrical fencing.
 - v. Feeding pets indoors or bringing food dishes in at night.
 - vi. Placing bird feeders well out of reach of deer and other large game species.
 - f.

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.
 - g. Further subdivision of lots is prohibited.
16. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
17. Conditions, Covenants and Restrictions for Glacier Valley Subdivision shall address maintenance of all common areas. A copy of the final signed and recorded CC and R's demonstrating the mechanisms for maintenance will be submitted for final plat approval. (Appendix A (II)(B), FCSR)
18. 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]
19. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
20. An area approved by the Flathead County Superintendent of Schools and compliant with their safety guidelines shall be reserved as a bus stop to serve the subdivision.
21. Condition 21: The applicant must show proof of compliance with state building codes for multi-family structures of 7 or more residences or apartment complexes.
22. Condition #22: An easement, as determined by the Montana Department of Transportation, shall be dedicated to the state to allow for future expansion of Highway 206.

PRELIMINARY PLAT: BEAR MOUNTAIN ESTATES

[10:12:34 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Eric Giles, Interim Road Department Superintendent Guy Foy, Ray A Young, Tom Sands, Don Wood, Cardi Chmielewski, Toni Chmielewski, Thomas Clark, Marty Wardle, David Altic, Carolyn Verin, Barbara Anderson, Bruce A Veerkamp, Eric Mulcahy, Narda Wilson, Jim DeWitt, Clerk Kile

Giles reviewed the application submitted by Mac Bear Limited Partnership with technical assistance from Sands Surveying and Narda Wilson for preliminary plat approval of Bear Mountain Subdivision; a 26 lot single family residential subdivision on 159.449 acres. The subdivider proposes to build a primary access road across private property to the south of the subdivision from Bierney Creek Road; a county road in poor condition. The subdivider is requesting two variances to the Loop and Cul-de-sac Street Standards regarding the length of the internal cul-de-sac road and the intersection alignment. The application for preliminary plat was considered by the Lakeside Community Council on May 29, 2007, where the council voted 5-0 in favor of recommending approval. On June 27, 2007, the Flathead County Planning Board approved a motion to recommend denial of Bear Mountain Subdivision.

Giles then reviewed the findings of fact and the summary of findings 1-9.

The Findings of Fact suggested by the Planning Board included:

- Findings of Fact #10 was added to state: The proposed project is a resubdivision of Bear Mountain Estates approved in 2003, which was an 8 lot subdivision with an average density of one dwelling per 20 acres.
- Findings of Fact #4 was amended to add the last sentence to state: Unless an emergency access gate is installed, local traffic may attempt to use the Deer Creek access through the subdivision to reach the Lakeside community.
- Findings of Fact #7 was amended to add the last sentence to state: Deer Creek Road is in poor condition and unpaved.
- Findings of Fact #5 was amended to state: Due to the evidence presented in the wildlife and wildlife habitat the effects on existing wildlife and wildlife habitat are acceptable with the imposition of conditions.

Commissioner Lauman made a **motion** to adopt Findings of Fact as amended. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

- Condition #22 was added that states: Following preliminary plat approval all construction traffic will be routed on the primary access road from Bierney Creek Road and prior to any construction activities a crash gate will be installed at the Deer Creek Road.
- Condition #13 was amended to state: The internal subdivision road network shall consist of a 60 foot right of way, minimum 24 foot paved driving surface with a 4-foot bicycle lane, with the exception of the existing section of Bear Mountain Road, which will remain 22 foot paved travel surface. The road shall meet all requirements of Section 3.9 of the Flathead County Subdivision Regulations.

Commissioner Lauman made a **motion** to adopt Staff Report FPP 07-16 as Findings of Fact as amended. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Discussion was then held relative to preliminary plat conditions.

- Condition #22 will be added: Following preliminary plat approval all construction traffic will be routed on the primary access road from Bierney Creek Road and prior to any construction activities a crash gate will be installed at the Deer Creek Road.
- Condition #13 will be added and amended: The internal subdivision road network shall consist of a 60 foot right of way, minimum 24 foot paved driving surface, 4 feet of which would be a bicycle lane with the exception of the existing section of Bear Mountain Road, which will remain 22 foot paved travel surface. The road shall meet all requirements of Section 3.9 of the Flathead County Subdivision Regulations.
- Condition #23 was added: The applicant shall provide a central location for garbage collection with a contract hauler and all refuse containers shall be bear proof.
- Condition #9 (vii) was added: Smooth wire or rail fencing not more than 48 inches high and 15 inches off the ground should be used to allow wildlife the ability to travel in the area.
- Condition #24 was added: Prior to final plat the applicant shall annex into the Lakeside/Somers Fire District.
- Condition #25 was added: The applicant will comply with reasonable fire suppression and access requirements of the Lakeside/Somers Fire District. A letter from the fire chief stating that an agreement has been made will be submitted with the application for final plat.

Discussion was held relative to concerns of mitigation with building in areas of steep slopes.

Narda Wilson stated that the issue with steep slopes and building sites typically deal with soil instability and erosion, and in this situation there is a lot of bedrock in the area. She then said concerns about building in steep slope areas related to soil stability and erosion control are not an issue that needs to be mitigated, as demonstrated with the soils testing that was submitted as part of the preliminary plat.

Discussion was also held relative to the aggressive fuels reduction to the property, in which Narda Wilson presented pictures of the work done.

Jim DeWitt then explained the work that was done in regards to fuels reduction.

Narda Wilson reviewed Bierney Creek Road improvements done by the county in the last several years, and stated that she feels the road is in good condition. She then said she doesn't know what improvements would result in mitigation from impacts of the subdivision. Wilson then stated that if mitigation that would be required as a result of the subdivision, that the applicant would be more than happy to engage in whatever mitigation would be necessary if it could be adequately identified.

Commissioner Lauman made a **motion** to approve preliminary plat of Bear Mountain Estates with conditions as amended. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

STANDARD CONDITIONS

1. The subdivider shall receive physical addresses in accordance with Flathead County Resolution #1626. All addresses and roadway names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
2. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
3. All storm water drainage, water and sewage treatment systems shall receive final approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(A, B & C) and 3.15(A), FCSR]
4. The applicant shall submit a Storm Water Drainage Plan certified by a licensed Professional Engineer that shall be approved and reviewed by the Flathead County City-County Environmental Health Department and the Montana Department of Environmental Quality [Section 3.12, FCSR].
5. The subdivider will obtain and show proof of a completed encroachment permit from the Flathead County Road Department for access onto Bierney Creek Road.[Section 3.8(A), FCSR]
6. A road identification sign and stop sign shall be installed at the intersections of all internal subdivision roads. [Section 3.9(I)(8), 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. The property shall be sprayed as often as needed during construction and prior to sale of lots to control noxious weeds. Weeds covering a significant portion of disturbed terrain shall be grounds for not approving final plat. [7-22-2116 MCA and Section 3.12(J), FCSR]
8. The applicant will obtain a letter from the local postmaster, indicating the applicant has met the postal service's requirements for mail delivery in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. Lots shall not be further subdivided.
 - b. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - c. All utilities will be extended underground.
 - d. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - e. Defensible space standards and *Firewise* principles shall be incorporated around all structures.
 - f. Class A or B roofing materials are required on all structures.
 - g. 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, as it not only has negative impacts on wildlife, but also increases the presence of dangerous predatory animals. 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. Keeping dogs under owner control at all times.
 - ii. Using bear-proof garbage containers.
 - iii. Removing obvious sources of food.
 - iv. Securing compost piles with electrical fencing.
 - v. Feeding pets indoors or bringing food dishes in at night.
 - vi. Placing bird feeders well out of reach of deer and other large game species.
 - vii. Smooth wire fencing not more than 48 inches high and 15 inches off the ground should be used to allow wildlife the ability to travel in the area.
 - h.

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 subdivider 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]

UNIQUE CONDITIONS

13. The internal subdivision road network (Bear Mountain Road, Bear Ridge Road, and Bear Hollow Road) shall consist of a 60-foot right of way, minimum 24-foot paved driving surface 4-feet of which would be a bicycle lane, with the exception of the existing section of Bear Mountain Road which will remain 22-foot paved travel surface. The road shall meet all requirements of Section 3.9 of the Flathead County Subdivision Regulations. [Section 3.11 and Table 1, FCSR]
14. The primary access road to the subdivision shall consist of a 60-foot right of way, minimum 24-foot paved driving surface with a 4-foot bicycle lane and connect onto Bierney Creek Road, with all necessary safety improvements proposed in the preliminary plat. [Section 3.9(K)(1)(c) and Table 1, FCSR]
15. The applicant shall submit a clarification of easement for converting the existing primary access into Bear Mountain Estates into a secondary emergency access for Bear Mountain Subdivision. [Section 3.9(J)(2) FCSR]
16. The applicant will submit proof of legal right to utilize a 60 foot primary road easement across Tracts 2AB and 3 in Township 26 Range 21 and Section 12 [3.9(J)(2), FCSR]
17. The applicant shall submit a copy of the Storm Water Pollution Prevention Plan and subsequent permit from MT DEQ that was obtained prior to construction of infrastructure. [Section 3.13 and 3.12 FCSR]
18. The subdivider shall provide a current appraisal from a Montana licensed certified general appraiser no sooner than six months prior to the final plat application to set the baseline value of the parkland cash donation. [Section 3.19(C)(2)(a); Section 3.19 (D)(1), FCSR]
19. The subdivider shall receive a variance to FCSR Section 3.9, Streets and Road Standards, Table 3, loop and cul-de-sac street standards, for construction of Bear Ridge Road at 1,650'.
20. The subdivider shall receive a variance to FCSR Section 3.9, Street and Road Standards, Subsection (I)(1), intersection alignment, for the intersection at Bear Ridge Road and Bear Hollow Road with Bear Mountain Road to have angles less than 75 degrees.
21. Following preliminary plat approval all construction traffic will be routed on the primary access road from Bierney Creek Road and prior to any construction activities a crash gate will be installed at the Deer Creek Road.
22. The applicant shall provide a central location for garbage collection with a contract hauler and all refuse containers shall be bear proof.
23. Prior to final plat the applicant shall annex into the Lakeside/Somers Fire District.
24. The applicant will comply with reasonable fire suppression and access requirements of the Lakeside/Somers Fire District. A letter from the fire chief stating that an agreement has been made will be submitted with the application for Final Plat. [Section 3.20, FCSR]

PRELIMINARY PLAT: SPRING CREEK MEADOWS, LOT 4

[11:01:44 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Andrew Hagemeyer, Clerk Kile,

Hagemeyer reviewed the application submitted by Kurt and Amy Marsh with technical assistance from Jackola Engineering and Jere Johnson for preliminary plat approval of Spring Creek Meadows, Lot 4; a major subdivision that will create two residential lots on 2.637 acres east of Helena Flats Road, and north of Rose Crossing at 45 Aspen Court.

Hagemeyer then reviewed the summary of Findings of Fact 1-7. He also reviewed the Planning Boards Addendum to the Findings of Fact.

- Findings of Fact #7 was amended to include the sentence that Aspen Lane is in poor condition.
- Findings of Fact #9 was changed to state: There is an existing well on lot 4. The applicant proposes to use that well to provide shared water to both lots.

Commissioner Hall made a **motion** to adopt Staff Report FPP 07-22 as findings of fact as amended. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

- Condition #10 was amended to add the wording: if required
- Condition #14 was amended to add the wording: if required
- Condition #16 added: Stating that the existing well will be used as a shared well water source for both lots.

Commissioner Hall made a **motion** to approve preliminary plat of Spring Creek Meadows, Lot 4 as amended. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

PRELIMINARY PLAT CONDITIONS

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
2. Any street lighting shall be located within the subdivision and shall be shielded so that it does not intrude onto adjoining properties. [Section 3.9 J. 5., FCSR]

3. The applicant shall meet all requirements of the Flathead County Department of Transportation for access onto Aspen Lane, including mitigation requirements and encroachment permits. A letter shall be submitted with final plat stating the department's requirements have been met. [Section 3.8(A), 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. [Sections 3.17 & 3.18, FCSR]
5. All storm water drainage, water and sewage treatment systems shall receive final approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(A, B & C) and 3.15(A), FCSR]
6. The applicant shall comply with reasonable fire suppression and access requirements of the Evergreen Rural 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 3.20, 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. [7-22-2116 MCA and Section 3.12(J), FCSR]
8. The applicant shall require lot owners to have a contract with a solid waste hauler. The waste containers shall be completely bear and wildlife proofed, as defined by the Montana Department of Fish, Wildlife, and Parks. [Section 3.16(A)]
9. The applicant shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
10. A school bus stop will be established and constructed in a location approved by the Superintendent of Schools and the Child Transportation Committee if required. This location will be indicated on the face of the final plat. [Agency Referral, Superintendent of Schools]
11. All required improvements will be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, will be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
12. The final plat will be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
13. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
14. The applicant shall submit to the Flathead County Planning and Zoning Office an approved Storm Water Pollution Protection Plan from the MT DEQ – Water Protection Bureau if required prior to any construction activity. [3.12, 3.13 FCSR; 75-5-101, MCA]
15. The following statements will be placed on the face of the final plat applicable to all lots:
 - a. The lots shall not be further subdivided.
 - b. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - c. All utilities will be placed underground.
 - d. 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.
 - 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. Lot owners are bound to the existing road users agreement created by Spring Creek Meadows Subdivision. This subdivision is located in an agricultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm on adjoining properties will not be restricted as a result of the development or occupancy of this subdivision.
 - g. 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, as it not only has negative impacts on the animals themselves, it increases the presence of dangerous predatory animals. 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. Keeping dogs under owner control at all times.
 - ii. Using bear-proof garbage containers, stored inside garages or other secure facilities.
 - iii. Removing obvious sources of food.
 - iv. Securing compost piles with electrical fencing.
 - v. Feeding pets indoors or bringing food dishes in at night.
 - vi. Placing bird feeders out of reach of deer and other big game.

h. 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.

16. The existing well on lot 4 will be a shared well with both lots.

FINAL PLAT: TIERHAVEN ESTATES

[11:19:29 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Andy Hagemeyer, Joe Kauffman, Clerk Kile

Hagemeyer reviewed the application submitted by Michael and Elizabeth Raymond with technical assistance from Paul Stokes and Big Sky Surveying for final plat approval of Tierhaven Estates; a five lot major subdivision. This subdivision is located on Badrock Drive, west of Hwy 206. Preliminary plat approval was granted on October 16, 2006, subject to 18 conditions. All conditions have been met.

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

CONSIDERATION OF LAKESHORE PERMIT: EDWARDS

[11:43:04 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Planner George Smith, Rick Breckenridge, Clerk Kile

Smith reviewed the Lakeshore Permit application submitted by Stephen and Kathryn Edwards to construct a four foot wide compacted gravel and native stone walkway paralleling the shoreline, with a supporting stone wall as required per slope. To also remove two juniper trees that are blocking the proposed walkway, plant native species and ground cover suitable for the lakeshore in disturbed areas, apply gravel to approximately 25 feet of shoreline to provide a safe and accessible beach area on the otherwise rocky shoreline; loose rock may be hand picked and applied to the lakeshore to restore the armament and to construct a maximum four foot wide native stone stairway from the walkway to the beach. The lake will be protected by the installation of a silt fence above the high water mark during construction, and remain in place until disturbed and planted areas have recovered.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP 07-87B and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: QUITCLAIM DEED/ DE YONG & HUGGINS/ FLATHEAD COUNTY

[11:32:44 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Debbie Boreson, Linda De Yong, Clerk Kile

Chairman Brenneman stated that the purpose of the Quitclaim Deed is to transfer any interest the county has in the easement.

Commissioner Hall made a **motion** to approve the QCD for De Yong & Huggins and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

MEETING W/ VICKI SAXBY, I.T.

[11:48:15 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, I.T. Director Vicki Saxby, Clerk Kile

Discussion was held relative to the contract agreement with Vicki Saxby, in which she reported on accomplishments this past year.

Commissioner Hall made a **motion** to take the contract under advisement. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 1, 2007.

The following are claims for the month of July, 2007.

VENDOR NAME	DESCRIPTION	AMOUNT
2M COMPANY INC	93305/IRRIGATION PARTS	\$311.40
AASHTO	18859662 PUBLICATIONS	\$200.00
ABC COMMERCIAL STORAGE	STORAGE UNIT RENT AUGUST	\$100.00
ADAM, CONRAD W	JULY RENT	\$2,375.00
ADAMSON INDUSTRIES INC	LAPTOP MOUNTS	\$2,177.40
ADVANCED REFRIGERATION & APPLIANCE	REPAIR COOLER	\$174.00

AFLAC	PREMIUM AFTER TAX	\$1,248.89
AIRWORKS HEATING & COOLING INC	101868 REPAIR A/C TASICK	\$160.00
ALLEGIANCE BENEFIT PLAN MANAGEMENT	PP#15 FLEX CHILD DEDUCTIO	\$10,833.00
ALLEGIANCE BENEFIT PLAN MGMT	JULY ADMIN FEE	\$3,572.50
ALLIANCE TITLE	REFUND	\$28.00
ALLTEL	CELL PHONE	\$292.31
ALPINE ANIMAL HOSPITAL	SPAY BADLEY	\$170.00
ALPINE BUSINESS CENTER	RENT	\$4,360.00
AMERICAN RED CROSS	FIRST AID/CPR INSTRUCTION	\$3,335.00
AMERICAN RED CROSS	ADULT CPR	\$810.00
AMSAN CUSTODIAL SUPPLY	6863 CUSTODIAL SUPPLIES	\$1,583.72
ANCHOR ALARMS INC	ALARM FEE	\$300.00
ANDERSON, VIRGINIA E	MILEAGE	\$30.00
ANYTIME LOCK & SAFE	5098 KEY MACHINE	\$396.50
APEC	CONSTRUCTION ADMINISTRATI	\$87.09
APS HEALTHCARE N.W.	EAP SERVICES-JULY 2007	\$1,149.50
ASC	REFUND	\$7.00
ATHORN, LARRY	MILEAGE	\$45.00
ATKINSON, JIM	COOKIES; SHR MTG	\$3.29
AURORA LOAN SERV	REFUND	\$16.00
BALDING, THALE	MILEAGE	\$45.00
BARNES, IVAN	CPR INSTRUCTION	\$75.00
BARROW, CHARLIE	MILEAGE	\$40.50
BASARABA, MARIE	MILEAGE	\$45.00
BEACH MD, D RANDALL	MEDICAL	\$400.00
BEAR, JEFFREY	MILEAGE	\$16.00
BEAUDION, JOE	MILEAGE	\$24.00
BENSON, EDDY LOU	MILEAGE	\$9.30
BENTLE, SUSAN	MILEAGE	\$15.00
BERRY COMPANY, THE	F40675181850-00/PHONE INS	\$118.00
BEST, GEORGE B & SHIRLEY M	REFUND	\$3.00
BIG JOHN'S	OIL AND MIX, X-LINE	\$211.08
BIG SKY ANIMAL CLINIC	STRAY MED CARE	\$255.00
BIGFORK SENIOR CITIZENS	SITE MANAGEMENT JULY 2007	\$1,485.12
BLACK MOUNTAIN SOFTWARE, INC	ANNUAL ASP SUPPORT/SOFTWA	\$22,826.00
BLACKTAIL REFRIGERATION	REPAIR COOLER	\$95.50
BOEHM, MARTY	CONTR SRV/31 HOURS @ \$27.	\$1,728.00
BONHAM, CATHERINE	MILEAGE	\$22.80
BRADFORD'S BALANCE & MACHINE	PARTS	\$77.00
BRESNAN COMMUNICATIONS LLC	JUV CABLE	\$68.80
BROKERS NATIONAL LIFE	PP#15 PREMIUM PRE TAX	\$4,190.20
BRYAN A STIRRAT & ASSOCIATES INC	GENERAL ENGINEERING	\$1,549.00
BUECHLE, JAMES	MILEAGE PER DIEM	\$8.90
BUFFALO HILL FUNERAL HOME	BURIAL	\$2,100.00
BULLBERRY SYSTEMS, INC.	SOFTWARE MAINT	\$2,115.00
BULLIS, RICHARD A.	GATE ATTENDANT JULY 07	\$650.00
BURKE, JIM	BUS SPACE RENT	\$50.00
BURNS, DAVID	1ST RESPONDER COURSE	\$70.00
BURTON, JAMES H.	SERVICES 7/9 - 7/13/07	\$773.68
BUTCH BARBER TRUCKING, INC	TRANSPORT SHAVINGS	\$765.00
CALM ANIMAL CARE PC	SPAY SHERWOOD	\$200.00
CAMPBELL, RAEANN L	REIMBURSE GREAT FALLS	\$295.89
CARDINAL DISCOUNT SUPPLY INC	9466/CHAIN	\$333.98
CAREERTRACK	REG FEE	\$198.00
CARLISLE, STEVEN J MD	MED SERVICES	\$1,850.00
CARTER, MYRTLE	MILEAGE	\$15.00
CAUDILL, STEVE	MEALS	\$11.00
CBM FOOD SERVICE	ADULT MEALS	\$5,558.52
CD'A METALS	FL201120 PARTS	\$282.60
CENEX FLEET FUELING	FUEL	\$10,083.31
CENTER FOR EDUCATION & EMPL LAW	LEGAL NOTES	\$159.00
CENTURYTEL	PHONE BILL	\$16,095.64
CHALINDER, BEA	MILEAGE	\$14.70
CHEVRON PUBLISHING CORPORATION	CD	\$37.00
CHILD SUPPORT DIVISION	PP#15 CHLD SPPT JOHN ALAN	\$57.23
CHISHOLM & CHISHOLM PC	REFUND	\$2.00
CHM ENTERPRISES INC	LEASE AGREEMENT JULY	\$1,050.00
CHRISTENSEN LAW OFFICES, LLC	REFUND	\$2.00
CHS INC - KALISPELL	256073/EXTENSION	\$41,667.76
CIMA COMPANIES INC	INSURANCE	\$1,669.48
CIMARRON ENTERPRISES, INC	PROPANE	\$119.00
CITYSERVICEVALCON	28762 DIESEL	\$26,492.72
CLINICAL PATHOLOGY ASSOC	MEDICAL	\$24.50
CMI INC	MOUTHPIECES	\$142.54
COCA-COLA BOTTLING	4509188 CONCESSION SUPPLI	\$724.65
COLBERT, PATRICIA	MILEAGE	\$15.00
COLONIAL LIFE AND ACCIDENT INS CO	PP#15 PREMIUM PRE TAX	\$10.50
COLUMBIA MORTUARY	BURIAL	\$800.00
COLUMBIA PAINT & COATINGS	240418 PAINT	\$109.95
COMPLETE PEST SERVICES INC	FLY CONTROL	\$600.00
COMPUTER SOFTWARE ASSOCIATES, INC	RECEIPT PAPER	\$125.00
CONRAD MAIN STREET LLC	HH OFFICE RENT	\$2,790.66
CONSOLIDATED ELECTRICAL DIST, INC	86-30105/SUPPLIES	\$20.50
CORNELIUS, JACQUELINE	MILEAGE	\$10.50
COSNER COMTECH INC	SUPPLIES	\$96.15
CRANS, NANCY	MILEAGE	\$45.00
CRESCENT ELECTRIC SUPPLY CO	154521-00/LAMPS	\$203.01
CROUCHER, WANDA	MILEAGE	\$2.70
CROWLEY, HAUGHEY, HANSON, TOOLE &	LEGAL FEES	\$900.00
CULLIGAN WATER	RENT	\$82.46
CURRIER'S WELDING INC	LABOR	\$300.00
CUT BANK TIRE INC	TIRES	\$534.00
DAILY INTERLAKE	02103620000 BOARD AD WEST	\$851.59

DAVIS PIPE & MACHINERY, INC	SUPPLIES	\$192.07
DEFENDER INDUSTRIES	100083562/DOG JACKETS	\$1,544.14
DELVENTHAL, ART	MILEAGE	\$15.00
DEPT OF ADMINISTRATION	SUBSCRIPTION	\$128.00
DEPT OF AGRICULTURE	TRAINING MANUAL	\$5.00
DEPT OF ENVIRONMENTAL QUALITY	AD FOR RECYCLING EVENT	\$13,948.20
DEPT OF LIVESTOCK	RABIES TESTS	\$100.00
DEPT OF REVENUE	1% WITHHOLDING (MURCON)	\$203.20
DEPT OF REVENUE	PP#15 STATE WITHHOLDING T	\$27,421.00
DEPT OF REVENUE	1% WITHHOLDING	\$917.80
DERN, PATRICIA A	MILEAGE	\$45.00
DIETARY MANAGERS ASSOCIATION	DUES JULY 2007 - JUNE 200	\$127.00
DIGITAL COMMUNICATIONS SYSTEM, INC	SERVICES	\$56.40
DOCX	REFUND	\$36.00
DRAPER, HAL	MILEAGE	\$42.00
DREW, ANNA R	MILEAGE	\$45.00
DRUMMOND, ROBERT G	PP#15 DEANN V SAMPSON	\$690.00
DUFOUR, BERNADETTE J	MILEAGE	\$43.50
DUROS, LAURA LEE	PP#15 CHLD SPPT BRADLEY S	\$130.50
EBERT, HELLEN E	MILEAGE	\$60.00
ELECTRICAL SYSTEMS INC	103/CONTR SERVICES	\$5,454.57
EMI FILTRATION PRODUCTS	895163 FILTERS	\$861.69
ENVIRO-TIRE INC	235 TIRES	\$1,015.30
EQUITABLE LIFE ASSURANCE SOCIETY	PP#15/EQUIVEST PREM/UNIT	\$120.00
EQUITY MANAGEMENT INC TRUST	PP#15 WANDA DEE GILHAM	\$507.94
ERICKSON, CONNIE	MILEAGE	\$129.01
EVERCOM SYSTEMS INC	INMATE CALLING CARDS	\$1,820.00
EVERGREEN DISPOSAL INC	EXTRA PICK UP	\$201.90
EXPRESS SERVICES INC	STAFF W/E 06-24-07	\$8,464.03
F H STOLTZE LAND & LUMBER	SHAVINGS	\$1,117.80
FALLIS, TRISTAN PSY/D	PRE-EMPLOY EVALS	\$600.00
FARM TO MARKET PORK	PORK FOR GOLF TOURN LUNCH	\$142.55
FASTENAL COMPANY	MTKAL0438/BUILDING MATERI	\$347.86
FAUSKE, ARDELLA M	MILEAGE	\$15.00
FAUSKE, PETE	MILEAGE	\$30.00
FERGUSON ENTERPRISES, INC	22081 PARTS	\$3.02
FIRE GUYS LEASING, INC	FIRE INSPECTION	\$80.00
FIRE SUPPRESSION SYSTEMS INC	ANNUAL SERVICE	\$450.00
FIRST AMERICAN LENDERS	REFUND	\$45.00
FIRST BANKCARD	FY08 COUNTYWIDE CREDIT CA	\$14,154.28
FISHER, CLYDE	MILEAGE PER DIEM	\$13.35
FISHER, SUSIE	PP#15 FISHER SUSIE MAINT	\$300.00
FLATHEAD CO SEARCH & RESCUE	DISPOSAL	\$15.50
FLATHEAD COALITION	MEMBERSHIP	\$20.00
FLATHEAD CREDIT UNION	PP#15 CREDIT UNION DEDUCT	\$1,728.05
FLATHEAD ELECTRIC CO-OP	STORAGE SHED	\$3,149.88
FOOD SERVICES OF AMERICA	3743384/SUPPLIES	\$910.93
FRAME, SYLVIA P.	REFUND	\$2.00
FREDENBERG, ORIN W	MILEAGE	\$30.00
FUNNBUZ.COM	MEDIA PURCHASE	\$9,350.00
GALLES FILTER SERVICE, INC.	4067585790 HEAVY EQUIPMEN	\$78.83
GALLS INC	7518608 GUN RACK	\$2,000.42
GAMRADT, MIRAL	PROF SERV	\$8,991.63
GE CAPITAL	90133352962 COPIER PAYMEN	\$565.60
GERALDS, JIM	MILEAGE	\$45.00
GILBERTSON, DOUG	MILEAGE	\$6.00
GILES, ERIC	REIMB TRAVEL	\$23.00
GLACIER CENTER	PROPANE	\$1,426.54
GLACIER PRE-CAST CONCRETE	SUPPLIES	\$345.00
GLACIER WHOLESALERS INC	SUPPLIES	\$872.23
GOLD RUSH CLOTHING COMPANY	TSHIRTS	\$1,368.46
GREAT AMERICA LEASING	015-0217382-000 LIGHTING	\$1,098.94
GREAT NORTHERN PRINTING INC.	BUSINESS CARDS	\$59.85
GREAT NORTHERN VETERINARY CENTER	NEUTER	\$50.00
GRIZZLY SECURITY ARMORED EXPRESS	MARCH APRIL MAY JUNE ARMO	\$3,557.00
GRONLEY, MARK	JUROR FEES	\$50.00
GUNDERSON BRUCE	REIMBURSMENT	\$83.99
GUSTAFSON, HELEN	MILEAGE	\$3.60
HALL, GARY D	BUDGET WORKSHOP	\$20.00
HAMMOND AND STEPHENS	#7225 DIPLOMA COVERS SCHO	\$240.28
HANSON TRUCKING INC	HAULING	\$605.33
HARRIS, ANNIKA	REFUND	\$115.00
HARTLE, LAURELL	REFUND	\$72.86
HAUSER, BERT	ADVERTISING LINCOLN MARKE	\$639.35
HEALTHCENTER NORTHWEST	MEDICAL	\$929.00
HEGLAND, FAYE L	MILEAGE	\$38.40
HEIM, FRED	MILEAGE	\$45.00
HELGESON, JOE	MILEAGE	\$13.50
HENRY, LEE J	JUROR FEES	\$79.10
HINES, THOMAS	MILEAGE	\$5.64
HOLLINGSWORTH, THELMA	MILEAGE	\$45.00
HOPE PREGNANCY CENTER	REMAINING 25% OF CONTRACT	\$2,641.06
HOVILA, MICHAEL J	PP#15 GARNISHMENT IN ERRO	\$35.00
HSBC BANK	HSBC V TY W WEBER FLATHEA	\$16,637.82
HSBC BUSINESS SOLUTIONS	7738430900254643 OFFICE S	\$1,045.87
HUDSON, JERREL	MILEAGE	\$30.00
HUDSON, MATTIE	MILEAGE	\$45.00
HULIT, PEGGY L	MILEAGE	\$43.80
HULLA, WES	LIGHT BALLAST WIRE NUTS C	\$47.26
HUNGRY HORSE NEWS	SUBSCRIPTION	\$33.00
HUTCHINSON, ESTER	MILEAGE	\$32.70
IMMANUEL LUTHERAN HOME	HEALTH PROMOTION	\$1,000.00
IN SIGHT ADVERTISING, INC	LLC BOARDS	\$1,500.00

INGRAM, ESTHER	MILEAGE	\$45.00
INITIAL IMPRSSIONS EMBROIDERY	SUPPLIES	\$2,975.00
INLAND TRUCK PARTS & SERVICE	10377 PARTS	\$102.22
IRONWOLF	ASPHALT ROAD	\$33,867.00
IT&M DIVISION INC	DAYWORK ON SPRINKLER SYST	\$218.00
IVERSON, GREG	MEALS	\$57.00
IVERSON, SUSAN H	JUROR FEES	\$26.55
JACKOLA ENGINEERING & ARCHITURE PC	ENGINEERING	\$6,600.00
JAMES, DONNA	MILEAGE	\$1.80
JANITORS WORLD SUPPLIES	SUPPLIES	\$999.44
JENSEN, JACQUELINE	MILEAGE	\$15.00
JOHNS, REBECCA	TRAINING	\$1,200.00
JOHNSON CONTROLS INC	329113659901 MAINT CONTRA	\$1,798.50
JOHNSON, BERG ETAL	REFUND	\$7.00
JOHNSON, CAMELLIA A	JUROR FEES	\$36.25
JORDT, TAMARA	JUROR FEES	\$26.55
JTL GROUP INC	210917 CONCRETE	\$95.00
JUAIRE, MILLARD W	JUROR FEES	\$17.82
KALISPELL AUTO PARTS	2040/GEAR OIL	\$352.00
KALISPELL CITY	WATER BILL	\$5,359.77
KALISPELL CITY AMBULANCE SERVICE	MEDICAL	\$234.57
KALISPELL COPY & BLUE INC	SUPPLIES	\$104.97
KALISPELL DOWNTOWN ASSOC.	MEMBERSHIP	\$75.00
KALISPELL ELECTRIC INC	ELECTRICAL WORK	\$617.50
KALISPELL FARMERS MARKET	COUPONS REDEEMED	\$338.00
KALISPELL MEDICAL EQUIPMENT	5461 SUPPLIES	\$7.96
KALISPELL OVERHEAD DOOR SERVICE INC	COMMERCIAL DOOR SERVICE	\$316.47
KALISPELL REGIONAL MEDICAL CENTER	MEDICAL	\$245.00
KALISPELL SENIOR CENTER	SITE MANAGEMENT JULY 2007	\$1,685.12
KALMONT DISTRIBUTORS INC	FOY'S OH DOOR PARTS	\$198.00
KAMAN INDUSTRIAL TECHNOLOGIES CORP	ACCOUNT 122939 HEAVY EQUI	\$333.20
KAR PRODUCTS	178563-0001 PARTS	\$166.30
KARR, SALLY	MILEAGE	\$21.90
KC WILSON & ASSOCIATES	REFUND	\$9.00
KELLY, BRIAN	SITE ATTENDANT	\$210.00
KING, BARBARA ANN	MILEAGE	\$11.40
KING, MARTHA L	MILEAGE	\$40.50
KING, RICHARD	MILEAGE	\$75.00
KINGSLEY, ANNA-LISA	MILEAGE	\$4.20
KINNE, MIKE	MILEAGE	\$1.80
KLEMPPEL, GINA	REIMB MILEAGE	\$13.58
KMART 7030	SUPPLIES	\$84.17
KONE INC	CONTRACT #40014284 JUSTIC	\$12,411.00
KOPEC, THOMAS A	JUROR FEES	\$21.22
KRACHER, CLIFF	MILEAGE	\$45.00
KRAUSE, HILDEGARD	MILEAGE	\$36.00
KRAUSE, PAUL	CSED WITHHOLDING	\$1,948.00
KRUCKENBERG, JEFF	REIMB COPAY	\$113.42
KRUEGER GARY	REFUND	\$1,300.00
KUNDA, SUSAN	PER DIEM	\$51.07
LABER, EVELYN	MILEAGE	\$40.80
LAISY, WAYNE	MILEAGE	\$30.00
LAKESIDE CHAPEL	SITE MANAGEMENT JULY 2007	\$300.00
LAKESIDE COMMUNITY FAIR	BOOTH RENTAL	\$50.00
LAMPSON, CECILE	MILEAGE	\$33.00
LANDON, DONALD D	MILEAGE	\$9.60
LANKTREE GLASS, INC	REPLACE WINDSHIELD	\$245.00
LARSON, KEN	MILEAGE	\$45.00
LASALLE SAND & GRAVEL LLP	GRAVEL & GRADE	\$5,482.36
LAW OFFICE OF JOAN COOK	REFUND	\$2.00
LAWRENCE, PAULETTE	CONT SERV	\$1,242.00
LAWSON PRODUCTS, INC.	SUPPLIES	\$5,983.70
LAWSON, MARGARET	JUROR FEES	\$14.43
LC STAFFING SERVICE INC	402V/CONTRACTED SERVICES	\$8,482.48
LCA COLLECTIONS	MEDICAL	\$40.24
LEACH, DONALD A	TRUCK PARTS RECOVERED ONE	\$70.00
LES SCHLEGEL ENTERPRISES, INC	REFUND	\$215.00
LIENESCH, HELEN M	JUROR FEES	\$98.50
LITTLEFIELD, MARGARET D	MILEAGE	\$45.00
LOVEALL, ORLETTA	MILEAGE	\$36.60
LUCKOW, SUMMERLEE	CONT SERV	\$150.00
LUMSDEN, JOYCE	MILEAGE	\$10.20
LUNA, AL	MILEAGE	\$25.05
LUNA, CORA	MILEAGE	\$6.60
LUND, JEANNINE M	REIMB	\$75.00
M&M COMMUNICATIONS INC	CHARGER	\$833.00
M4A	DUES JULY 2007 - JUNE 200	\$500.00
MACKOFF KELLOGG	REFUND	\$2,652.05
MACO RISK MANAGEMENT	CONT SERV MAINTNANCE DEDU	\$1,000.00
MAHUGH FIRE & SAFETY, LLC	FIRE SUPPRESSION INSPECT/	\$204.95
MAIL ROOM, THE	402020 - MAIL SERVICES	\$2,652.49
MALSON, CALVIN	MILEAGE	\$30.00
MANAGHAN, BEVERLY	MILEAGE	\$15.00
MARANTETTE, JAMES C	MILEAGE	\$45.00
MARCUM, CAROLE	MILEAGE	\$28.50
MARTIN, TIMOTHY	MILEAGE	\$50.30
MAT & MITER, THE	100 STICKY HANGERS	\$25.00
MAXIMUM LEVY FUND	PP#15 BRUCE L PARISH	\$417.48
MAYER, KATHLEEN	REIMBURSEMENT	\$4.31
MC LAUGHLIN, IRENE	MILEAGE	\$1.20
MERCK & COMPANY INC	SUPPLIES	\$3,543.15
MERLIN DATA PUBLISHING CORP	INTERNET WEB SEARCHES	\$500.00
MIKITA, CORY	SUPPLIES	\$33.99

MILD FENCE COMPANY	GATE MARION	\$1,003.90
MILLER, DOUGLAS M	SOIL	\$3,000.00
MISSION VALLEY SECURITY INC	QUARTERLY ALARM SYSTEM	\$70.50
MISSOULA PUBLIC LIBRARY	CATALOG	\$26,516.38
MONTANA ACE - KALISPELL	SUPPLIES	\$152.03
MONTANA ASSN OF COUNTIES	MACO DUES 7/1/07 - 6/30/0	\$12,490.00
MONTANA ASSN OF SCHOOL BUSINESS OFF	DUES	\$100.00
MONTANA CSED	WAGE WITHHOLDING PAUL KRA	\$597.00
MONTANA DIGITAL LLC	JULY SERVICES	\$1,440.00
MONTANA ENVIRONMENTAL LAB LLC	CONT SERV COLILERT	\$38.00
MONTANA OE-CI TRUST FUND	PP#14&15 DEDUCT R & B CEN	\$11,665.82
MONTANA ONE CALL CENTER	3804 SERVICE	\$380.67
MONTANA PUBLIC RECORD SERVICE	REFUND	\$26.00
MONTANA REFINING COMPANY	S-8600038 CRS 2	\$202,008.98
MONTANA STATE EXTENSION	CNTY SHARE OF SALARIES	\$4,833.34
MOORE MEDICAL LLC	21179344 SUPPLIES	\$917.96
MORINE, DEBORAH	MILEAGE	\$8.73
MORRELL, JIM	MILEAGE	\$21.00
MORRISON & MAIERLE INC	SHADY LANE RSID #140	\$13,237.11
MORRISON MAIERLE, INC	PROF SERV	\$11,465.40
MORRISSETTE, TERRY	DIST TO HEIR	\$1,500.00
MSU EXTENSION PUBLICATIONS	BOOKS	\$416.25
MULLANEY CINDY	MEETING	\$316.59
MUR CON, INC	HVAC RECYCLE BUILDING	\$20,116.03
MURDOCH'S RANCH & HOME SUPPLY, INC	204214 CLEANING SUPPLIES/	\$194.71
MWI VENTERINARY SUPPLY	SUPPLIES	\$11.37
NATIONWIDE TITLE	REFUND	\$112.00
NEWMAN TRAFFIC SIGNS	SIGNS - (25) SPEED LIMIT	\$1,213.75
NEWTON, EDNA	MILEAGE	\$45.00
NORCO, INC	SUPPLIES	\$1,101.70
NORMONT EQUIPMENT CO	PARTS	\$495.88
NORTH VALLEY HOSPITAL INC	BP CLINIC	\$1,150.00
NORTH VALLEY SENIOR CENTER	SITE MANAGEMENT JULY 2007	\$1,685.12
NORTHERN ENERGY INC	080118 PROPANE	\$11,191.92
NORTHSTAR PRINTING INC	OFFICE SUPPLIES	\$51.00
NORTHWEST IMAGING PC	MEDICAL	\$75.32
NORTHWEST PIPE FITTINGS INC	31590/CHAIN BOX	\$33.20
NORTHWEST PORTABLES LLC	TOILET RENTAL	\$651.00
NORTHWESTERN ENERGY	UTILITIES	\$1,092.70
NURTURING CENTER INC	FAIM 4TH QTR	\$15,830.19
OCCUPATIONAL HEALTH & WELLNESS SRVS	MEDICAL	\$610.00
OFFICE DEPOT	63230355/SUPPLIES	\$436.40
OFFICE SOLUTIONS AND SERVICES	SUPPLIES	\$841.59
OLD CREAMERY MALL	RENT	\$255.00
OREGON DEPT OF JUSTICE	PP#15 CHLD SPPT GIL PARSO	\$111.69
OVERHEAD DOOR COMPANY OF KALISPELL	PARTS	\$445.20
PAGE NORTHWEST	QUARTERLY PAGER-KPD	\$926.39
PAPERDIRECT	0049675028 CUSTOM PAPERS	\$141.93
PARADIGM MANAGEMENT PC	EXPENSES	\$47,585.72
PARK BOTTLING	SODA	\$56.00
PARKER, MARY JANE	MILEAGE	\$39.00
PASSWATER, TONYA MARIE	REIMB	\$4.99
PATHOLOGY ASSOCIATES MEDICAL LABS	LAB TESTS	\$2,101.20
PENCO POWER PRODUCTS	PARTS	\$18.05
PENNE, JEAN	MILEAGE	\$15.00
PENNE, RUSS	MILEAGE	\$30.00
PETERS, JEROLYN ANN	MILEAGE	\$32.10
PETERSEN INDUSTRIES INC	BUCKET	\$6,049.99
PETERSON, LYNDA	MILEAGE	\$30.00
PETERSON, SARAH	1ST AID INSTRUCTION	\$125.00
PETTY CASH - REFUSE DISPOSAL DIST.	CELL PHONE CASE	\$23.63
PHILLIPS, DONALD W	MILEAGE	\$12.00
PHONE DIRECTORIES COMPANY	PHONE BOOK LISTING	\$165.00
PIER, ETHEL	MILEAGE	\$43.50
PINNACLE INVESTIGATION CORP	BACKGROUND CHECK	\$21.12
PIONEER PRESS	ADVERTISING	\$145.00
PITNEY BOWES INC	16537965861 RENTAL	\$107.70
POSITIVE PROMOTIONS	641061-00 SUPPLIES	\$237.90
PUMCO, INC	MASS EXCAVATION PHASE III	\$67,397.08
PURDY, ERIKA S.	PP#15 CHLD SPPT VICTOR SA	\$137.50
QUILL CORPORATION	815401 SUPPLIES	\$544.54
QWEST	SERVICE	\$269.85
R&S NORTHEAST, LLC	70893 SUPPLIES	\$1,016.70
RADIO SHACK ACCOUNTS RECEIVABLE	BATTERIES	\$5.98
RBM LUMBER	BIGFORK DOCK MATERIALS	\$1,649.60
REBUCK, LAURELLA	REIMBURSE TRAVEL	\$81.00
REED, JEANNE	MILEAGE	\$30.00
REGALIA MANUFACTURING CO	3363/SUPPLIES	\$420.94
REYNOLDS, THOMAS	TRAVEL	\$58.00
RIMROCK STAGES INC	FREIGHT	\$1,029.80
RINGQUIST SIGNS, INC	SIGNS	\$476.80
RITCHIE RILEY SHOOK TIRE CO	TIRES	\$17,540.00
RIVERA, ESTHER	MILEAGE	\$9.00
ROBERT W ROSS BUILDING CONTRACTOR	RE-ROOF SHOP	\$23,464.98
ROCKY MOUNTAIN OUTFITTER	BOOTS	\$225.00
ROLL, ARLEN	MILEAGE	\$35.16
ROSENDAHL, THEODORE M	200529243 COMM REFUND	\$971.20
ROSAUERS	4TH OF JULY CANDY PARADE	\$49.83
RUBINO, RALPH	MILEAGE	\$19.20
RUSSELL, MARION	MILEAGE	\$22.80
SANDERS, RAY	MILEAGE PER DIEM	\$6.23
SANOFI PASTEUR, INC	70009069 SUPPLIES	\$3,834.76
SAVERUD PAINT SHOP	SUPPLIES	\$41.27

SCARFF AUTO CENTER INC	REPAIRS	\$350.38
SCHELLINGER SAND & GRAVEL INC	SAND	\$12,999.22
SCHNACKENBERG, LORENE	MILEAGE	\$40.20
SCHOOL DISTRICT #5	TRAIN NOW 2ND INSTALLMENT	\$11.99
SCHRAEDER, CLAIRE	MILEAGE	\$15.00
SCHREINER, LESLI	TRANSCRIPTION SERV	\$1,075.00
SCHWEGEL, LOIS	MILEAGE	\$45.00
SCOTT, KATE	CONT SERV	\$140.00
SENEY, DORIS	MILEAGE	\$43.80
SENTRY SAFETY SUPPLY INC	13469 CLOTHING	\$605.94
SEVIER, MARY	REIMB	\$29.95
SHARE CORP	#111988 SHOP PNEUMAPLUS F	\$226.06
SHEPARD'S GLASS INC	JUSTICE CENTER LOBBY	\$718.50
SHERWIN WILLIAMS	1000-7684-3/SERVICE SPRY	\$54.50
SIGNS NOW	SIGN	\$86.00
SILVERTIP EMERGENCY PHYSICIANS	MEDICAL	\$122.75
SJORDAL, PAULINE	MILEAGE	\$45.00
SMITH GEORGE	REIMB	\$15.00
SNYDER, LAURENCE	MILEAGE	\$15.00
SOMMER, LORRAINE G	200325244 LAND SPLIT CORR	\$1,476.60
SPENCER FLUID POWER	1071204/PARTS	\$37.11
SPENCER, HANNA	MILEAGE	\$39.00
ST MARY LODGE & RESORT	FUEL	\$10,727.89
STANDARD STATIONERY SUPPLY COMPANY	PAPER DELIVERED 6-14-07	\$3,850.93
STAPLES CREDIT PLAN	7972310000125825 SUPPLIES	\$2,185.22
SUPER 1 FOODS	SUPPLIES	\$281.04
SURE-WAY SYSTEMS, INC	29232 CONTR SERV	\$188.10
SWISS CHALET EXCAVATING	GATE ATTENDANT-JULY CF	\$1,200.00
SWITZER, BILLIE	MILEAGE	\$25.80
TALLEY, CHERYL	SUPPLIES	\$342.05
TAYLOR, ROSAINNE	MILEAGE	\$21.30
T-BEND CONSTRUCTION INC.	CRUSH	\$118.77
THARPE, JAMES	MILEAGE	\$2.70
THERACOM, INC	MED SUPPLIES	\$642.36
THOMAS, DEAN & HOSKINS INC	ROAD CONSTRUCTION	\$6,584.20
THOMAS, RONALD	SITE ATTENDANT JULY	\$2,805.00
THOMPSON, AGNES	MILEAGE	\$10.20
THOMPSON, CAROLINE	MILEAGE	\$15.00
THOMPSON, MATT	WORKING LUNCHEON	\$5.99
THORING, ELAINE P	MILEAGE	\$14.10
THREE RIVERS BANK	CLOTHING	\$8,175.10
TOMBARGE, BEVERLY J	MILEAGE	\$4.80
TONERPORT INCORPORATED	SUPPLIES	\$450.50
TORNOW PC, THOMAS T	REFUND	\$4.00
TRANSCONTINENTAL TITLE	REFUND	\$20.00
TRAVEL TO GO	TRAVEL	\$1,017.60
TRAVELERS PROPERTY CASUALTY	PP#15 PREMIUM AUTO/HOUSE	\$2,951.91
TRIPLE W EQUIPMENT INC	#322500 SUPPLIES	\$399.17
TRIPP, NELLIE	MILEAGE	\$21.60
TRIPPET'S PRINTING	MAP OF CRIME SCENE	\$3,557.00
TRS	PP#14&15/M SHEFFELS DEDUC	\$643.70
TWO RIVERS BANK	REFUND	\$8.00
TYLER, PETE	MILEAGE	\$45.00
UNITED WAY OF FLATHEAD COUNTY	PP#15 UNITED WAY DEDUCTIO	\$157.27
US BANK	REFUND	\$12.00
US DEPT OF EDUCATION	PP#15 BOBBIE KELLY	\$157.97
US POSTAL SERVICE	POSTAGE	\$3,000.00
US POSTAL SERVICE	POSTCARDS	\$1,400.00
US RECORDINGS	REFUND	\$7.00
VALE, SUSAN	REFUND	\$200.00
VALIC	PP#15 VALIC DEDUCTIONS	\$4,146.00
VALLEY GLASS INC	ACCT 52012K HEAVY EQUIP 3	\$264.58
VAN LUVEN, K.S.	REIMB	\$100.00
VAN MULLEM, ED	MILEAGE	\$60.00
VAN SWEDEN, ROBERT P	MILEAGE	\$45.00
VANTAGEPOINT TRANSFER AGENTS-457	PP#15/M PENCE RETIREMENT	\$553.22
VEOLIA ES TECHNICAL SOLUTIONS, LLC	HAZMAT DISPOSAL	\$9,862.56
VERIZON WIRELESS	PHONE-LAKE CO	\$3,729.83
VERKUEHLEN, VICTOR	MILEAGE	\$6.90
VIERRA, KIMBERLEE	SERVICES	\$62.50
VONDAL, DAYLE R	MILEAGE	\$44.70
VOSEN, FERN	MILEAGE	\$8.40
WASHINGTON MUTUAL BANK	REFUND	\$7.00
WASHINGTON STATE SUPPORT REGISTRY	PP#15 CHLD SPPT CHARLES W	\$613.52
WEAVER, ERNEST	MILEAGE	\$16.50
WEAVER, MARY A	MILEAGE	\$1.20
WENHOLZ, PATRICIA J	MILEAGE	\$1.50
WESTERN BUILDING CENTER	FLCOPA MAINT SUPPLIES	\$15.57
WESTERN BUILDING CENTER	FLCOWE HOOKS	\$14.95
WESTERN BUILDING CENTER	FLCOWE/PARTS	\$19.79
WESTERN BUILDING CENTER	FLCOWE HOOKS	\$5.08
WESTERN BUILDING CENTER	FLCOWE/PARTS	\$3.09
WESTERN BUILDING CENTER	FLCOWE HOOKS	\$9.08
WESTERN CONFERENCE OF TEAMSTERS	PP#14&15 .25 HR BENEFIT R	\$943.75
WESTERN ELECTRONICS, INC	RADIO	\$50.00
WESTERN STATES INSURANCE	NOTARY RENEWAL	\$40.00
WHITEFISH CREDIT UNION	PP#15 CREDIT UNION DEDUCT	\$2,358.00
WHITEFISH GOLDEN AGERS	QUARTERLY OPERATIONS PAYM	\$2,319.12
WILLIAMS INLAND DISTRIBUTING	339/SUPPLIES	\$635.16
WINGERT, PETE	TRAVEL REIMB	\$23.00
WISCTF	PP#15 CHLD SPPT M HOVILA	\$50.58
WOLL, PETE	MILEAGE PER DIEM	\$12.46
WORKPLACE INC	SALARIES	\$169,364.66

XEROX CORPORATION	686377698 MAINTENANCE	\$30.14
YEAGER, TONY	MILEAGE	\$31.80
YOGO INN OF LEWISTOWN	PREPAID LODGING HAGERMAN	\$385.14
ZEE MEDICAL SERVICE	A12198 SUPPLIES	\$176.03
ZINK, GAIL	MILEAGE	\$3.00
0707	TOTAL VENDOR ACTIVITY FOR THE MONTH	\$1,234,028.73

-----END OF REPORT-----

PUBLIC NOTICE

The Board of Commissioners of Flathead County did this 1st day of August, 2007, approve payroll and claims for payment in the amount of \$2,226,765.39 for the period beginning July 1, 2007 and ending on July 31, 2007.

The full and complete claim list is available for public view in the Office of Clerk & Recorder, Flathead County Courthouse, Kalispell, Montana. Individual requests for personal copies will be accepted by the Clerk Recorder.

Dated this 1st day of August, 2007.

**BOARD OF COMMISSIONERS
Flathead County, Montana**

**By: /s/Joseph D. Brenneman
Joseph D. Brenneman Chairman**

**By: /s/Paula Robinson
Paula Robinson, Clerk**

Publish August 27, 2007

PUBLIC NOTICE

The Board of County Commissioners' proceedings for Flathead County for the period of July 1, 2007, and July 31, 2007, are now available for public review in the Office of the Clerk and Recorder, Flathead County Courthouse, Kalispell, Montana, and at the Flathead County Library, 247 First Avenue East, Kalispell, Montana.

Individual requests for personal copies will be accepted by the Flathead County Clerk and Recorder, Flathead County, Courthouse, Kalispell, Montana.

Dated this 1st day of August, 2007.

**BOARD OF COMMISSIONERS
Flathead County, Montana**

**By: /s/Joseph D. Brenneman
Joseph D. Brenneman Chairman**

**By: /s/Paula Robinson
Paula Robinson, Clerk**

Publish August 27, 2007

WEDNESDAY, AUGUST 1, 2007

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

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

Lacy Galpin, 1885 Stillwater Road spoke of her concern with an asphalt plant on the Krueger property.

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

MEETING W/ GARY KRUEGER RE: CONDITIONAL USE PERMIT

[9:15:38 AM](#)

Members present:

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

Others present:

County Attorney Jonathan Smith, Planning and Zoning Director Jeff Harris, Planner George Smith, Gary Krueger, Linda Connors, Bill Koenig, Vonnie Koenig, Herb Koenig, Lacy Galpin, Bill Spurzen, Clerk Kile

Gary Krueger, 805 Church Drive said that he was here as a frustrated applicant that applied for a conditional use permit that he feels was rejected incorrectly. He then said that he is currently working with his attorney as he always has to make sure his application follows the proper procedures.

Linda Connors presented a letter to the Commission in regards to Riverdale to help understand the process, since the October letter to Ken Kalvig of hers was included in what they received from the Planning Office, that it would only be fair that they receive what was sent relating to Riverdale one month later; unless you feel Mr. Krueger's decision from October 2005 remained the same.

Jeff Harris said that nothing has been given to the Commission at this point.

Linda Connors said that she wanted to add the November letter to Mr. Kalvig letter to make the October letter correct.

Jeff Harris explained the chronology of Mr. Krueger's application for a combination gravel pit/ concrete asphalt processing plant. The application included a cover letter with a check for \$1,300.00 that was kept by the Planning Office and held in anticipation that a full application would be brought in by Mr. Krueger; which never came in. Harris then said that what Mr. Krueger wanted to do was an asphalt/concrete plant on AG-40 property; in which the Planning Office said that it was not an appropriate use in the zone. He was then told if that is what he wanted to do that he needed to come in with a request for a pit. After approximately one month with no application the money was refunded to Mr. Krueger by the Planning Office.

Linda Connors then said that after May 3, 2007, when Mr. Krueger met with Mr. Harris that he was told it was the position of the Planning Office that you had to tie the two together. On May 3, 2007, before the money was sent back she wrote to the Planning Office and advocated that she felt it was not an appropriate reading of the zoning regulations and gave reasons as to why. Prior to receiving feed back, she was attempting to clarify the issue of combining the two; if it was necessary to have both to make an application for a conditional use permit.

Gary Krueger then said that when he brought the application in it was a complete application that included just the asphalt/ concrete portion. He then said after talking with Mr. Harris the application was not submitted, but was kept in his briefcase; waiting for clarification from the County Attorney. At that time he was also told that they did not have staff to process the application right then and he did not care if extra time was being taken to get the application right. His understanding was that he didn't consider the meeting with Mr. Harris a pre-application meeting; he assumed that a pre-application meeting would be coming as soon as a clarification letter was received.

Jeff Harris said that they sent the money back because there was no application tied to it.

Commissioner Hall asked if the Planning Office was aware that they had no application yet, because Mr. Krueger was waiting for a reply from the County Attorney.

Jeff Harris said that he didn't see it that way. The Planning Office looked at it in that they had been working with Mr. Krueger and had given him their thoughts and guidance in how to apply, and they didn't see an application within the month.

Chairman Brenneman then said that a letter was sent from Jonathan Smith to Mr. Krueger that agreed with the Planning Office's interpretation, that you have to have a pit attached to an application.

Jeff Harris then said that on June 18, 2007, the application was re-submitted five days after receiving the letter from the County Attorney, and at that time he applied for a concrete/asphalt plant and was not applying for extraction. He then said that they were in the same mix up that they were hoping to get out of.

Linda Connors said that the narrative to the application states that Mr. Krueger will, if required by the Board of Adjustments do mining on the site, and include it as a condition in getting the permit. She then said that it may be that you don't like the way it is phrased, but that it will continue to be Mr. Krueger's position that he would prefer not to have to mine to be able to process.

Discussion was held relative to open cut mining, in which Jeff Harris said puts the Planning Office in an awkward position; that they should not be reviewing something that is not asked for.

Linda Connors then said that Mr. Krueger's issue is that he wants to move forward one way or the other. She then said that Mr. Krueger was told by staff that the Planning Office did not have adequate staff to have a pre-application meeting with the June application and that it probably wasn't necessary, since they knew what he wanted. Connors said she feels that is where the system broke down, that when the June application came back with the fee in July that a pre-meeting with a planner would have told Mr. Krueger that they were not going to accept it that way.

Chairman Brenneman said that he feels the letter written by the County Attorney dated June 13, 2007, adequately addresses the issue of not accepting the application.

Linda Connors said that it states the position, but it does not say that it will be forced.

Chairman Brenneman said therein lies the problem; that they need the applicant to come in to tell them what he wants to do.

Linda Connors said that they could have been told in June at a pre-application meeting, rather than waiting until the letter and fee came back.

Chairman Brenneman said that the letter from Jonathan Smith makes it pretty clear.

Commissioner Hall said that the Planning Office was short staffed and that they were having a difficult time scheduling a pre-application meeting to go over the County Attorney's letter and work out the details.

Chairman Brenneman asked if they felt a planner could explain the situation better than an attorney.

Jonathan Smith said that he felt the counties position was clear, after they said "no" you can't do this, they came in with the same application saying they will do it, and they were told "no" again. The fact that he wants to process out of another pit and that is not allowed under zoning.

Gary Krueger said that these are the questions that you answer when you talk about a site, and wants to make sure that when he was talking about a site that they discussed how the site would be used for each portion. He then said this is the stuff that he wrote right after the first application was done, and after waiting a month for an attorney to send a letter back he started to get his application ready. Krueger said the questions he was asked are questions that are asked when you apply for a site.

Linda Connors said she is hopeful that they are at a point right now, where Mr. Krueger's application is moving forward. She then said the reason he came to speak to them today, is to say they think in June things would have been handled better if there had been adequate staff. Connors said that she wanted to advocate for Mr. Harris for proper staffing for his office.

Commissioner Hall questioned if the open cut permit was ever submitted to DEQ.

Gary Krueger said that it was submitted in June.

Jeff Harris stated that when he and Mr. Krueger starting working on this that it was rather informal, and that he gave him his interpretation as zoning administrator and that staff would not come up with a different interpretation of zoning. He then said that Mr. Krueger questioned the interpretation, and at that point it was appropriate to move the request to the county attorney's office, and if they had staff or not it would not have made a difference. When the application was complete if was reviewed and the application was asking for exactly what he was advised not to ask for and did not include the entire packet.

Linda Connors questioned if this was a valid interpretation of the term extracted industry and that it is their desire to set up the issues that are at odds with each other in a manner such that if they find a need to do so, that they can present those before the Board of Adjustments. She then spoke about having to apply for a pit also with it being the only way it can be processed.

Commissioner Hall stated that it needs to go through the Board of Adjustments and start the process over.

Jeff Harris then said that is not the issue; that the issue is that they brought in an application that they can not process, because of what they are asking to do.

Commissioner Lauman questioned where they are at today, in which Mr. Krueger said that he has re-applied and submitted the same DEQ application. He then said that he has a DEQ application for sand, gravel, concrete and asphalt and they now have the copy that has the DEQ stamp on it. Krueger said as a private individual that it gets frustrating when you try to figure out what is required.

Chairman Brenneman then asked Jonathan Smith if he understood the request from Linda Connors.

Jonathan Smith said that if Mr. Krueger continues to want to process gravel from different areas, that whether he mines here or not our regulations don't allow it; which is the Planning & Zoning Administrator interpretation and mine. Smith then said that the decision can be appealed to the Board of Adjustments who will then determine if the interpretation of the regulations is correct. He then said that don't have to have a conditional use permit application that they say they can't process, because it is asking for something they cannot give him. Smith also said if the Board of Adjustments says that "yes" you can do that under our regulations, then they will move forward.

Linda Connors stated that they need a determination of whether or not you have to extract to be able to process under the regulations so they can determine what to do from there, and in the meantime Mr. Krueger will continue to ask for a pit so that he can have processing through a conditional use permit and that the two can run simultaneously down the track.

AWARD BIDS: BRIDGE QUOTES

[9:47:51 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Finance Director Laurel Raymond, Clerk Kile

Pence stated that the Road Department has looked over the bids for Upper Mount Creek & Upper Truman Bridge and have made a recommendation to award the bid to the lowest bidder.

Commissioner Hall made a **motion** to award the bridge bids to Montana Pre-Stress Concrete. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

BOARD APPOINTMENT: HUNGRY HORSE FIRE DISTRICT

[9:49:57 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
Assistant Michael Pence, Clerk Kile

Commissioner Hall made a **motion** to appoint Mark Lockwood to the Hungry Horse Fire Department Board of Trustees for one year. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF HR TRANSMITTAL: PUBLIC WORKS DIRECTOR

[9:50:37 AM](#)
Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
Assistant Michael Pence, Clerk Kile

Commissioner Hall made a **motion** to approve the Public Works Director's job description. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: SEXTEN

[9:51:36 AM](#)
Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
Assistant Michael Pence, Planner George Smith, Sandy Sexten, Clerk Kile

Smith reviewed the application request from John Sexton for a minor variance on Flathead Lake. The variance would allow replacement of a T-Dock, which is a configuration that is not allowed under normal circumstances. The request is to allow the applicant to reconstruct an existing dock that was torn down by contractor error.

Commissioner Hall made a **motion** to approve Lakeshore Permit FLV 07-04 and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

PUBLIC HEARING: THE FARM AT WHITEFISH PUD

[10:00:33 AM](#)
Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Johna Morrison, Dana Bowdish, John Bowdish, Eddie Kimmel, Ed Schlessinger, Rosemary Roney, Clerk Kile

Grieve reviewed the request for a Planned Unit Development FPPUD 07-01; an application submitted by Bowdish Family Trust with technical assistance from APEC. The application proposes 60 lots on 155.95 acres with 41 single family homes, 16 town houses and 3 commercial lots that will be contained on 41.95 acres, with 13.44 acres reserved for roads and right of ways and the remaining 100.56 acres set aside as forested open space and common area. Lots are arranged in clusters to minimize open space, infrastructure efficiency and buffering from the adjacent landfill property. Open space will be managed as a functional tree farm by the Bowdish family and the submitted covenants. Hwy 93 frontage will be 50 percent commercial lots accessed via internal subdivision roads and 50 percent tree farm; retaining some forested area along a rapidly developing transportation corridor.

Chairman Brenneman opened the public hearing to anyone wishing to speak in favor or opposition of The Tree Farm at Whitefish.

Ed Schlessinger, a neighbor that lives adjacent to the proposed Farm at Whitefish commented that the rumor about the airport is in fact now written down on a letter to surrounding neighbors. He then said that a private airport is proposed in the area that will be used occasionally. Schlessinger then spoke about the density in the area, his concern with kids coming onto his property in regards to liability issues and concerns about his water; with the proposed 4 large wells.

Johna Morrison, technical assistance with APEC reviewed the application request for The Farm at Whitefish.

Discussion was held relative to the condition of parking with The Tree Farm at Whitefish.

Dana Bowdish, the applicant reviewed the proposal for 156 acres with 61 acres for lots and roads, and 95 acres of open space. He stated that they wanted to maintain an ongoing silvicultural activity in part of the area. Bowdish then said that they would like to appeal to the Commission in regards to commercial lots, open space disposition, on/off street parking and roundabouts. He then said that when the commercial lots were rejected by the Planning Board they didn't seem to have a specific reason for voting against them, and their reason for wanting the commercial lots is for an ongoing income source for the family; with some of the income being used to help maintain the forest and open space. Also discussed was open space disposition, on/off street parking and roundabouts.

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

Chairman Brenneman then reviewed the conditions of the PUD final plan.

Discussion was held relative to the proposed text of condition #6 that puts in more detail regarding the open space acreage.

Chairman Brenneman made a **motion** to approve the proposed language of condition #6. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Discussion was held relative to off street parking that will be changed and added as a condition that states: Parking is subject to Chapter 6 of the Flathead County Zoning Regulations. (parking and loading)

A condition will be added that states: That roundabouts shall be included at the 4 intersections indicated at the Commissioners public hearing.

Commissioner Hall made a **motion** to approve Resolution #2084 that will conditionally approve the proposed PUD in the Hwy 93 zoning district to overlay approximately 156 acres to be developed into 60 developable lots. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2084

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following the publication of legal notice, on the 1st day of August, 2007, to consider a proposal for a Planned Unit Development (PUD) in the Highway 93 North Zoning District ;

WHEREAS, the Board of Commissioners did hear public comment on the proposed Planned Unit Development at that hearing;

WHEREAS, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed Planned Unit Development;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 3.31.020.4, Flathead County Zoning Regulations, hereby conditionally approves the proposed Planned Unit Development (PUD) in the Highway 93 North Zoning District to overlay approximately 155.95 acres to be developed into 60 developable lots, including 41 single-family units, 16 town house and 3 commercial lots contained on 41.95 acres, with 13.44 acres being reserved for roads and rights of way and the remaining 100.56 acres set aside as forested open space and common area. Open space will be managed as a functional tree farm by the Bowdish family. The deviations from the SAG-5 zoning classification requirements include set-backs from property lines, minimum lot area, permitted lot coverage, and allowance of mixed uses including commercial use and higher density for residential use.

BE IT FURTHER RESOLVED that the property to be overlaid is described as Assessor's Tracts 1C, 2, and 4F in Section 36 of Township 30 North, Range 22 West, P.M.M., Flathead County, Montana. The property is located northwest of the intersection of KM Ranch Road and US Highway 93 North, Whitefish, Montana.

BE IT FURTHER RESOLVED that the applicant shall submit a final plan showing compliance with the proposed overlay prior to redesignation of the property as a Planned Unit Development.

DATED this 1st day of August, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By: /s/ Diana Kile
Diana Kile, Deputy

CONDITIONS:

1. That the Declaration of Covenants, Conditions and Restrictions (CCRs) for The Tree Farm at Whitefish be modified as needed to reflect the standards outlined in the PUD preliminary plan outlined above, or as modified below.
2. That the PUD Final Plan clearly list all zoning standards contained under review criteria #1 of this report (as modified by these conditions), as well as contain any relevant materials referenced in the zoning, such as commercial lot landscaping cross section, summarized "xeriscaping" landscaping guidelines, forest management plan, design examples, RV/boat storage area plans (see condition 3), artist rendering and specifications of community center (see conditions 4).
3. That the final plan contain the location, layout and design of the RV/boat storage area. The storage area is to be shielded from view and designed so as to not permit fuels, oils or other toxic fluids to enter the soil.
4. That the final plan contain an artist rendering and simple architectural elevations of the community center. The community center is to be designed and built using the materials and design standards outlined in the PUD and is to set the tone of residential constructions for the entire project.
5. The following statement shall be placed on the face of the final plan:
 - a. Excluding the variances requested in this PUD plan, all other applicable requirements in the Zoning Regulations apply to the development and use of this property.

6. The 95.26 acres of open space will be preserved under the terms and conditions outlined herein for a minimum of 30 years after the date of final approval or until such time as the CC&Rs expire. The time span described above will subsequently be referred to as "the initial period." The 95.26 acres is composed of three pieces:

- a. 64.26 acres of tree farm, which includes a 15 ft wide bicycle / pedestrian easement on Hwy. 93 and KM Road
- b. 30.15 acres homeowner open space
- c. 0.85 acres commercial open space to be used as buffer space between Hwy. 93 and lots 58 – 60. A 15 ft. bicycle easement is sandwiched between a 50 ft. forested buffer and Hwy. 93.

The Bowdish Family LLC may grant the homeowner open space only to the homeowners association. Such grant may occur at any time during the initial period. Such grant will include all land and improvements on the homeowner open space.

Bowdish Family LLC may grant the commercial open space and corresponding bicycle easement only to the owners of lots 58 – 60. Such grant may occur at any time during the initial period. Owners of lots 58 – 60 must maintain the buffer and easement for a minimum of 30 years after such grant.

After the initial period the open space will be utilized in the following manner.

- d. If not previously completed, grant the homeowner open space to the homeowners' association. Such grant will include all land and improvements on the homeowner open space.
- e. If not previously completed, grant the highway buffer and corresponding bicycle easement, to the corresponding owners of lots 58 – 60. The owners must maintain the buffer space for a minimum of 30 years after such grant.

The remaining land will be disposed of as follows:

- f. Maintained with continued status as a tree farm with ownership by the Bowdish Family LLC and continuation of the terms and conditions outlined herein for a period of time to be determined by the Bowdish Family LLC. If the Bowdish Family LLC decides to sell the open space at any time offers of sale must be made in the following order.
- g. Donate the tree farm to a public conservation organization or land trust.
- h. Offer the tree farm for purchase at 50% of fair market value to the homeowners' association (HOA) for continued status as a tree farm or homeowner park. The HOA must maintain the tree farm acreage as a tree farm or homeowner park for at least 30 years. After 30 years the HOA may sell the tree farm acreage as outlined below. The HOA may review the sell/no sell decision annually.
- i. Offer the tree farm acreage for purchase at fair market value to the nearest municipality at the time as part of an urban forestry preserve or park.
- j. Offer the tree farm acreage for purchase at fair market value to Flathead County as a regional passive park similar to Lone Pine State Park.
- k. Offer the tree farm acreage on the open market for development.

7. The applicant shall submit the PUD Final Plan pursuant to Section 3.31.030(6) of the FCZR.

8. That the applicants choose between sprinkler systems for all structures or fire hydrants every 500 feet along roads within the subdivision, and include this as part of the PUD final plan.

9. That parking on the property be subject to Chapter 6 of the Flathead County Zoning Regulations.

10. That roundabouts be included at the 4 intersections shown to the Commissioners during the public hearing on Tree Farm at Whitefish PUD.

PRELIMINARY PLAT: THE FARM AT WHITEFISH

[11:01:47 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Johna Morrison, Dana Bowdish, John Bowdish, Eddie Kimmel, Ed Schlessinger, Rosemary Roney, Clerk Kile

Grieve reviewed the application submitted by Bowdish Family Trust with technical assistance from APEC for preliminary plat approval of The Tree Farm at Whitefish. The application proposes 60 lots on 155.95 acres that would include 41 single family homes, 16 Town Houses and 3 commercial lots that would be contained on 41.95 acres, with 13.44 acres being reserved for roads and right of ways and the remaining 100.56 acres set aside as forested open space and common area. Lots are arranged in clusters to maximize open space, infrastructure efficiency and buffering from the adjacent landfill property. Open space will be managed as a functional tree farm by the Bowdish family. Hwy 93 frontage will be 50 percent commercial lots accessed via internal subdivision roads and 50 percent tree farm, retaining some forested area along a rapidly developing transportation corridor.

Discussion was held relative to the summary of Findings of Fact from the Planning Board.

- Findings of Fact #5 will be changed to: The effects on existing wildlife and wildlife habitat are acceptable, because the area is not located near contiguous wildlife corridors, is not critical habitat and the wildlife that do frequent the area will have substantial habitat preserved as part of the open space.

Commissioner Lauman made a **motion** to adopt staff report FPP 07-15 as amended. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Discussion was held relative to the changes suggested by the Planning Board in regards to conditions #15 (h-q), #3, #12, #7 and #6 to which the commission agreed upon all.

Commissioner Hall made a **motion** to approve preliminary plat with amended conditions for The Tree Farm at Whitefish. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

PRELIMINARY PLAT FINAL CONDITIONS

1. That the Tree Farm at Whitefish PUD Final Plan be approved by the commissioners prior to granting final plat to any phase of the Tree Farm at Whitefish subdivision.
2. A road identification sign and stop sign shall be installed at the intersections of all internal subdivision roads and the access to KM Ranch Road and US Highway 93 North. [Section 3.9(I)(8), FCSR]
3. That the intersection of Bowdish Road and US Highway 93 shall comply with Section 3.9(I)(6) in the Flathead County Subdivision Regulations.
4. Fire hydrants shall be placed every 500 feet within the subdivision OR all structures shall all be sprinkled, and required as such in the PUD final plan.
5. The internal roadway system shall consist of a 60-foot right of way, minimum 20-foot paved driving surface. The road shall meet all requirements of Section 3.9 of the Flathead County Subdivision Regulations and the "typical road cross section" submitted with the preliminary plat.
6. The proposed community water and level II septic treatment systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A), FCSR]
7. That the applicant shall apply for and receive approach permits for access onto KM Ranch Road and US Highway 93 North.
8. The subdivider shall receive physical addresses in accordance with Flathead County Resolution #1626. All addresses and roadway names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
9. Electric and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
10. The applicant shall submit a Storm Water Drainage Plan certified by a licensed Professional Engineer that shall be approved and reviewed by the Flathead County City-County Environmental Health Department and the Montana Department of Environmental Quality (Section 3.12, FCSR).
11. The applicant shall submit a copy of the Storm Water Pollution Prevention Plan and subsequent permit from MT DEQ that was obtained prior to construction of infrastructure (Section 3.13, FCSR).
12. A 15-foot bicycle and pedestrian easement shall be established on the property along Bowdish Road, or a 5-foot bicycle/pedestrian lane shall be added to the 20-foot paved surface of Bowdish Road (making a 25-foot wide road). Also a 15-foot bicycle and pedestrian easement shall be established along KM Ranch Road and US Highway 93 North.
13. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. The property shall be sprayed as often as needed during construction and prior to sale of lots to control noxious weeds. Weeds covering a significant portion of disturbed terrain shall be grounds for not approving the final plat. [7-22-2116 MCA and Section 3.12(J), FCSR]
14. The applicant will obtain a letter from the local postmaster, indicating the applicant has met the postal service's requirements for mail delivery in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
15. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All lots are subject to the requirements of the Tree Farm at Whitefish Planned Unit Development Final Plan. The Final Plan is the zoning for Tree Farm at Whitefish and must be followed throughout the property. A copy of the final plan is available at the Flathead County Planning and Zoning Office.
 - b. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - c. All utilities will be extended underground.
 - d. Lots owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - e. Defensible space standards and *Firewise* principles shall be incorporated around all structures.
 - f. Class A or B roofing materials are required on all structures.
 - g.
 - Waiver of Protest
 - Participation in Special Improvement District_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
 - h. Homeowners must be aware of the potential for vegetation damage by wildlife, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs, and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant nonpalatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Landscape plantings of certain species of native vegetation is less likely to suffer extensive feeding damage by deer.
 - i. Gardens, fruit trees, or orchards attract wildlife such as bear and deer. Fruit-bearing trees and shrubs are discouraged in this subdivision because they can regularly attract bears in the late summer/fall. If planted, fruit producing trees and shrubs will be fenced utilizing electric fencing to deter bears. Keep produce and any fruit, such as strawberries, picked and off the ground. Ripe or rotting fruit or vegetable material can attract bears, deer, skunks, and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller or electric fences utilized.
 - j. Garbage must be stored either in secure, bear-resistant containers or indoors to avoid attracting wildlife such as bears. If stored indoors, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than

that same evening. Commercial lots shall use bear-resistant dumpsters if needs cannot be serviced by household-sized containers. If sites are occupied seasonally or if the occupants are to be away from the household for 7 days or more, garbage from the home, other buildings, or containers must be removed from the property prior to their departure.

- k. Do not feed wildlife or offer supplements (such as salt or mineral blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that can lead to overuse of vegetation, disease transmission, and other adverse effects to wildlife (such as foundering of deer). Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might attract mountain lions to the area.
 - l. 1) Birdseed is an attractant to bears and deer. Use of bird feeders is not recommended from April 1 through November 30. If used, bird feeders must: a) be suspended a minimum of 10 feet above ground level (measured from bottom of catch plate), b) be at least 4 feet from any support poles or points, and c) be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds. Hummingbird feeders will follow the same criteria.
 - m. Pets must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not allowed to roam, as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals, and the owner may also be held accountable (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
 - n. Pet food must be stored indoors, in closed sheds, or in bear-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, and other wildlife. When feeding pets, do not leave food out overnight. Pets must be fed indoors or inside kennels so that wild animals do not learn to associate food with your home.
 - o. Barbecue grills must be stored indoors, and permanent outdoor barbecue grills shall not be allowed in this subdivision. Keep all portions of the barbecues routinely clean. Food spills and smells on and near the grill can attract bears and other wildlife.
 - p. Compost piles and beehives can attract bears and should be fenced to prevent access to them or not allowed in the subdivision.
 - q. Types of pets were not addressed in the EA. Domestic animals such as horses, cattle, pigs, sheep, goats, llama, poultry, etc. (including those kept as 4H projects) can attract bears, mountain lions, and coyotes. Animals should be housed with this in mind and livestock feeds, especially grain related, should be fed in a manner that does not allow deer or bears to have access to them.
16. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
 17. Conditions, Covenants and Restrictions for Tree Farm at Whitefish shall address maintenance of all common areas. A copy of the final signed and recorded CC and R's demonstrating the mechanisms for maintenance will be submitted for final plat approval. (Appendix A (II)(B), FCSR)
 18. 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]
 19. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #07-07-4-31-015-0

[11:11:58 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve DPHHS Contract #07-07-4-31-015-0. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #464 (PORTION OF COOPERATIVE WAY)

[11:15:18 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Clerk Kile

Discussion was held relative to the abandonment of a 60' portion of roadway.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Public Hearing for Road Abandonment #464. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**NOTICE OF DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 464**

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

A portion of Cooperative Way being 60 feet in width, located in Lots 6,7, and 8 of Evergreen Rail Industrial Center excepting therefrom the north 60 feet of Lot 6 all located in, Section 33 of Township 29 North, Range 21 West, P.M.,M., Flathead County.

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

The hearing on this petition for abandonment is set for **Monday, August 20, 2007, at 9:30 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 1st day of August, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

PAULA ROBINSON,
CLERK AND RECORDER

By: /s/Diana Kile
Diana Kile, Deputy

Publish on **August 6 and August 13, 2007**

DOCUMENT FOR SIGNATURE: EXTERNAL AUDITOR'S CONTRACT/ ANDERSON. ZURMUEHLEN & COMPANY

[11:17:08 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Finance Director Laurel Raymond, Clerk Kile

Commissioner Hall made a **motion** to approve the new auditing firm contract for Flathead County with Anderson, Zurmuehlen & Company. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

11:00 a.m. County Attorney meeting @ Co. Atty's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 2, 2007.

THURSDAY, AUGUST 2, 2007

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

**Commissioner Lauman to AOA TAB meeting @ Eagle Transit
Commissioner Brenneman to Bigfork Storm Water meeting @ DNRC Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 3, 2007.

FRIDAY, AUGUST 3, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, 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 August 6, 2007.
