
MONDAY, MARCH 19, 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.

Shirley Anderson spoke in regards to the growth policy stating that our greatest asset is our water; the aquifers and the lake. She was concerned about there being too many septic systems and the pollution in water. She said that what goes into the ground at Helena Flats goes south and doesn't stay in the ground. She also spoke in regards to concern about property rights stating that hundreds of people have given up their right to make a financial profit from part of their land.

Elma Darrow, Chairman of the Bigfork Steering Committee spoke about spending the last two and a half years developing a growth policy for Bigfork. She wanted to encourage the review of Chapter 10 of the Neighborhood growth policies, which reverts to the planning staff's recommendations, and deletes some of the policies that the Flathead Planning Board adopted revising that neighborhood plans should be sacrosanct. She said she feels they should be guiding documents and that they should be more important than developer's ideas. The growth policy that Bigfork has developed was based on a survey given a couple of years ago to every property owner and every voter in the Bigfork School District including Lake County, although they are unable to segregate the Lake County results from the Flathead County results, they are basing our recommendations on the Flathead County results. She said it was very important to them that neighborhood plans, theirs and everyone else's, be a very important part of county policy.

Mayre Flowers with Citizens for a Better Flathead of Kalispell spoke about a draft summary received from the Planning Office on the growth policy comments. She wanted to clarify that under Point #3, it says that one was to clarify what is residential in the county for the sake of regulating gravel, and she wants us to know that this comment is specific to the land use categories that were designated in the current draft. The titles in the land use categories do not use the term 'residential' to delineate any of those categories and she feels that this sets up problematic confusion given the direction that the county has taken, that defines areas identified as residential as being ones where gravel uses can be conditioned, and in some cases denied. She also said that this report also fails to point out that in the petition that was received, the petitioners strongly urged us to continue to recognize the 8' criteria and really appreciated the leadership that the Board of Commissioners has provided on this.

Mayre also spoke about the commissioners agenda and asked that when items are placed on the agenda, that there be more of a reference to the agenda description, etc., so that the public can know more.

Monica Youngster from West Glacier thanked the Board for all their efforts and patience throughout the duration of the growth policy. She basically wants to keep integrity of neighborhood plans and the 8' allowance for the aquifer measurement. She said she spoke at the Senate Natural Resources Ability and Energy in Helena for HB 557 in opposition. She said that Tim Davis explained the county planning process to that committee. She also spoke in reference to a gravel pit in the West Glacier location and gave the committee the number of the Superintendent of Glacier Park for further questions.

Pat Arnone stated that she wanted to echo the support for the aquifer and the 8' level over the 5' level for the ground water. She said that is what's important to her and the people of Flathead Valley. Also a number one concern is the water quality as was stated by Commissioner Lauman at the first public workshop.

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

[8:59:43 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner Gary D. Hall

Commissioner Dale W. Lauman

Others present:

AOA Director Jim Atkinson, Clerk Kimberly Peacock

Discussion was held relative to transportation and the hiring of a Parks Operations Lead. Jim presented Workplace Inc. brochures to the commissioners about hiring shuttle drivers at this time. He stated that Workplace does not want 18-20 years old on their workmen's comp so only individuals who are 21 years or older and that are not currently county employees are eligible to apply. He said that if we know anyone who is interested in these positions and meets the qualifications to please call Cheryl Talley.

Jim said that if they call Cheryl Talley, and they say that they've come from Eagle Transit, when they apply, the agency gets a \$0.20 hr. discount. Jim also spoke in regards to Senior Home Repair and the home grant that was received and the change that's happening due to this grant. It does not allow for any up front administrative fees so we can't have anyone hired to do the job. There's a coalition led by Lan Moon from Glacier Affordable Housing in the City of Kalispell and Northwestern Montana Human Resources. They will approach the community, cities and foundations, for funding to go out and qualify these homes. Northwest Montana Human Resources and the City of Kalispell are becoming qualified agents.

Jim explained how revenues are gotten for the Agency on Aging. He said we get most of our revenue from the Federal Government. He stated that RSVP gets 10% of its money from the county and 13%-18% from fundraising. He also stated that AOA gets 18% of its money from the county and 16% from fundraising which also includes Eagle Transit.

Commissioner Brenneman asked about United Way and how an amount is established. Jim said that Program Managers request it specifically at the beginning of the year.

Commissioner Brenneman asked about the SAIDS Process and Jim explained that we can qualify for more grants if we complete this process, which is updated every five years and that Northwest Montana Human Resources is heading this up.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: GROWTH POLICY

[9:30:00 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 BJ Grieve, Shirley Anderson, Elna Darrow, George Darrow, Monica Jungsten, Mayre Flowers, Pat Arnone, Russell Crowder, Charles Lapp, Harold Kowalka, Peggy Hedin, Bob Hedin, Jim Clark, Dan Bangeman, Clerk Kimberly Peacock

B J Grieve gave a summary on public comments received from Resolution #2015. They received a total of 145 comments with two petitions being submitted also. Forty-nine preprinted postcards, six of which had no boxes checked, 57 e-mails & 37 mailed letters were received. Comments were reviewed and provided to the Commissioners.

Commissioner Hall thanked BJ for being so thorough throughout the whole process with summary reports.

Commissioner Brenneman said that he would consider suggested changes from public comments and weigh those in balance of the process. He feels the policy as it stands now will work and has no proposed changes.

Commissioner Hall only has minor suggestions for changes.

Pg 6 – Policy 3.6 Commissioner Hall proposed that we add the following: “and traditional recreational values” after wildlife habitat and then finish the sentence to say “and ensures that conversion of private forest land preserves as many of these benefits as possible”.

Commissioner Brenneman asked BJ Grieve to repeat exactly what was proposed and it is as follows:

The approved change is as follows:

“Identify and maintain benefits of private forest lands including harvesting natural resources, water quality protection , wildlife habitat and traditional recreational values and ensure that conversion of private forest lands preserves as many of these benefits as possible”.

Pg 9 – Open space. He proposed to insert in Policy 9.1, “identify open space that serve a critical role in public and environmental health, safety and general welfare. He said that 3.7 of county land mass are in question. There is very little land left in Flathead County. Most is owned by the government and that we do need to recognize what we do have left. He also proposed that in Policy 9.2 to take out the term, “regulatory incentives” and replace it with “create incentives” Editorial comments are to be noted but no changes are proposed at this time.

Pg 113 – Chapter 8, Natural Resources - proposing under goal 40 to add “.unless scientific evidence shows that a lesser division is possible”, after where it says, “to protect sensitive areas over shallow aquifers of less than 8’ to the surface”. He would also like to see this added to 40.3.

Commissioner Lauman said he’s received lots of correspondence concerning the 5’ vs. 8’ issue. He said he has been relatively assured by a lot of people that the 5’ that we would adopt would adequately handle our situation. He said he would be willing to go back to the five and monitor it and change it later if needed.

Commissioner Brenneman stated that scientific information available through the elevated research station states in fact, that the water quality is deteriorating.

Jeff Harris stated that public comment from Yellow Bay Biological Station was that they requested 10’. They said the lake issue is degrading and that the procedures for identifying sources of pollution needs to be done. He said he would prefer to have a number.

BJ proposed a possible compromise. He said the goal has the 8’ depth, to protect sensitive areas over shallow aquifers. It would be an option under the goal to remove the reference to 8’ and just say “to protect sensitive areas over shallow aquifers”.

Commissioner Brenneman suggested we include a statement having to do with ground water runoff consideration.

The final changes approved are as follows:

Goal 37 – Add prevent untreated storm water from entering into any surface water, stream, river or lake or shallow aquifer.

40.3 – Protect sensitive areas over shallow aquifers. Encourage rural residential densities at an average of one dwelling unit per five acres and/or community waste water treatment systems on sites where the ground water is less than 8’, unless scientific evidence shows that a greater or lesser density is appropriate.

40.4 – Encourage rural, low intensity land uses in areas where the ground water is less than 8’ unless scientific evidence shows that a higher or lower intensity of land use is appropriate.

Commissioner Hall reviewed letter from Dennis Haven of the Somers Townsite Association. He said he was concerned about money involved in developing a neighborhood plan. He was concerned that if a plan was adopted for the community and if 60% of landowners which would be BSNF don’t like it, and then it would be considered null and void. Commissioner Hall would like the language changed to read “to be considered for denial by County Commissioners” instead of saying “it would be considered null and void”. He said he would like to have it left alone right now but would like to have it reviewed in six to eight months.

Commissioner Lauman stated that it is his understanding that BSNF has no opposition to and is willing to go along with a neighborhood plan. Commissioner Lauman also stated that the growth policy being adopted while this issue is currently being discussed in legislature now which may mean that it needs to be reviewed in the future. He also thanked the Planning Staff for all their hard work.

Commissioner Hall made a **motion** to approve Resolution # 2015A to adopt the Flathead County Growth Policy. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2015 A

WHEREAS, the Board of Commissioners of Flathead County, Montana, adopted the Flathead County Master Plan by the adoption of Resolution 627 A on March 10, 1987;

WHEREAS, the Montana Legislature required replacement of master plans of local governing bodies with Growth Policies through the enactment of amendments to Sections 76-1-601 through 76-1-606, M.C.A., in 1999;

WHEREAS, the Board of Commissioners requested that the Flathead County Planning Board prepare and recommend a Growth Policy, that complies with the provisions of Section 76-1-601, M.C.A., for the jurisdictional area of the Flathead County Planning Board, which includes all of Flathead County outside of the City of Kalispell and the City-County jurisdictional areas of the Columbia Falls City-County Planning Board and the Whitefish City-County Planning Board;

WHEREAS, the Flathead County Planning Board, by adoption of a Resolution on December 11, 2006, recommended a Growth Policy for the jurisdictional area of the Flathead County Planning Board, for adoption by the Board of Commissioners;

WHEREAS, the Board of Commissioners determined that the Growth Policy proposed by the Flathead County Planning Board, as revised by the Board of Commissioners, should be adopted for the jurisdictional area of the Flathead County Planning Board, passed a resolution of intent (Resolution No. 2015) to adopt the Growth Policy on February 5, 2007, and gave notice that it would consider public comment received prior to March 9, 2007; and

WHEREAS, the Board of Commissioners has considered the information and comments received since the adoption of that resolution of intent.

NOW THEREFORE, IT IS HEREBY RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it hereby adopts the Flathead County Growth Policy recommended by the Flathead County Planning Board, as revised by the Board of Commissioners and attached hereto.

Dated this 19th day of March, 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
Deputy

To above attachment can be seen at: http://flathead.mt.gov/planning_zoning/growth_resolution2015a.php

CONSIDERATION OF APPROVAL OF REFUNDING BOND ISSUE BY MUNICIPAL AIRPORT AUTHORITY

10:15: AM

Members present:

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

Others present:

County Attorney Jonathan Smith, Clerk Kimberly Peacock

Discussion was held relative to Resolution #2028. Commissioner Brenneman asked County Attorney Jonathan Smith for an explanation of this Resolution.

Jonathan explained that there was a public hearing held on March 13, 2007 by the Flathead Municipal Airport Authority Board, at the Glacier Park International airport and that there was no public comment.

Commissioner Lauman made a **motion** to adopt Resolution #2028 to refund the Municipal Airport Authority for bonds. Commissioner Brenneman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Flathead County, Montana (the "County"), hereby certify that the attached resolution is a true copy of Resolution No. 2028, entitled: "RESOLUTION APPROVING THE ISSUANCE BY FLATHEAD MUNICIPAL AIRPORT AUTHORITY OF AIRPORT REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,000,000 TO REFUND OUTSTANDING AIRPORT REVENUE BONDS (GLACIER PARK INTERNATIONAL AIRPORT), SERIES 1997, AND TO REFINANCE THE COST OF ACQUISITION OF CERTAIN LAND" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of Commissioners of the County at a regular meeting on March 19, 2007, and that the meeting was duly held by the Board of Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: Chairman Brenneman, Commissioner Hall & Commissioner Lauman; voted against the same: _____; abstained from voting thereon _____; or were absent: _____.

WITNESS my hand officially 19th day of March, 2007.

Paula Robinson, Clerk

By: /s/Diana Kile
Diana Kile, Deputy

RESOLUTION NO. 2028

RESOLUTION APPROVING THE ISSUANCE BY FLATHEAD
MUNICIPAL AIRPORT AUTHORITY OF AIRPORT
REVENUE BONDS IN AN AGGREGATE PRINCIPAL
AMOUNT NOT TO EXCEED \$7,000,000 TO REFUND
OUTSTANDING AIRPORT REVENUE BONDS (GLACIER PARK INTERNATIONAL AIRPORT), SERIES 1997, AND TO
REFINANCE THE COST OF ACQUISITION OF CERTAIN
LAND

BE IT RESOLVED by the Board of Commissioners (the "Board") of the Flathead County (the "County") as follows:

Section 1. Recitals.

1.01. Creation of Authority. Pursuant to Resolution No. 198 of the Board, approved on June 13, 1975, and under the provisions of Title 67, Chapter 11, Parts 1 through 3, Montana Code Annotated (the "Act"), the Flathead Municipal Airport Authority (the "Authority") was created and authorized to assume operation of the Glacier Park International Airport (the "Airport") and to exercise all powers conferred by the Act.

1.02. Purposes of Tax-Exempt Bonds. The Authority has proposed a project consisting of (i) refunding the Authority's outstanding Airport Revenue Bonds (Glacier Park International Airport), Series 1997 (the "Series 1997 Bonds"), which were issued to finance a portion of the costs of the expansion, improvement, furnishing and equipping of the Airport terminal, the construction of a loop access road, the expansion of public parking areas and related site, utility and landscaping improvements and signage at the Airport, and (ii) refinancing the cost of acquisition by the Authority in 2004 of approximately 79 acres of unimproved land located on the west side of the airfield (the "Land") (collectively, the "Project"), and the issuance by the Authority of airport revenue bonds in one or more series bearing interest not includable in gross income for federal income tax purposes (the "Bonds") to finance the costs of the Project and the costs of issuance of the Bonds and the refunding and fund all or a portion of the debt service reserve for the Bonds, pursuant to Title 67, Chapter 11, Parts 1, 2 and 3, Montana Code Annotated. To finance the Project, the Authority proposes to issue and sell the Bonds in the estimated maximum aggregate principal amount of \$7,000,000.

1.03. Public Hearing. Pursuant to notice, duly published on February 27, 2007, the Board of Commissioners of the Authority conducted a public hearing on March 13, 2007, at 4:00 p.m. All persons who appeared at the public hearing would have been given an opportunity to express their views with respect to the Project and the issuance of the Bonds. No persons appeared at the public hearing or submitted materials to the Board of Commissioners for consideration at the public hearing. The Board has reviewed the preliminary minutes of that hearing and a resolution of the Board of Commissioners of the Authority adopted immediately after the hearing.

Section 2. Approval. The Board hereby approves the issuance by the Authority of the Bonds to finance costs of the Project.

Section 3. Effective Date. This Resolution shall become effective upon approval thereof by the Board and execution by the Chairman of the Board.

PASSED AND ADOPTED this 19th day of March, 2007. FLATHEAD COUNTY, MONTANA.

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

DOCUMENT FOR SIGNATURE: CEMETERY DEED/ DEMERSVILLE LOT 8, BLOCK 229

10:21:27 AM

Members present:

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

Others present:

County Attorney Jonathan Smith, Clerk Kimberly Peacock

Commissioner Hall made a **motion** to approve the cemetery deed document and authorize the chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

MEETING W/ KURT HAFFERMAN, DNRC RE: WATER APPROPRIATIONS

10:30:00 AM

Members present:

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

Others present:

- Planning & Zoning Director Jeff Harris, Road Dept. Guy Foy & Ted Gilbertson, Kurt Hafferman, Roger Noble, Mark Spratt, Monica Yungster, Charles Lapp, Clerk Kimberly Peacock

Discussion was held relative to DNRC and water appropriations. More surface water permits are going to be denied as we need people to show legal availability with water rights and also that pre-1973 Claims Examinations need to be reviewed.

Commissioner Lauman asked if we were overextended in our water right claims as far as the valley was concerned and Kurt responded that we were.

Kurt then discussed how consultants need to analyze return flows and work within places of use boundaries. Commissioner Lauman asked about irrigation wells which have a period of use which is usually April thru November and Kurt explained that change applications need to be done and addressed by administrative rules and the time factor to process applications which is now six to nine months was also discussed.

There is a Bill in legislature now to buy water out of Hungry Horse now. Commissioner Lauman asked Kurt to keep him updated on this Bill.

Commissioner Brenneman asked about legislation for domestic well-exemptions. Kurt said these were proposed and were tabled.

Commissioner Brenneman inquired about what to do in the future regarding subdivision water rights Kurt said that we need to be careful that new subdivisions tell us how they're going to go about getting water rights. He also asked about considering exemptions of one year or more. Commissioner Brenneman then asked to possibly consider exemptions of longer than one year.

Jeff Harris said that the Planning Board requires community systems which require a more intensive review of available ground water.

3:00 p.m. Commissioner Lauman to Land Trust Field Trip in Somers

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 20, 2006.

TUESDAY, MARCH 20, 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.

William Lincoln spoke about his concern with floodplain maps being inaccurate and property use being taken away from property owners. He then spoke in regards to the development proposal that includes property in the 100 year floodplain for no apparent reason, other than a decision made by an employee.

Warren Illi with Flathead Wildlife clarified information with the abandonment of Wagner Lane and stated that Mr. Carver has agreed to donate unrestricted land for access to Wagner Lane. He then spoke about a proposed bike path and recommended that the county put forth a policy when a road is to be abandoned that borders access to rivers, wherein a committee could review the proposed abandonment.

Dick Riedel a resident on Lower Valley Road spoke in agreement with the proposed subdivision and stated that he feels Mr. Carver has been very generous in what he has given for public access.

Chuck Hunt spoke on behalf of Flathead Wildlife in regards to problems with the abandonment of Wagner Lane. He then stated that he no longer has any problems with the abandonment or the subdivision that is being proposed.

Susanna Casey spoke in appreciation of the effort that has been put forth by Flathead Wildlife and then volunteered to form a committee to clean up the garbage that is strewn along Wagner Lane.

Eric Mulcahy spoke in regards to the River Vista Subdivision that was heard by the Planning Board on February 21, 2007, in which a recommendation of denial was made. It was stated that he feels that the access issue has been addressed with the applicant. He then spoke about several issues of findings of fact that were presented to the Planning Board in regards to monitoring ground water.

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

MONTHLY MEETING W/ DEBBIE PIERSON, GRANT WRITER

[9:24:14 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Grant Writer Debbie Pierson, Clerk Diana Kile

Discussion was held relative to the primary focus of work being done on a Homeland Security grant for Assistance to Firefighters (AFG). Kalispell Fire Department is hosting the regional grant for Flathead County. Also reported was the request for approximately \$800,000 toward CAD system, which requires a 20 percent match that will come from 9-1-1 tax funds. Paperwork was submitted to Baucus, Tester & Rehberg for FY'08 Congressional Earmarks for \$363,300 for Mobile Data System for CAD. Pierson attended workshops in Missoula for AFG, CDBG and WASACT. Discussion included an affordability housing group that has formed in the Flathead Valley under the name (HAL) Housing Affordability Ladder, which meets monthly to discuss housing needs in the valley; it was reported that this group will be putting forth a presentation for the cities and County Commissioners to review housing needs and programs that support identified needs in Flathead County.

OPEN BIDS: CAB & CHASSIS PLOW TRUCK AND GRAVEL PUP TRAILER

[9:34:17 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Guy Foy, Ted Gilbertson, William Cooper, Clerk Diana Kile

2 bids received for Cab & Chassis Plow Truck

I-State Truck Center	2008 Sterling LT 9500	\$ 86,171.00
Missoula Auto Sales	2007 Internat'l 7600 SFA 6X4 (SF 547)	\$ 91,945.00

1 bid received for Gravel Pup Trailer

Rocky Mtn. Truck Center	2007 Cancade Gravel Pup Trailer	\$ 29,000.00
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Commissioner Hall made a **motion** to take under advisement the bids for the plow truck. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to take under advisement the bid for the gravel pup trailer. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

FINAL PLAT: SOMERS TOWNSITE, LOT 17, BLOCK 2

[9:42:35 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Planner Nicole Lopez-Stickney, Tami Carstens, Clerk Diana Kile

Lopez-Stickney reviewed the application submitted by Barbara and John DeVeer with technical assistance from Carstens Surveying for Final Plat approval of Somers Townsite, Amended Subdivision Plat of Lot 17, Block 2, a minor subdivision creating two residential lots. This subdivision is located on Swede Hill Avenue in the Somers town site area approximately 11.5 miles south of Kalispell. Preliminary Plat approval was granted on May 16, 2005, subject to 9 conditions. Staff recommends approval.

Commissioner Hall made a **motion** to approve Final Plat of Somers Townsite Amended Subdivision Plat of Lot 17, Block 2. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

PRELIMINARY PLAT: RIVER VISTA

[10:00:18 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 Traci Sears-Tull, County Attorney Peter Steele and Jonathan Smith, Weed & Parks Director Jed Fisher, Warren Illi, Chuck Hunt, Dennis Carver, Richard Riedel, Bob Lincoln, Susannah Casey, Eric Mulcahy, Roy Hutchens, Tom Sands, Horace Sanders, Clerk Diana Kile

Sears-Tull reviewed the application submitted by Carver Investments with technical assistance from Sands Surveying for Preliminary Plat approval of River Vista, a major subdivision that will create 11 single family residential lots. This subdivision is proposed on 81.193 acres, in which lots will range in size from 2.077 to 17.333 acres. These lots will be served by individual wells and septic systems. This property is unzoned and accessed via Lower Valley Road.

Commissioner Brenneman stated that any new information or agreements that have been received since the Planning Board reviewed the subdivision cannot be considered today.

Jonathan Smith then spoke in regards to the commission coming up with their own findings of facts.

Commissioner Brenneman stated that with the new information that he has received that the Planning Board did not have that he cannot proceed.

Eric Mulcahy spoke in regards to the definition of new information and stated that if was his understanding that new information would be a new design. He then said that the River Vista proposal is essentially a little bit larger with nothing else changing. He then spoke about a letter from FWP that was received the evening of the Planning Board meeting and stated that the letter had essentially the same information that it was only clarified.

Jeff Harris stated that the definition of new information is; what the public didn't have prior to the public hearing. If it is sent back to the Planning Board the only thing that would be reviewed from them would be the new information.

Dennis Carver stated that the only additional information that has been presented is the agreement with Flathead Wildlife.

Eric Mulcahy pointed out that the original staff report does support approval.

Commissioner Hall stated that the issues that they have to deal with today would be the bike path, floodplain and vegetation.

Sears-Tull stated that she feels that the park area is not a substantial change, yet the county attorney has not seen the agreement of the road abandonment. It was then stated that there is information that they have not received and that there are a lot of questions that have not been answered yet.

Commissioner Brenneman stated that the commission needs to decide what direction in which to go today.

Commissioner Lauman stated that the new information that has been received will not change the decision that he made prior to receiving it.

Discussion was held relative to changing findings of fact.

Commissioner Hall made a **motion** to adopt Staff Report #FPP 06-61 as findings of fact. Commissioner Lauman **seconded** the motion. **Aye** - Hall and Lauman **Opposed** - Brenneman Motion carried by quorum.

Dennis Carver spoke in regards to the 50 foot setback from the floodplain, removal of vegetation along the banks, deed restrictions of no further subdivision of lots and the bike path.

Commissioner Hall suggested that the lots should be prohibited from division of 5 acres or less.

Commissioner Hall made a **motion** that states all lots are prohibited from further subdivision of less than 5 acres. Commissioner Lauman **seconded the** motion. **Aye** – Hall & Lauman **Opposed** - Brenneman Motion carried by quorum.

Commissioner Hall made a **motion** to change condition #3 to state: "the developer will dedicate a 15 foot bike path along Lower Valley Road and on the new Wagner Lane road frontage. Commissioner Lauman **seconded** the motion. **Aye** - Hall and Lauman **Opposed** - Brenneman Motion carried by quorum.

Commissioner Brenneman stated that he would only support a bike path along the new Wagner Lane road.

Eric Mulcahy spoke in regards to the 150 X 300 foot park.

Also discussed was the deed to the county for the property.

Condition #14 will be changed to state: The subdivider shall convey 150 X 300 foot public park with a public access road and fire tanker recharge access to Church Slough to Flathead County in perpetuity. Conditions 1 and 10 will state the same.

Condition #26 will be added and state: The road running through the subdivision known as Wagner Lane shall be dedicated for public use.

Condition #27 will also be included that will state: No further fill shall be allowed in the designated 100 year floodplain.

Commissioner Hall made a **motion** to approve Preliminary Plat of River Vista as amended. Commissioner Lauman **seconded** the motion. **Aye** - Hall and Lauman **Opposed** - Brenneman Motion carried by quorum.

CONDITIONS

1. The applicant shall relocated and rebuild the portion of Wagner Lane that is within the subdivision. Wagner Lane will consist of a 60-foot right-of-way, minimum 22-foot paved driving surface, and an emergency access turn around on Wagner Lane at the northern end of the subdivision and shall be designed and certified by a licensed, professional engineer. The reconstruction of Wagner Lane may require a floodplain permit. The applicant shall show on the final plat the two emergency turn around locations; the first being the public park and the second site would be on Lot 5 where the existing 60' Private Road & Utility Easement will be extended to incorporate the northern corner of the proposed lot for a designated turn around area. [Applicant Comment & Section 3.9, FCSR]
2. A road identification sign and stop sign shall be installed at the intersection of Wagner Lane and Lower Valley Road. [Section 3.9 (1)(8), FCSR]
3. The developer will dedicate a 15-foot bike/pedestrian easement on along Lower Valley Road and on the new Wagner Lane Road frontage. [Section 3.18(A), FCSR]
4. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(1)(7), FCSR]

5. 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 M.C.A., Section 3.12(J), Flathead County Subdivision Regulations.
6. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [Section 3.22, FCSR]
7. 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 utility companies. [3.17 and 3.18, FCSR]
8. The proposed individual wells, septic systems and storm water drainage plan for the subdivision will be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A), FCSR]
9. The developer shall contact the Child Transportation Committee and, if required, provide and improve a location for the safe loading and unloading of students. A letter from the Superintendent of Schools stating an agreement has been made shall be submitted with the application for final plat. [Agency Comment]
10. The subdivider shall convey 150 foot by 300 foot public park, with a public access road and fire tanker recharge access to Church Slough to Flathead County Parks, in perpetuity. [Section 3.3, 3.4, 3.5, FCSR]
11. The applicant will furnish proof that fire suppression and access to Church Slough and all other requirements of the Somers Volunteer Fire District have been met. 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]
12. All buildings shall be set back 50 feet from the 100-year floodplain boundary and maintain a 100-foot setback/buffer from Church Slough. The 100-foot setback/buffer along Church Slough shall start at the high water mark/western bank of Church Slough. The setback boundary shall be staked in the field prior to the application for final plat. [Applicant Comment]
13. The parkland and the 100-foot setback/buffer along Church Slough are critical bank stabilization areas. Any alteration to the areas may need to go through Flathead County Floodplain Permit Process and the Flathead County Conservation 310 Permit Process. [Agency Comment]
14. The subdivider shall convey 150 foot by 300 foot public park, with a public access road and fire tanker recharge access to Church Slough to Flathead County Parks, in perpetuity. This shall be granted in perpetuity. The portion of public access along Church Slough shall start at the high water mark/western bank of Church Slough. No vegetation shall be removed from the area. The public access shall be clearly marked from Wagner Lane. [Applicant Comment]
15. No basements shall be allowed. The lowest floor and gas forced air system with ducts below the floor shall be elevated at least two feet above the BFE of 2898.4' msl. [Applicant/Agency Comment]
16. Treed areas along Ashley Creek corridor shall be fenced off if future landowners wish to have livestock on the property. [Agency comment]
17. All lots are prohibited from further subdivision of less than five (5) acres. [Applicant/Agency Comment]
18. The following conditions shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities shall be placed underground.
 - c. Lot owners should be aware that they are living in a rural area of Flathead County and can expect extended response times for emergency services.
 - d. Lot owners are responsible for the eradication and control of noxious weeds upon their property.
 - e. The lowest floor elevation of all residential structures shall be elevated two feet above the Base Flood Elevation (2898.4' msl) by either fill or by a pier foundation. If fill is used to elevate the building pad or as back fill it shall be graded out to a 5 to 1 slope.
 - f. There shall be no basements or crawl spaces below the Base Flood Elevation of 2898.4' msl.
 - g. All buildings shall be set back 50 feet from the 100-year floodplain boundary and maintain a 100-foot setback and buffer from Church Slough and Ashley Creek. The setback boundary shall be staked in the field prior to final plat.
 - h. Treed areas along Ashley Creek corridor to be fenced off if future landowners wish to have livestock on the property.
 - i. The 100-year floodplain shall not be filled in and any alteration to the areas may need to go through Flathead County Floodplain Permit Process, the Flathead County Conservation 310 Permit Process and the Army Corp. of Engineers 404 Permit Process.
 - j. The lots are prohibited from further subdivision less than five (5) acres.
 - k. 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 shall not be restricted as a result of the development or occupancy of this subdivision.
 - l. 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.
 - m. Residential structures on all lots shall not exceed one single-family residential structure and one guest house per lot.
19. The following statement shall be placed on the face of the final plat:

_____ (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 [County Resolution 503-M]

20. The connected floodplain areas to include the continual fingers and that are shown on the FEMA panel map for this area shall be designate on the face of the final plat. [Appendix B (II)(c), FCSR]
21. The final plat shall show a building pad and driveways for all lots that have portions of the property within the 100-year floodplain. [Appendix A (I)(L)].
22. A perpetual deed restriction shall be placed on all lots stating that the 100-year floodplain shall not be filled in and any alteration to the areas may need to go through Flathead County Floodplain Permit Process, the Flathead County Conservation 310 Permit Process and the Army Corp. of Engineers 404 Permit Process. [Agency Comment]
23. All required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the Flathead County Commissioners. [Chapter 8, FCSR]
24. 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]
25. Preliminary plat approval is valid for three years. [Section 2.5 (D)(6), FCSR]
26. The road running through the subdivision, also known as Wagner Lane, shall be dedicated for public use. [Section 3.9, FCSR]
27. No further fill shall be allowed in the designated 100-year floodplain areas. [Sections 3.2, 3.3, 3.4 and 3.5, FCSR]

BOARD APPOINTMENT: AOA

[11:17:29 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Lauman made a **motion** to appoint Beverly Black to the AOA Board. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: HEALTH BENEFIT PLAN AMENDMENT #2

[11:20:06 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, HR Director Raeann Campbell, Clerk Diana Kile

Commissioner Lauman made a **motion** to approve the document for a health benefit plan amendment #2. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

NOTICE OF SALE: SURPLUS PROPERTY, INDIAN TRAIL

[11:20:36 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Clerk Diana Kile

Commissioner Hall made a **motion** to authorize the publication of the Notice of Sale and authorize the chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

NOTICE OF SALE

The Board of Commissioners of Flathead County hereby gives notice that it will sell at public auction (pursuant to Section 7-8-2212, M.C.A.) the following surplus property:

Tract 2DC in Section 1, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana located at the corner of Indian Trail Road and U.S. Highway 93, in the northern part of Kalispell and containing 2,178 square feet.

The auction of the described property will be held at the front door of the Flathead County Justice Center, 920 South Main, Kalispell, Montana, on the **9th** day of **April, 2007, at 11:00 o'clock, a.m.** Bidding will start at 90% of the appraised value of the property, as follows: the appraised value is \$2,200; bidding will start at \$1,980.

Interested parties may arrange to inspect the property prior to sale by contacting the County Commissioners Office, 800 South Main, Kalispell, MT, telephone: 406-758-5503.

Terms of the sale will be cash at the time of sale. The County is selling the property "as is" and transferring it by grant deed without any warranty or guarantee of any kind whatsoever.

DATED this 20th day of March, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By /s/Diana Kile
Deputy

Publish on March 24 and March 31, 2007.

CONSIDERATION OF PRINTING BIDS: SHERIFF'S OFFICE

[11:22:43 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Lauman made a **motion** to accept the printing bid from Great Northern Printing in the amount of \$149.00 for 10 sets of business cards. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

11:45 a.m. Commissioner Brenneman to speak at Kalispell Chamber of Commerce Luncheon: Flathead County Growth Policy & It's Impact on Ag Land Management @ Red Lion/ West Coast Kalispell Center Hotel

DUE TO A RECORDING MALFUNCTION THERE IS NO AUDIO OF TODAY'S MEETING

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 21, 2006.

WEDNESDAY, MARCH 21, 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.

MEETING W/ KELI MCQUISTON/ DENNY REHBERG'S OFFICE RE: UPDATE

[9:03:39 AM](#)

Members present:

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

Others present:

Clerk Kimberly Peacock, Keli McQuiston

Others absent:

Assistant Michael Pence [9:08:55 AM](#) Seated

Discussion was held relative to the Secure Rural Schools Act.

House Appropriations requests were also discussed and Michael Pence said that we had submitted a request for our 911 Center. Commissioner Hall asked if we should resubmit this request and Keli stated that we have passed our deadline for resubmission.

Commissioner Hall asked about our request for the renovation of the National Guard Reserve Building. Keli said that the problem right now with this request is that the building has not been released. Senator Rehberg is currently working on this and Keli will check on this for us and try to expedite it. Commissioner Brenneman said this is currently in the surplus system and Michael Pence said that we are currently paying \$50,000 a year to lease this building.

COS REVIEW: BROWN

[9:34:26 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Kirsten Holland, Tamara Prentiss (FKA) Brown, Olaf Erving, Clerk Kimberly Peacock

Others absent:

Assistant Michael Pence

Holland reviewed the Brown family transfer request in which Tamara Prentiss proposes to transfer property to her husband.

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

FINAL PLAT: JESSUP MILLS

[9:45:55 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, Planner Eric Giles, Erica Wirtala, Mark Guizol, Clerk Kimberly Peacock

Others absent:

Assistant Michael Pence

Giles reviewed the application submitted by Mark & Caroline Guizol with technical assistance from Sands Surveying for Final Plat approval of Jessup Mills, a subdivision creating 3 residential lots. This property is located off of Creston Hatchery Road. Preliminary Plat approval was granted on August 11, 2006, subject to 12 conditions.

Planner Eric Giles stated that Condition #11 was not in compliance which referenced conditions of ground water. He said that the Environmental Health Department received a call in regards to a drainage ditch pond that was built on Lot 1, which has now altered the natural drainage.

Commissioner Hall made a **motion** to approve Amended Final Plat of Jessup Mills and Staff Report dated March 8, 2007. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF DRIVING POLICY/ PERSONNEL POLICIES & PROCEDURE MANUAL

[10:15:30 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner Gary D. Hall

Commissioner Dale W. Lauman

Others present:

Human Resource Director Raeann Campbell, County Attorney Jonathan Smith, Solid Waste Director Dave Prunty, Brad Salonen, Clerk Kimberly Peacock

Others absent:

Assistant Michael Pence

Raeann spoke in regards to insurance issues regarding volunteer drivers for AOA and Meals on Wheels. Brad Salonen from Western States Insurance Company said that he recommended a \$300,000.00 limit as their minimum.

Commissioner Lauman brought up concerns about how many county employees are actually insured while doing official business in their personal vehicles. He suggested that these individuals at least claim mileage. Jonathan suggested we have a policy where it states that county employees can't drive their personal vehicles for county business and that the \$300,000.00 was too high for a minimum.

Commissioner Lauman made a **motion** to adopt the driving policy manual and authorized the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ANNEXATION TO WHITEFISH FIRE DISTRICT/ REMMEL, ET AL

[10:25:14 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner Gary D. Hall

Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Clerk Kimberly Peacock

Commissioner Hall made a **motion** to approve Resolution #2029 and to authorize the publication of the Notice of Public Hearing for Annexation into the Whitefish Fire Service Area and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2029

WHEREAS, the Board of Commissioners created the Whitefish Fire Service Area under the provisions of Section 7-33-2401, M.C.A.;

WHEREAS, the Board of Commissioners has received a petition signed by owners of land located in the Flathead County Fire Service Area to be transferred to the Whitefish Fire Service Area;

WHEREAS, Section 7-33-2401(4), M.C.A., allows the Board of Commissioners to alter the boundaries of the fire service areas; and

WHEREAS, the Board of Commissioners deems it appropriate to amend the boundaries of the Flathead County Fire Service Area and the Whitefish Fire Service Area as petitioned by the landowners.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners gives notice of its intent to alter the boundaries of the Whitefish Fire Service Area to transfer the following properties, currently in the Flathead County Fire Service Area, to the Whitefish Fire Service Area:

The following tracts in Township 31 North, Range 21 West, P.M.M., Flathead County, Montana: Section 15: Tracts 7A, 7B, and 7G; and Section 16, Tract 2 in the N½, NE¼ SE¼.

BE IT FURTHER RESOLVED that the Board of Commissioners shall conduct a public hearing on the **10th** day of **April, 2007**, at **10:00 o'clock, a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana, to receive written protests from property owners of the property described above and to receive general protests and comments relating to the transfer of the described property into the Whitefish Fire Service Area by amending the boundaries of the Whitefish Fire Service Area and the Flathead County Fire Service Area.

BE IT FURTHER RESOLVED that notice of the passage of this resolution of intention shall be given pursuant to the provisions of Section 7-33-2401(2)(a), M.C.A.

Dated this 21st day of March, 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/Kimberly A Peacock
Kimberly A Peacock, Deputy

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
WHITEFISH FIRE SERVICE AREA
FLATHEAD COUNTY FIRE SERVICE AREA

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 2029) on March 21, 2007, to amend the boundaries of the Whitefish Fire Service Area and the Flathead County Fire Service Area.

The proposed boundary change is for the purpose of transferring the following property from the Flathead County Fire Service Area into the Whitefish Fire Service Area:

The following tracts in Township 31 North, Range 21 West, P.M.M., Flathead County, Montana: Section 15: Tracts 7A, 7B, and 7G; and Section 16, Tract 2 in the N½, NE¼ SE¼.

A map is available for viewing at the Clerk and Recorder's Office, 800 South Main, Kalispell, MT.

A public hearing will be held on the 10th day of April, 2007, at 10:00 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will accept written protests from property owners of the property described above and receive general protests and comments relating to the transfer of the described property into the Whitefish Fire Service Area by amending the boundaries of the Whitefish Fire Service Area and the Flathead County Fire Service Area.

DATED this 21st day of March, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By: /s/Kimberly A Peacock
Kimberly A Peacock, Deputy

Publish on March 26 and April 2, 2007.

CONSIDERATION OF LAKESHORE PERMIT: COIT

10:28:06 AM

Members present:

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

Others present:

Assistant Planning & Zoning Director B J Grieve, Planner George Smith, Clerk Kimberly Peacock

Others absent:

Assistant Michael Pence

Smith reviewed the Lakeshore Permit application submitted by Mike Coit to build a boat shelter on an existing conforming dock on Flathead Lake. The existing dock contains two boat slips; one is twelve (12) foot by twenty-four foot six inches (24' 6") and is the site for the application. An additional jet ski shelter, six feet eight inches (6' 8") by twenty-four feet six inch (24' 6") and cantilever supported will be installed on the land side of the finger dock forming that slip. The total impervious cover, including all previously permitted and existing conforming structures, is one thousand four hundred seventy-seven (1,477) sq feet, which is the property shoreline allowance. All work will be done from existing structures and no heavy equipment will contact the lake.

Commissioner Hall made a **motion** to approve the Lakeshore Permit FLP-07-22 and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: DELANEY

10:31:56 AM

Members present:

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

Others present:

Assistant Planning & Zoning Director B J Grieve, Planner George Smith, Clerk Kimberly Peacock

Others absent:

Assistant Michael Pence

Smith reviewed the application submitted by Michael & Charlotte Delaney to build a boat shelter on Flathead Lake on a previously permitted (FLO-07-05) finger dock, attached to an existing non-conforming dock. The applicant has created two twelve foot eight inch (12' 8") by thirty (30) foot slips within the lagoon by the construction of the above mentioned four (4) foot by thirty (30) foot catwalk perpendicular to the existing dock. The slips will be covered by a boat shelter roof thirty (30) feet by twenty-eight (28) feet, which will also cover the catwalk. The total impervious cover, including all previously permitted and existing non-conforming structures; is one thousand nine hundred fifty-four (1,954) sq. ft, which is the property shoreline allowance. All work will be done from existing structures and no heavy equipment will contact the lake.

Commissioner Lauman made a **motion** to approve the Lakeshore Permit FLP-07-25 and authorized the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: EAVES LIVING TRUST

10:46:00 AM

Members present:

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

Others present:

Assistant Planning & Zoning Director B J Grieve, Planner George Smith, Clerk Kimberly Peacock

Others absent:

Assistant Michael Pence

Smith reviewed the Lakeshore permit application submitted by Eaves Living Trust to install support columns to stabilize an existing crib dock on Flathead Lake. The concrete columns will be based on form-poured concrete footers sitting on-grade, and will require no excavation or removal of lake bottom materials, and located in the extreme corners of an existing eight (8) foot by twenty-eight (28) foot slip, formed by the 'U' crib dock. Upon completion of the dock supports, and subject to commissioner approval a boat shelter will be installed on the completed columns. The boat shelter roof will be thirty (30) feet by fourteen (14) feet, which will also cover portions of the existing dock. The total impervious cover is one thousand two hundred seventy one (1,271) sq. ft., which is the property shoreline allowance. All work will be done during low water, and no heavy equipment will contact the lake.

Commissioner Hall made a **motion** to approve the Lakeshore Permit FLP 07-15 and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

12:00 p.m. Commissioner Brenneman to DUI Task Force meeting @ The Summit
4:00 p.m. Commissioner Lauman to GPAC meeting @ First Interstate Bank
5:00 p.m. Commissioner Lauman to Chamber of Commerce "Unwind" @ Poiema Floors

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

THURSDAY, MARCH 22, 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.

4:00 p.m. Commissioner Hall to Port Authority meeting @ Montana West Economic Development
4:00 p.m. Long Range Planning Task Force Land Use Committee meeting @ Solid Waste District Office

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

FRIDAY, MARCH 23, 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.

DOCUMENT FOR SIGNATURE: DEQ LETTER FOR DUST ABATEMENT

[11:00:32 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall (via phone)
Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Clerk Kimberly Peacock

Commissioner Hall made a **motion** to approve the document in regards to dust abatement. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

LEGISLATIVE SESSION DISCUSSION

[11:04:09 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 Kimberly Peacock

No one showed up for legislative discussion issues.

The Commissioners talked about the following bills:

- HB 14 - Appropriation for information technology projects - This was tabled on 3/26/07.
- HB 27 - To establish wireless enhanced 9-1-1 system – This was tabled on 3/14/07.
- HB 33 - To revise 911 emergency phone system laws – A hearing held on 2/26/07.
- HB 205 - Revise controlled ground water laws – A hearing was held on 3/19/07.
- HB 265 - Clarify vote requirements for planning board – A hearing was to be held on 3/27/07.
- HB 590 - Revise requirements for Growth Policy – This was referred to Committee on 3/24/07.

1:00 p.m. Commissioner Brenneman to Safe Routes to School Kick-Off meeting for Edgerton & Russell Schools @ The Summit

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 26, 2006.
