
MONDAY, APRIL 21, 2008

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

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

MEETING W/ JED FISHER/ WEED, PARKS & MAINTENANCE RE: STILLWATER SCHOOL

[8:50:12 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Weed & Parks Director Jed Fisher, Susan Nicosia, Ray Sanders, Jim Watson, Bob Tuman, Clerk Kile

Nicosia reviewed a proposal for the consideration of the purchase of Stillwater Christian School, which would include the buildings and three acres for \$2,400,000.00, with a down payment of \$400,000.00 due upon signing of the agreement, and the balance of 2 million to be financed. Discussion was also held relative to leasing the additional 10 acres that would be available. She then added that she and Mr. Fisher have been looking at how the county could use the building and stated that this is a wonderful facility with a soccer field in place and a great gym. Nicosia then noted they are looking at what uses can be made of the building for the county.

Discussion was held relative to an appraisal of the property and to whom it should be prepared by. It was then added the Weed & Parks Board have taken as many steps as they can without the next step of having the Commission, an attorney and a landowner picking an appraiser as required by statute to complete an appraisal.

Nicosia then reviewed several payments options.

Commissioner Brenneman noted that according to state statute the offer from the county would be the appraised value and they can pay no more.

Watson noted the Stillwater Christian School facility and Conrad Complex would both be needed to satisfy the needs for the growth.

Tuman spoke about the CTEP Grant that has been approved to run a trail from Willow Glen down to the FFA building with the next step to continue down to Montessori School.

MONTHLY MEETING W/ JIM ATKINSON, AOA

[9:19:06 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Atkinson reported on the progress of acquiring a new AOA site with the possibility of Gateway West Mall still an option. He then reported the statistics for the month with continuation of services rising. He further added that he and several staff members will be attending the Montana Association of Area on Aging meetings in Helena next week.

DISCUSSION OF FLEX DEBIT CARD

[9:46:38 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk Kile

Discussion was held relative to problems with medical/ prescription flex debit cards in which it was decided they will no longer be available for use.

CONSIDERATION OF LAKESHORE PERMIT: SCOTT

[9:49:43 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planner George Smith, Clerk Kile

Smith reviewed the application submitted by Duncan Scott with technical assistance from APEC for a minor lakeshore variance permit to allow construction of a small storage unit on an existing permitted deck within the lakeshore protection zone.

Commissioner Lauman made a **motion** to approve Lakeshore Permit FLV 08-01. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

MEETING W/ SALARY COMPENSATION COMMITTEE

[10:00:31 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT

Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Clerk and Recorder Paula Robinson, Deputy County Attorney Jonathan Smith, County Attorney Ed Corrigan, Treasurer Adele Krantz, HR Director Raeann Campbell, Finance Comptroller Joe Garza, Anita Hoye, Susan Nicosia, Clerk Kile

Garza reviewed the Elected Officials Salaries Report with all benefits included with the projected 4% COLA increase. He then reviewed a Salary Summary that shows salaries for FY08 and depicts what the change would be with a 4% COLA, and gives the FY09 base salary along with longevity. Garza further reviewed an Elected Officials Cost Analysis that shows a cost of living difference, in which he noted Flathead County has the second highest cost of living area in the state.

General discussion was held relative to comparison of salaries from FY08 and FY09.

Commissioner Lauman noted that he felt the county is not at the top end of salaries for elected officials, yet noted they are not at the bottom end. He then suggested that everyone be given a 4% increase.

Nicosia explained that she understood that 4% is what is being used in negotiations and asked how the recommendation was arrived at.

Pence noted that they looked at the cost of living data and after looking at the information from MACo, they felt the number of 4% showed good faith and consideration to employees with the cost of living exploding.

General discussion continued in regards to increased health insurance costs.

Pence then stated the Commissioners tentatively (until the budget is approved) have authorized a 4% COLA increase.

Nicosia then asked if longevity should be looked at.

Robinson said that she felt longevity should be looked at and noted the Sheriffs position was brought up to standards.

Commissioner Brenneman PT then asked if they were in agreement with the recommendation that there would be no increase made on base pay.

Robinson said if they were to set the elected officials salary at 6% it would have direct effect when Chief Deputies are involved.

Krantz made a **motion** to recommend to the Commission a 4% cost of living increase for 2009. Hoye **seconded** the motion. **Aye** – Brenneman, Lauman, Corrigan, Krantz, Robinson, Hoye and Nicosia. Motion carried unanimously.

General discussion was then held relative to longevity in regards to elected officials.

Robinson made a **motion** to propose a 1% longevity increase after the fifth year of service for just elected officials. It was further clarified that this would not effect deputies and would cap out at 10%. Hoye **seconded** the motion. **Aye** – Brenneman, Lauman, Corrigan, Krantz, Robinson, Hoye and Nicosia. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 22, 2008.

TUESDAY, APRIL 22, 2008

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

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

CONSIDERATION OF PRINTING BIDS: WEED DEPT.

[10:28:26 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Dale W. Lauman

Members absent:
Commissioner Joseph D. Brenneman
Others present:
Clerk Kile

Commissioner Lauman made a **motion** to approve the print bid from Towne Printer for 2,000 Noxious Weed Education Compliance Records for \$325.05. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: TRAINING MEMORANDUM OF AGREEMENT/ AOA

[10:29:47 AM](#)
Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Clerk Kile

Commissioner Lauman made a **motion** to approve the training agreement between the State of Montana and AOA and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: SERVICE PROVIDER AGREEMENTS FOR KALISPELL PARKS & REC, IMMANUEL LUTHERAN HOME AND NORTH VALLEY HOSPITAL/ AOA

[10:30:49 AM](#)
Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Clerk Kile

Commissioner Lauman made a **motion** to approve the service agreement between Kalispell Parks & Recreation, North Valley Hospital and AOA. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

BUDGET AMENDMENT

[10:37:00 AM](#)
Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Finance Comptroller Joe Garza, GIS Director Mindy Cochran, Clerk Kile

Cochran noted the money was for the addressing model grant and they will be paying ESRI to write some code for the project; money will be coming back in from the State of Montana.

Commissioner Lauman made a **motion** to approve Budget Resolution #2136. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

BUDGET AMENDMENT RESOLUTION NO. 2136

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2007-2008, 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 2007-2008; 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 22nd day of April 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

DATE OF ISSUE:		3/28/2008		BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:		RESOLUTION #				Entered by:	
				2136			
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESC	DEBIT	CREDIT	
1000	0206	341046		GIS-MLIA	\$38,640.00		
1000	0206	411410	397	Contracted Serv		\$33,595.00	
1000		101000				\$38,640.00	
1000		101000			\$33,595.00		
2859	0190	341046		GIS-MLIA		\$38,640.00	
2859	0190	411410	397	Contracted Serv	\$33,595.00		
2859		101000			\$38,640.00		
2859		101000				\$33,595.00	
Explanation					\$144,470.00	\$144,470.00	
Transfer funds from General fund to GIS Special Revenue fund							

QUARTERLY JAIL FACILITY TOUR

[10:00:13 AM](#)

Members present:
Commissioner Dale W. Lauman
Members absent:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

MONTHLY MEETING W/ LINCOLN CHUTE, FIRE SERVICE AREA MANAGER

[10:41:44 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Fire Service Area Manager Lincoln Chute, Clerk Kile

Lincoln Chute the new Fire Service Area Manager spoke about moving forward with the positive things that are happening with people working together. He then spoke about the increasing load of paperwork having to be done by the Fire Chiefs, and about a new minor subdivision north of Bitterroot Lake that would be in the Fire Service Area that he feels should be annexed into the Marion Fire District. Discussion was also held relative to tax rolls in regards to homes that are being missed, a Wildlife Awareness Day for school kids, a county wide DNRC wild land exercise where they will work on unified command and fuel reduction programs.

MEETING W/ TONY RUDBACH & DICK KING RE: CERTIFIED REGIONAL DEVELOPMENT CORPORATION

[11:04:22 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Chad DeLong, Dick King, Tony Rudbach, Mike Strotheide, Clerk Kile

Tony Rudbach stated the purpose of the meeting was to present an opportunity to Flathead County to join with Missoula and Ravalli County as a three county Certified Regional Development Corporation.

Dick King then said that he has been in economic development in Montana since 1979 and has spent his whole career working with economic development. He then stated they are a private non-profit organization directed by the legislature and provide funds through the CRDC program to match local economic development funds. There intent is to encourage a regional approach to economic development to facilitate efficient delivery of economic development programs. King noted the funding formula is based on population and geography and their funding would increase if Flathead County joined.

Mike Strotheide, Montana West Economic Development commented that he felt the time was long past for us to join the CRDC with our area not being able to survive on our own. He then said we have a lot of similarity with Missoula in the area of business and industries and would have a place at the table. Strotheide added if you look at the existing CRDC we do have a lot of overlapping organizations. Also stated there is a lot of similarity in population mix when you look at travel patterns.

Chairman Hall asked what the makeup of the board currently is.

Dick King said that as a new CRDC they have kept it simple knowing that changes and adjustments would be made as problems are sorted out. He then added that right now it is his board of directors that has the fiscal responsibility for the program, which consists of 24 citizens from a cross section of the community. The advisory group would consist of representation from all the local governments that participate, with the majority of the local incorporated communities in the county also having to agree to support and participate in the advisory group.

Chairman Hall then said that his concern is that most of the money would end up staying in Missoula.

Dick King said that if that was to happen the organization wouldn't survive that we wouldn't renew our participation. He then added that it has to be a benefit and support what we want to do; that it would be for the benefit of reinforcing each others efforts. King then stated that a letter will be drafted that will summarize what was said today and they will follow up with it.

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

This meeting was cancelled.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: DEN GAR PROPERTIES, ET AL, ZONE CHANGE/ BLANCHARD LAKE ZONING DISTRICT

11:39:21 AM

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Erica Wirtala, Clerk Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing for Den Gar Properties, et al Zone Change and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Den Gar Properties, Paul and Debbie Biolo and Brian Lauterbach, to change the zoning designation in a portion of the Blanchard Lake Zoning District from AG-20 (Agricultural) to B-2 (General Business).

The boundaries of the areas proposed to be changed from the AG-20 classification to the B-2 classifications are set forth on Exhibit "A" hereto.

The proposed change would generally change the character of the zoning regulations applicable to the property from regulations intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to an area intended to provide for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities, and by businesses serving the general needs of the tourist and traveler.

The regulations defining the AG-20 and B-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: <http://www.co.flathead.mt.us/fcpz/index.html>

The public hearing will be held on the **7th day of May, 2008, at 9:30 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 give members of the public an opportunity to be heard regarding the proposed amendment to Blanchard Lake Zoning District.

DATED this 22nd day of April, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 26 and May 3, 2008.

The boundaries of the property proposed for rezoning are the boundaries of two properties containing approximately 12.656 acres, one located on 5015 Highway 93 South and 1985 Hodgson Road, described as Tract 2FB in Section 25 (Shown as Parcel 2 of Certificate of Survey No. 4456), Tract 3DB in Section 24 (Shown as Tract 1 of Certificate of Survey No. 10611), to be zoned B-2; all in Township 30 North, Range 22 West, P.M.M., Flathead County Montana.

AUTHORIZATION TO PUBLISH NOTICE OF CALL FOR BIDS: CRUSHED GRAVEL/ ROAD DEPT.

[11:40:10 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to authorize the publication of the call for bids for gravel for the Road Department and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

CALL FOR BIDS

Notice is hereby given that sealed bids for the crushing and stockpiling of gravel at one Flathead County gravel pit will be received by the County Board of Commissioners of Flathead County, Montana.

The work contemplated consists of crushing and stockpiling the following:

Approximately 50,000 tons of 3 inch minus crushed gravel at the Shepherder Pit. Crushed material to meet Montana Department of Transportation Standard Specifications for Road and Bridge Construction, 1995 edition, page 386, Table 701-8, Crushed Base Course Type "A".

PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVES

<u>Sieve Size</u>	<u>Grade 2</u>
3"	95-100%
1 1/2"	80-100%
3/4"	65-90%
No. 4	25-60%
No. 10	20-50%
No. 200	12% max

Change Article 701.03 (A)(3) to read not less than 60% of coarse aggregate particles by weight shall have at least two mechanically fractured faces as determined by MT-217.

Contractor performs sieve analysis every 1,000 tons.

Actual amounts to be crushed shall be determined based upon unit prices. Crushed material to be weighed by scales on a belt conveyor, and or cross section of stockpile to be done by engineer to verify quantities. Gradation testing shall be conducted by the contractor in accordance with MT-202. All material up to 4 feet shall be crushed; any material over 4 feet will be considered oversize. Location shown on map attached to the Bid Proposal. Material and pit area may be viewed by making an appointment with the Road Department. The exact location of material to crush and of the stockpile will be designated by the Flathead County Road Department at the time of crushing. Contact the Flathead County Road Department if there are any questions or to set up a time to view the crushing site.

Bid proposals must be submitted on a form to be provided for the purpose, addressed to the Board of County Commissioners, Flathead County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, and enclosed in an envelope marked, "Proposal for Crushing and Stockpiling Gravel."

No proposal will be considered unless accompanied by a proposal security in the amount of ten percent (10%) of his bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase and sale of said materials. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order or bank draft issued by a Montana bank, or a bid bond executed by a surety corporation authorized to do business in Montana.

A performance bond will be required for the faithful performance of the successful contractor in the full amount of the bid.

Plans and specifications, forms of contract, proposal blanks, and full instructions are on file and may be obtained at the Clerk and Recorder's office in the Courthouse at 800 South Main, Kalispell, MT 59901.

Time is of the essence. Liquidated damages in the amount of \$100 per day shall be due in the event that the contractor fails to complete the contract within sixty (60) days. This allows thirty (30) days for the contractor to file a public notice of moving and the State change of location notice. Extenuating circumstances will be considered by the County Commissioners for extension of the contract date.

The successful bidder must contract to pay prevailing wage rates set by the Montana Department of Labor and will be subject to withholding of 1% of all payments for transmittal to the Department of Revenue to pay the public contract tax. The Contractor and all subcontractors will be required to have a certificate of registration from the Employment Relations Division of the Montana Department of Labor and Industry in the proper classification. The successful bidder must contract to give preference to the employment of bona fide residents of Montana in the performance of the work. A resident bidder will be allowed a preference against the bid of any nonresident bidder from any state or county that enforces a preference for resident bidders equal to the preference given in the other state or county.

All sealed bids, **plainly marked as such**, must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, on or **before 5:00 p.m. on May 7, 2008**. Bids will be opened and read at 9:30 a.m. on May 8, 2008 in the Commissioner's Office in the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

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

Dated this 22nd day of April, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish April 26 and May 3, 2008.

CALL FOR BIDS

Notice is hereby given that sealed bids for the crushing and stockpiling of gravel at one Flathead County gravel pit will be received by the County Board of Commissioners of Flathead County, Montana.

The work contemplated consists of crushing and stockpiling the following:

Approximately 50,000 tons of 3/4" inch minus crushed gravel at the Bush Pit. Crushed material to meet Montana Department of Transportation Standard Specifications for Road and Bridge Construction, 1995 edition, page 388, Table 701-10, Crushed Top Surfacing Type "A".

PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVES

<u>Sieve Size</u>	<u>Grade 2</u>
3/4"	100 %
No. 4	40-70 %
No. 10	25-55 %
No. 200	2-10 %

Change Article 701.03 (A)(3) to read not less than 60% of coarse aggregate particles by weight shall have at least two mechanically fractured faces as determined by MT-217.

Contractor performs sieve analysis every 1,000 tons.

Actual amounts to be crushed shall be determined based upon unit prices. Crushed material to be weighed by scales on a belt conveyor, and or cross section of stockpile to be done by engineer to verify quantities. Gradation testing shall be conducted by the contractor in accordance with MT-202. All material up to 4 feet shall be crushed; any material over 4 feet will be considered oversize. Location shown on map attached to the Bid Proposal. Material and pit area may be viewed by making an appointment with the Road Department. The exact location of material to crush and of the stockpile will be designated by the Flathead County Road Department at the time of crushing. Contact the Flathead County Road Department if there are any questions or to set up a time to view the crushing site.

Bid proposals must be submitted on a form to be provided for the purpose, addressed to the Board of County Commissioners, Flathead County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, and enclosed in an envelope marked, "**Proposal for Crushing and Stockpiling Gravel.**"

No proposal will be considered unless accompanied by a proposal security in the amount of ten percent (10%) of his bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase and sale of said materials. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order or bank draft issued by a Montana bank, or a bid bond executed by a surety corporation authorized to do business in Montana.

A performance bond will be required for the faithful performance of the successful contractor in the full amount of the bid.

Plans and specifications, forms of contract, proposal blanks, and full instructions are on file and may be obtained at the Clerk and Recorder's office in the Courthouse at 800 South Main, Kalispell, MT 59901.

Time is of the essence. Liquidated damages in the amount of \$100 per day shall be due in the event that the contractor fails to complete the contract within sixty (60) days. This allows thirty (30) days for the contractor to file a public notice of moving and the State change of location notice. Extenuating circumstances will be considered by the County Commissioners for extension of the contract date.

The successful bidder must contract to pay prevailing wage rates set by the Montana Department of Labor and will be subject to withholding of 1% of all payments for transmittal to the Department of Revenue to pay the public contract tax. The Contractor and all subcontractors will be required to have a certificate of registration from the Employment Relations Division of the Montana Department of Labor and Industry in the proper classification. The successful bidder must contract to give preference to the employment of bona fide residents of Montana in the performance of the work. A resident bidder will be allowed a preference against the bid of any nonresident bidder from any state or county that enforces a preference for resident bidders equal to the preference given in the other state or county.

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

Dated this 22nd day of April, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish April 26 and May 3, 2008.

CALL FOR BIDS

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The work contemplated consists of crushing and stockpiling the following:

Approximately 50,000 tons of 3/4" inch minus crushed gravel at the Gladys Glen Pit. Crushed material to meet Montana Department of Transportation Standard Specifications for Road and Bridge Construction, 1995 edition, page 388, Table 701-10, Crushed Top Surfacing Type "A".

PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVES

Sieve Size	Grade 2
3/4"	100 %
No. 4	40-70 %
No. 10	25-55 %
No. 200	2-10 %

Change Article 701.03 (A)(3) to read not less than 60% of coarse aggregate particles by weight shall have at least two mechanically fractured faces as determined by MT-217.

Contractor performs sieve analysis every 1,000 tons.

Actual amounts to be crushed shall be determined based upon unit prices. Crushed material to be weighed by scales on a belt conveyor, and or cross section of stockpile to be done by engineer to verify quantities. Gradation testing shall be conducted by the contractor in accordance with MT-202. All material up to 4 feet shall be crushed; any material over 4 feet will be considered oversize. Location shown on map attached to the Bid Proposal. Material and pit area may be viewed by making an appointment with the Road Department. The exact location of material to crush and of the stockpile will be designated by the Flathead County Road Department at the time of crushing. Contact the Flathead County Road Department if there are any questions or to set up a time to view the crushing site.

Bid proposals must be submitted on a form to be provided for the purpose, addressed to the Board of County Commissioners, Flathead County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, and enclosed in an envelope marked, "**Proposal for Crushing and Stockpiling Gravel.**"

No proposal will be considered unless accompanied by a proposal security in the amount of ten percent (10%) of his bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase and sale of said materials. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order or bank draft issued by a Montana bank, or a bid bond executed by a surety corporation authorized to do business in Montana.

A performance bond will be required for the faithful performance of the successful contractor in the full amount of the bid.

Plans and specifications, forms of contract, proposal blanks, and full instructions are on file and may be obtained at the Clerk and Recorder's office in the Courthouse at 800 South Main, Kalispell, MT 59901.

Time is of the essence. Liquidated damages in the amount of \$100 per day shall be due in the event that the contractor fails to complete the contract within sixty (60) days. This allows thirty (30) days for the contractor to file a public notice of moving and the State change of location notice. Extenuating circumstances will be considered by the County Commissioners for extension of the contract date.

The successful bidder must contract to pay prevailing wage rates set by the Montana Department of Labor and will be subject to withholding of 1% of all payments for transmittal to the Department of Revenue to pay the public contract tax. The Contractor and all subcontractors will be required to have a certificate of registration from the Employment Relations Division of the Montana Department of Labor and Industry in the proper classification. The successful bidder must contract to give preference to the employment of bona fide residents of Montana in the performance of the work. A resident bidder will be allowed a preference against the bid of any nonresident bidder from any state or county that enforces a preference for resident bidders equal to the preference given in the other state or county.

All sealed bids, **plainly marked as such**, must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, on or **before 5:00 p.m. on May 7, 2008**. Bids will be opened and read at 9:30 a.m. on May 8, 2008 in the Commissioner's Office in the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

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

Dated this 22nd day of April, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish April 26 and May 3, 2008.

CALL FOR BIDS

Notice is hereby given that sealed bids for the crushing and stockpiling of gravel at one Flathead County gravel pit will be received by the County Board of Commissioners of Flathead County, Montana.

The work contemplated consists of crushing and stockpiling the following:

Approximately 100,000 tons of 3/4" inch minus crushed gravel at the Shepherd Pit. Crushed material to meet Montana Department of Transportation Standard Specifications for Road and Bridge Construction, 1995 edition, page 388, Table 701-10, Crushed Top Surfacing Type "A".

PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVES

<u>Sieve Size</u>	<u>Grade 2</u>
3/4"	100 %
No. 4	40-70 %
No. 10	25-55 %
No. 200	2-10 %

Change Article 701.03 (A)(3) to read not less than 60% of coarse aggregate particles by weight shall have at least two mechanically fractured faces as determined by MT-217.

Contractor performs sieve analysis every 1,000 tons.

Actual amounts to be crushed shall be determined based upon unit prices. Crushed material to be weighed by scales on a belt conveyor, and or cross section of stockpile to be done by engineer to verify quantities. Gradation testing shall be conducted by the contractor in accordance with MT-202. All material up to 4 feet shall be crushed; any material over 4 feet will be considered oversize. Location shown on map attached to the Bid Proposal. Material and pit area may be viewed by making an appointment with the Road Department. The exact location of material to crush and of the stockpile will be designated by the Flathead County Road Department at the time of crushing. Contact the Flathead County Road Department if there are any questions or to set up a time to view the crushing site.

Bid proposals must be submitted on a form to be provided for the purpose, addressed to the Board of County Commissioners, Flathead County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, and enclosed in an envelope marked, "**Proposal for Crushing and Stockpiling Gravel.**"

No proposal will be considered unless accompanied by a proposal security in the amount of ten percent (10%) of his bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase and sale of said materials. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order or bank draft issued by a Montana bank, or a bid bond executed by a surety corporation authorized to do business in Montana.

A performance bond will be required for the faithful performance of the successful contractor in the full amount of the bid.

Plans and specifications, forms of contract, proposal blanks, and full instructions are on file and may be obtained at the Clerk and Recorder's office in the Courthouse at 800 South Main, Kalispell, MT 59901.

Time is of the essence. Liquidated damages in the amount of \$100 per day shall be due in the event that the contractor fails to complete the contract within sixty (60) days. This allows thirty (30) days for the contractor to file a public notice of moving and the State change of location notice. Extenuating circumstances will be considered by the County Commissioners for extension of the contract date.

The successful bidder must contract to pay prevailing wage rates set by the Montana Department of Labor and will be subject to withholding of 1% of all payments for transmittal to the Department of Revenue to pay the public contract tax. The Contractor and all subcontractors will be required to have a certificate of registration from the Employment Relations Division of the Montana Department of Labor and Industry in the proper classification. The successful bidder must contract to give preference to the employment of bona fide residents of Montana in the performance of the work. A resident bidder will be allowed a preference against the bid of any nonresident bidder from any state or county that enforces a preference for resident bidders equal to the preference given in the other state or county.

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The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

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

Dated this 22nd day of April, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish April 26 and May 3, 2008.

LIFT LOAD LIMITS

11:26:06 AM & 11:39:41 AM

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Operations Manager Road & Bridge Department Guy Foy, Clerk Kile

Commissioner Lauman made a **motion** to approve lifting of the load limits effective immediately. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to adopt Resolution #2137. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Resolution No. 2137

WHEREAS, the Board of Commissioners of Flathead County, Montana, is responsible for the maintenance of public highways under its jurisdiction;

WHEREAS, said public highways can be seriously damaged or destroyed by deterioration, rain, snow, thawing, or other climatic conditions unless the permissible vehicle weights are reduced;

WHEREAS, the Board of Commissioners of Flathead County, Montana, has the authority under Section 61-10-128, M.C.A., to impose restrictions on the weight of vehicles traveling on public roads under its jurisdiction;

WHEREAS, the public safety requires the immediate imposition of limits on county roads as an emergency measure to prevent accidents and damage to property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Section 61-10-128, M.C.A., that the following load limits shall apply until further order of the Board.

Load limit single axle 7 tons, tandem axle 14 tons, 350 lbs. per inch width of tire, however, at no time will the weight exceed 14,000 lbs. per single axle and 28,000 lbs. per tandem axle. Speed limit as posted.

Load limit single axle 8 tons, tandem axle 16 tons, 400 lbs. per inch width of tire, however, at no time will the weight exceed 16,000 lbs. per single axle and 32,000 lbs. per tandem axle. Speed limit as posted.

The load limit on the following roads shall be 350 to 400 pounds per inch of tire width as marked as well as 35 miles per hour speed limit: (If a particular road on this list has not been marked then no load limit is imposed at this time.)

350 400 pounds per inch of tire.

350 ___ Ashley Lake Road from Highway 2 to intersection with North Ashley Lake Road

350 ___ Ashley Lake Road from Sherman Road to intersection with North Ashley Lake Road

350 ___ Bald Rock Road from Rhodes Draw to Church Drive

350 ___ Beaver Lake Road from Hwy 93 N. to the end of the road.

350 ___ Belton Stage Road from Hwy 2 to Hwy 2.

350 ___ Bierney Creek Road from Hwy 93 to the end of the road.

350 ___ Bitterroot Drive from Highway 2 to Pleasant Valley Road

400 ___ Blacktail Road from Highway 93 to the end of the road.

350 ___ Blankenship Road for the entire length of the road.

350 ___ Boon Road from Highway 93 to end of road

350 ___ Browns Meadow for the entire length of the road.

350 ___ Deer Creek Road for the entire length of the road.

400 ___ Good Creek Road from American Timber entrance off of Highway 93 to the end of the road

350 ___ Grayling Road from Bierney Creek Rd. to Troutbeck Rd.

350 ___ Hoffman Draw from Highway 2 to end of road

350 ___ Hubbard Dam Road from Highway 2 to Crossover Road

350 ___ Idaho Hill Road for the entire length of the road

350 ___ KM Ranch Road for the entire length of the road.

350 ___ Kuzmic Lane for the entire length of the road.

350 ___ Lake Five Road form Hwy 2 to the Belton Stage Road.

350 ___ Lost Prairie Road from Highway 2 to Pleasant Valley Road

350 ___ Lupfer Road from Highway 93 to the end of the road.

350 ___ Martin Camp Road Highway 93 for the entire length of the road

350 ___ McMannamy Draw from Farm-to-Market to the end of the road

350 ___ Olney Loop Road for the entire length of the road.

350 ___ Patrick Creek Road from Foy's Canyon Road to the end of the road

- 350 ___ Pleasant Valley Road from Highway 2 to Lost Prairie Road
- 350 ___ Rabe Road for the entire length of the road.
- ___ 400 Rhodes Draw from Farm-to-Market to the end of the road
- 350 ___ Rogers Lake Road from Highway 2 to Sickler Creek Road
- 350 ___ Sickler Creek Road from Highway 2 to Rogers Lake Road. .
- 350 ___ South Fork Road from US Hwy 2 to Spotted Bear Road.
- 350 ___ Springcreek Road from Hwy 93 to the end of the road.
- 350 ___ Tamarack Creek Road from Hwy 93 N. to the end of the road.
- 350 ___ Thompson River Road from Highway 2 to County Line
- 350 ___ Truman Creek Road for the entire length of the road.

Variances may be granted by permit obtained through the County Road Department.

BE IT FURTHER RESOLVED, that this resolution shall be effective April 22, 2008, and shall be in effect until load limits are removed by motion of this Board.

Dated this 22nd day of April, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

- 12:00 p.m. Commissioner Hall and Lauman to Kalispell Chamber of Commerce Luncheon @ Red Lion**
- 2:00 p.m. Commissioner Lauman to Refuse Board meeting @ Solid Waste District Office**
- 7:00 p.m. Commissioner Hall to U.S. 93 Whitefish West Team Citizen's Work Group meeting @ Whitefish Library**
- 7:00 p.m. Commissioner Lauman to Montana for Paved Roads meeting @ Kalispell Jr. High School**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 23, 2008.

WEDNESDAY, APRIL 23, 2008

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

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

Steve Rosso, 1889 Medicine Rock Lane read a prepared letter that stated:

I am very concerned about the impact on Flathead Lake and the environment of the north shore from the proposed North Shore Ranch Subdivision. I agree with many other concerned citizens that these issues should be reason enough for you to deny this application. However, I would like to take this opportunity to influence your decision from another perspective. Across America the dream of financially successful home ownership is turning into a nightmare for many. People made poor financing choices on homes with unjustifiably inflated values. In many cases this was a result of unethically aggressive sales agents and mortgage providers. Now there is a call for regulations, locking the door after the horse was stolen. Flathead County has an opportunity to be proactive and prevent future problems like this in our valley by stopping this development. California and Utah are states we often think of when we hear of earthquakes; however, the earthquake risk in the Flathead Valley is as high as many locations in those states. The latest International Building Codes have expanded the design requirements to better protect buildings from failure under seismic forces. Designers are now required to consider soil properties when determining the seismic design category. Soils with high moisture content, like the soils at this site, can increase certain earthquake forces by as much as a factor of three. Although I cannot say I know the level of seismic risk on the north shore of Flathead Lake, I believe it is significantly higher than other locations in the valley because of the soil type and high water table. Whether there is an earthquake or not, the point is, homes built on much of this site are destined for foundation settlement, sinking and shifting. This high risk of structural damage along with potential for flooding greatly increases the probability that the future home owners in this development will lose value in their investment and create a problem for the local economy. We all share risk through taxpayer supported and private flood, earthquake and general homeowner insurance. To allow a significant number of homes to be built in a high risk location is terribly irresponsible, especially when there are so many locations available with much lower risk. The pattern followed lately by Flathead County has encouraged development on land far from our urban centers with poor conditions for high density development, because developers can buy it cheap and make big profits. These developers bought agricultural land and are now proposing to have homes built on these lots that have ground water within a few feet of the surface, and that were nearly flooded six times in the last 75 years. They need to be told by you, that they still own agricultural land. You must send a message to all the developers in this county that if they want to create a high density subdivision they must start with land close to the urban centers on soil and in an environment suitable for high density development. You must deny this application.

Sean Averill, stated North Shore Ranch team has spent many hours designing what they believe is an ideal rural community that respects the land, and also creates an inviting place for families to live. He then noted they held numerous public and neighborhood meetings and appreciates and respects the checks and balances, as well as the public debate that goes into the process; with it actually making their project better by giving them time to pause and go back and do more studying. Averill

added that as you know the Planning Board met twice to review all the information and after reviewing the information gave a 5-1 recommendation for approval. He then stated they feel they have gone above and beyond the subdivision regulations and the letter of the law, and have done voluntary things that no developer has done in this valley. It was further stated that an accurate and well reasoned staff report is the product from the amount of time they put into designing the community and is also a testament of the effort the county put into reviewing it.

Linda Winnie, 1450 Roger Lane stated that she came in to discourage approval of North Shore Ranch development. She then added she had nothing new to add, that they already had a tremendous amount of information before them, which gives them good reason to deny the development. Winnie stated this is a very special place and we have an opportunity to preserve the north shore of this lake; with it being one of the few shores of a major lake in this country that isn't developed yet.

Mayre Flowers, Citizens for a Better Flathead said they had a lot of information in front of them and then pointed out under 4.7.12 in the subdivision a regulation that reads:

Land subject to high ground water shall be identified in a written analysis of the projects area likely to experience subsurface flooding due to rising ground water by a licensed professional engineer or hydrologist and mapped accordingly.

Flowers continued with saying no where in the staff report is the subdivision regulation addressed. She then said they could find no reference to ground water rise and flooding as a discussion which is required, nor could they find a map of the potential area where ground water rise could occur. It was stated you have testimony from individuals who have worked that land and testified on the issue of ground water rise and flooding in the area.

Keith Simon, Hwy 82, North Shore Ranch thanked the county for the process at the Planning Staff and Planning Board level. He then added it has been a long arduous process with the checks and balance system working and they are appreciative of it. Simon stated they have addressed everything they can and then some.

Tamara Tanberg, Lakeside Parks Advisory Committee asked for support from the Commission to purchase a piece of property on Flathead Lake. The parcel is 4 miles south of Lakeside in Deep Bay and the owners would like the property to be put into public use. Tanberg further explained they have contacted the State Senators and Representatives and everyone else that they could think of to help fund the project.

Janet Downey, 1125 Sunnyside Drive voiced her opposition to North Shore Ranch and stated she felt it is a terrible idea.

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

QUARTERLY MEETING W/ BOBBIE KELLY, RSVP

[9:02:09 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

RSVP Director Bobbie Kelly, Clerk Kile

General discussion was held relative to concerns with changes made at RSVP. Kelly then reported a United Way Grant has been submitted and the candy sales went well with a profit of around \$2,000.00. She then stated they received a cut in their federal budget that will be devastating to them and they will have to spend more time in fund raising if they continue to get cut. She then noted they are hoping to develop an endowment fund that would sustain them with ongoing cuts in funding.

MONTHLY MEETING W/ MONICA EISENZIMER, ELECTION DEPT.

[9:14:55 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall (seated) [9:17:38 AM](#)

Others present:

Recording Manager Monica Eisenzimer, Clerk & Recorder Paula Robinson, Clerk Kile

Eisenzimer reported that she and Paula attended a training seminar in Minneapolis on elections. She then presented a report with the latest voter registration totals which are still around 55,000. It was then noted Election Judge training will start soon and will be held at the Fairgrounds this year. Discussion was also held relative to mail ballot elections.

DOCUMENT FOR SIGNATURE: POLLING PLACE CERTIFICATION

[9:25:32 AM](#)

Members present:

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

Others present:

Recording Manager Monica Eisenzimer, Clerk & Recorder Paula Robinson, Clerk Kile

Eisenzimer reported on the precincts that were moved which included Precinct 47 and 20 to the Golden Agers in Whitefish and Precinct 25 and 50 to the Expo Building.

Commissioner Lauman made a **motion** to approve the polling place certification document. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

MONTHLY MEETING W/ DAVID PRUNTY, SOLID WASTE DISTRICT

[9:30:50 AM](#)

Members present:

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

Others present:

Solid Works Director David Prunty, Operations Manager Jim Chilcote, Clerk Kile

Prunty reported that have seen a 24 percent reduction in landfill tonnage and 18 percent reduction from the container sites from March 2007 to March 2008. He then noted they are getting less construction refuse with contractors having recycle bins. It was also reported the RFQ for the Gas to Energy Project was awarded to Flathead Electric in which CREB's interest free money will be used to build the facility. Prunty stated a field trip was made to the Marion and Kila container sites by the Solid Waste Board in which input was received from those using the site. Discussion also included scavenger hunting at container sites, prescription drug program and the preliminary budget for Solid Waste.

BI-MONTHLY MEETING W/ JED FISHER, WEED/ PARKS/ MAINTENANCE

[10:00:04 AM](#)

Members present:

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

Others present:

Weed & Parks Director Jed Fisher, Clerk & Recorder Paula Robinson, Finance Comptroller Joe Garza, GIS Director Mindy Cochran, Recording Manager Monica Eisenzimer, Plat Room Karen Yerian, Records Prevention Manager Jan Hardesty, HR Director Raeann Campbell, Clerk Kile

Jed Fisher reported a clean bill of health has been received on the Courthouse. He then added the Courthouse Staff has concerns in regards to the historical value of the Courthouse and some of the work that is proposed by Johnson Control's in relation to exposed duct work for the heating and air condition system to be installed.

Jan Hardesty, Records Prevention Manager then read a prepared letter.



The historic Courthouse is one of the major visible elements of the heritage of Flathead County and as such it is the heart of the Courthouse Historic District, a 100 acre area of Kalispell consisting of 18 buildings in the 500 - 800 blocks, inclusive, of Main Street. This district was entered into the National Register of Historic Places in 1994. To be included in the National Register, a district or building must have a significant place in American history, architecture, archaeology, engineering or culture. This significance is present when the building or district possess "integrity of location, design, setting, materials, workmanship, feeling and association," and, among other criteria, is "associated with events that have made a significant contribution to the broad patterns of our history or that embody the distinctive characteristics of a type. Or method of construction...." (*National Register of Historic Places, Frequently Asked Questions, <http://www.nationalregisterofhistoricplaces.com/faq.html>. Accessed on April 22, 2008*)

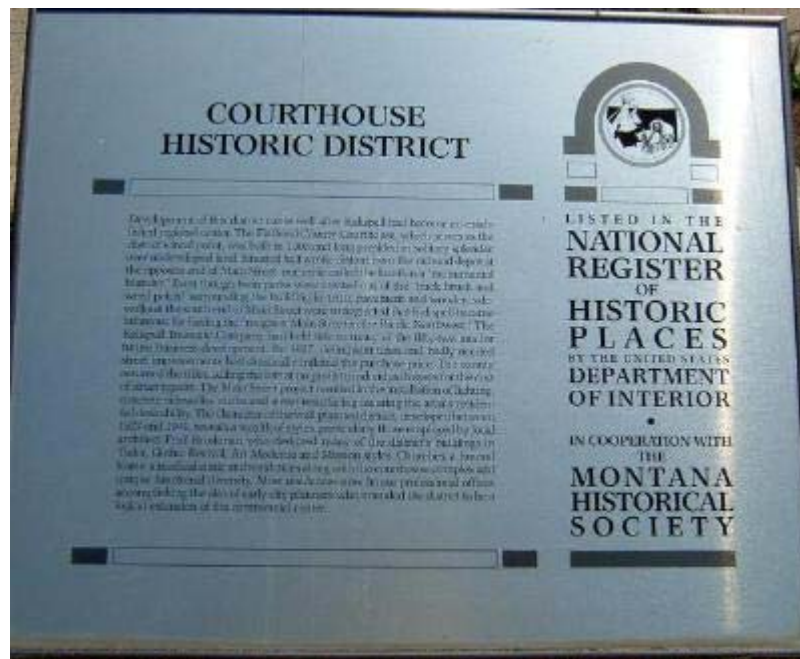
While it is incumbent upon us as stewards of the taxpayers' money to be fiscally responsible, this must be balanced with our mandate from those same taxpayers to preserve and protect their irreplaceable heritage. The current construction project underway at the Courthouse has been very well thought out fiscally, but the significance of its historicity has not been so thoroughly considered. One example of this lack of proper consideration is the plan to remove sections of the etched glass panes and their oak framing from over the counters on the first and second floors. These panes are a graphic illustration of what life in the Courthouse was like at the time it was built. It is difficult for us to imagine that there was once a time when "our" County Government Offices could all function in such a small area. These panes are a visual reminder of the most important reason for saving "our" courthouse as articulated in a statement by John Ruskin: "Architecture is to be regarded by us with the most serious thought. We may live without her and worship without her, but we cannot remember without her."

This building does not belong to us to make and mar it as we see fit for our own convenience, rather, it is held in trust for present and future generations. People's lives and their families' lives have been intertwined with this building for nearly 106 years. It has been the home of local government and a place of civic pride and celebration. People have enacted the tragedies and triumphs of their personal lives here. This building has given people a place to vote and to declare land ownership. It has seen the happiness of families as they registered births and their sadness as they registered deaths. Its old courtroom has seen weddings, adoptions, divorces, lawsuits and murder trials. This building belongs to the taxpayers of Flathead County and their families.

One small example of this ownership is illustrated by an event that happened in the summer of 1998 when a boy came to our Courthouse with his parents and was told to "look at these stairs, Jason. Your great-great-grandfather walked up these stairs. In fact, Walton Blake was one of the lead brick masons on this building. Every time we drive past here, you think about how proud he would be to know that his great-great-grandson can still walk into and enjoy a building that he helped to build and in it, touch things he touched. As long as this building stands, you will never forget him."

In closing: as the stewards of "our" courthouse let us exercise caution in the planning and execution of any renovations, so that we preserve the marks left on "our" county landscape by the many people who have shaped it.

We need our collective memory.



Submitted for Official Public Record on April 23rd, 2008
Presented To: Flathead County Board of Commissioners
Presented By: Paula Robinson, Clerk and Recorder and Staff

Paula Robinson then stated that Jed Fisher and his staff have worked well with them in doing what is asked. She then added that she understands the energy project will move forward, however, she is asking that more stringent consideration be made regarding the methods and materials used to minimize the impact of the historical integrity of the courthouse building.

Karen Yerian commented that many citizens who come into the Plat Room comment on the historical courthouse building and she wonders what the comments will be when they see the proposed duct work that they were told by Johnson Controls will be nothing short of gorgeous. She then added that she knows it is for the employees benefit and appreciates the consideration that was made for our comfort and well being, but feels we really need to consider the esthetics a little bit more.

Chairman Hall noted that it was decided to move forward with the project in order to make it a more comfortable environment for the employees and public and that it is a big expenditure.

Jed Fisher then added that it is a \$700,000.00 project and the reason the duct work is proposed to be exposed is because they cannot fit the equipment into the 4 inches of space in the ceilings. He then added that after the concern expressed from staff and Paula Robinson he spoke to Johnson Controls in regards to the duct work and with the savings from the Justice Center and Earl Bennett Building there is an \$80,000.00 fund that could be used to put in suspended ceilings below the duct work for everything that is exposed, so it can be rectified if that is your choice. He further said that he understands the importance in keeping the historical value of the Courthouse.

Chairman Hall said that they would want the suspended ceiling to fit with the character of the building somehow.

Paula Robinsons said they would take before pictures so they would know what they are tearing down, and added that she would like the glass work and wood work to be saved.

Jed Fisher emphasized that there is absolutely not enough room on the lower level to do any suspended ceilings that this would only be feasible on the 2nd and 3rd floor.

Paula Robinson responded by saying then we would need to paint.

Discussion was then held relative to a structure analysis report that is forthcoming.

Paula Robinson stated that as the Election Administrator she has banned the contractors from the building until after the election process is over; although security cameras will be on the ballots 24 / 7, she further stated she cannot take the risk of having someone; even with backgrounds checks in the building in off hours.

Jed Fisher said that with the project being postponed until August that it will only affect the employees comfort and that he will try to do his best to stop any increased cost from Johnson Controls.

Commissioner Brenneman added that if we are going to do a complete renovation within the next few years there would be no sense in putting a whole new set of ceilings in and then tearing it out.

Paula Robinson recommended the plans be passed through the Montana State Historical Society

PRELIMINARY PLAT: NORTH SHORE RANCH

[10:18:19 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Deputy County Attorney Jonathan Smith, County Attorney Ed Corrigan, Eric Mulcahy, Sean Averill, Stacey Averill, Heidi Rauch, Dan Leatzow, Marilyn Wood, Stacy Allen, Dawn Tacke, Cheryl Lee, Megan McRae, Mahar Mohn, Robin Steinkraus, Mike Wazton, Rachel Klempel, Susannah Casey, Tom Cowan, Ed Kenfey, Josh Smith, Alex Strickland, Bruce Young, Ardis Larsen, Gary Winship, Pat Arnone, Lynn Pearce, Larry Cutrone, Rose Cutrone, Kurt Hafferman, Nick Fucci, Francis VanRinsum, John VanRinsum, Mitch Booth, R. A. Fraser, Linda Christensen, Tom Sands, Ken Kalvig, Sharon Treweck, Jeannie Sattler, Jim Clark, Jane Senter, Randy Oursby, Bruce Gryniewski, John MacDonald, Robert Rosso, Tamara Tanberg, Keith Simon, Marc Spratt, Mayre Flowers, Roger Siblerud, Larry Brosten, Paul Hein, Marcy Mahr, Eric Hummel, Ed Blackler, Randy Overton, Suzy Williams, Harry Woll, Bill VanCanagan, Keith Simon, Clerk Kile

Planner Grieve noted that Staff Report FPP 07-32 had been previously submitted to each of the Commissioners for their review and did now review the entire application. He did state the Planning Board held a public hearing on North Shore Ranch on March 26, 2008 at which time 32 citizens had public comment. Public comment was then followed by applicant rebuttal to address the public comments, and after the public hearing was closed the Planning Board moved to reconvene on April 2, 2008 for consideration, discussion and recommendation, at which time a recommendation of approval of North Shore Ranch on a 5-1 roll call vote was passed.

For the record the application was submitted by Kleinhans Farm Estates with technical assistance from Sands Surveying, Carver Engineering, Epikos Design and RLK Hydro for preliminary plat approval of North Shore Ranch Subdivision; a proposal to create 290 single family residential lots on 367.470 acres, creating a gross project density of 1 unit per 1.27 acres. Approximately 179.9 acres of the project will be designated as open space in the form of parks, ponds and trails with residential clustering on the remaining 187.57 acres. The lots will be served by a public water system to be constructed by the development and owned, operated and maintained by the Lakeside County Water and Sewer District. This project borders approximately 1.6 miles of the south side of Hwy 82 beginning approximately .25 miles east of Somers Road and extending east to a point approximately .6 miles west of the intersection with Lower Valley Road. All of the subject property within .25 miles of Hwy 82 is within the scenic corridor zoning overlay and land outside of this overlay is unzoned. Access to the lots is from a proposed internal subdivision road system, which includes a main horseshoe road, four loop roads and eight cul-de-sacs. The internal subdivision road system will connect to Hwy 82 at 3 locations.

Commissioner Brenneman questioned a document prepared by RLK Hydro, in which Mark Spratt stated the document was prepared by his company.

Mark Spratt then added that he has a Masters Degree in Ground Water Quality and a Bachelors Degree in Forest Water Shed Management, Randy Overton has a Degree in Forest Water Shed Management and 30 years experience and Dr. Leatzow has a PhD in Chemical Engineering along with several other degrees. Spratt then named a couple of other individuals that were involved as Greg Davis who has a degree in Geological Engineering and Mical Siemens an Environmental Engineer.

Commissioner Brenneman then asked if this group would be described as Engineers.

Mark Spratt noted that they would be considered Scientists and Engineers.

Commissioner Brenneman then asked what the instructions are on how to do a hydro analysis.

Mark Spratt said in this particular case they were to find out how this particular site operates and there were no sideboards in terms of what questions they were suppose to answer, or how they were suppose to go about doing it. He then added what they tried to figure out is what questions the planning process was attempting to address, and they then made recommendations to the owners on how they thought it best to go about doing that, and were given unrestricted authorization to address the questions.

Commissioner Brenneman then asked if when they were doing the analysis if it is required that everything discovered or observed is put in the report, or if it is possible to only put in the things that are important for the planning process.

Mark Spratt said that everything they collected in terms of data, and every analysis that they ran is in the report. He then added they did not select information that they thought was most useful for the project.

Commissioner Brenneman then said that you then would be willing to take this report to a scientific body and say we did this report on this ground and this is what is there.

Mark Spratt replied with absolutely; that they do a significant amount of public policy work and litigation, and frankly their ability to do that is in part because they try to produce unbiased scientific opinion. It was stated that if you ask any scientist they will tell you they never have enough data. Spratt added that their ability to continue doing work depends on their work being able to withstand critical review.

Commissioner Brenneman asked those that worked on the project if they could find something that would indicate that the project would not be good for the piece of property, in which Brenneman stated that he could not find one.

Mark Spratt then asked if he was asking the question from a hydrological point of view, in which he added that he doesn't believe there is any scientific evidence that says the project is not appropriate for this particular parcel.

Commissioner Brenneman then asked if not a single thing, in which Spratt stated not based on hydrology. Brenneman said that you do a fair amount of work with fertilizer and the possibility of ground water contamination, and asked if his conclusion would be that there would probably be less likelihood of contamination by a residential development than what exists through agricultural practices.

Mark Spratt said based on the best available information or best ability to estimate what the future use might be, it appears from a nutrient point of view they would be putting an equal amount or more likely a less amount of nutrients on site, and because of the characteristic of the shallow ground water system it appears that anything that might be placed on the ground is going to stay on site, and most of it will get digested or in some fashion immobilized in terms of contaminants.

Commissioner Brenneman then referred to a chart on page 21 (Fertilizer Content Application Rate) that references fertilizing content application rates that the data used came from.

Dan Leatzow noted that the calculation rate he used is what is suggested from the manufacturer.

General discussion was held relative to the application rate of lawn fertilizer.

Dan Leatzow stated that in his professional opinion that over time we would not see an increase in contamination of shallow ground water.

General discussion was also held relative to ground water and root systems.

Commissioner Brenneman asked if he poured water into the ground and none of it evaporated where it would go to.

Mark Spratt said that it does evaporate to some extent, and that is why you see some of the salt deposits scattered around the wetlands that carbonate and have a white color to them. He further said that what seems to happen on this particular site is that the bulk of the water that enters the ground water system is either evaporated directly which is common in confined aquifers, or it is pumped out by the plants, and that is where most of the water from that site goes.

Commissioner Brenneman questioned the phrase confined aquifer.

Mark Spratt explained that the top of the aquifer is open to the atmosphere, which means there are pores in the soil that extend from the ground surface down to the saturated layer.

Commissioner Brenneman then questioned the statement that the ground water is affected by rising or lowering of Flathead River and the Lake.

Mark Spratt stated on the peripheral of the area modeled they measured no correlation; the nearest level they had to the lake was near the southern border of the project, and it was about 1,800 feet from the actual lake surface, and there was no correlation between the water level in that well, and the water level in the lake. He then noted when the ground water came up the lake went down, and when the ground water went down the lake came up, which is consistent with all prior research that started in 1925. He then spoke about wells close to the river that are 300 – 400 feet up to the maximum of ½ mile, where the water levels in the well fluctuate with the river or the lake. When you get beyond that point there is no correlation what so ever with lake level and ground water elevation. Spratt then stated that Randy Overton and Greg David spent a very long time creating a digital model trying to figure out how this could be true, and what they ended up with was a ground water basin that moves up and down with the climate, and on the very edge of the model right next to the lake they have what is part of the WPA; a trough that seasonally forms, and in essence there seems to be very little if any exchange of water between the lake and the ground water system, which is consistent with all prior research that has been done.

Commissioner Lauman spoke about a reference on page 43 in regards to a northerly flow in the direction of ground water in that it fluctuates, in which Mark Spratt stated that it is correct.

Mark Spratt then stated that all the detail, modeling and prior work that has been done seems to give the same answer in that the ground water flow on the site is controlled by climate, (basically snow melt) and flows either parallel to the lakeshore right next to WPA, and at most of the site it actually flows more to the north east and even east, but it is away from the lake and not towards the lake.

Commissioner Brenneman then said that you have described the land as being held basically in a bowl, and questioned if that is where alkali flats come from. He further said when you irrigate and there is no place for the water to go it tends to migrate across until it comes up and then it evaporates, and leaves behind all the things that produce the soil toxicity in alkali flats.

Mark Spratt stated that in general terms that is correct. He then explained that it is ground water that migrates to the surface and evaporates, and as the ground water moves to the surface it brings minerals with it, hits the surface and evaporates and you either end up with white or black deposits.

Commissioner Brenneman then asked Dan Leatzow if he factored in the increased rate in which people tend to irrigate their lawns as compared to agricultural irrigation in his model.

Dan Leatzow explained that the one used for water application was for a typical precipitation profile.

Commissioner Brenneman asked if a calculation was made for extra irrigation to lawns.

Dan Leatzow said in terms of water application that it was not included since there was not any basis for it. He then said in terms of further research it certainly is possible, and in terms of the kinetics or rates at which nutrients disappear, and the activity of the soils in terms of chemistry, that it is unlikely to have a substantial impact.

Commissioner Lauman asked Mark Spratt if he knew the depth of Mr. Klinatz's deep water well that was used for irrigation.

Mark Spratt stated that his irrigation came out of Flathead Lake, but that they did drill a well that was approximately 715 feet. He then noted they didn't hit anything until 695 feet which came as a shock, because on either end Mr. Dedman's well was more like in the vicinity of 400 feet. Also noted is that they drilled through lake deposit clay all the way to 695 feet, and the water level in the well as of a month ago is actually above the ground surface about a foot; with it being a confined system protected by 300 to 400 feet of clay.

Commissioner Brenneman then asked about subsidiary motion #6 that states: PP&L currently owns a flood easement that includes lands within the proposed North Shore Ranch Subdivision.

Planner Grieve explained that to the best of his knowledge when Kerr Dam was built, the owners (Montana Power Company) went around the lake and negotiated easements on properties that they felt if they were to raise or lower the lake level could be flooded; these were flood easements. He then noted they have copies of these flood easements. Grieve stated that he received a phone call from PP&L's attorney in Missoula to notify him that the easements existed, and that there were three possible ways the lands around the lake could be flooded. When he called Kerr Dam to ask about the operation of the Dam he was told they have a federal energy regulatory commission license, which prevents them from exceeding 2893 feet above sea level on the Somers datum. He was told in the event the Army Corp of Engineers were to come and tell them differently that they are only held to the FERC license, not to the Army Corp of Engineers. The Army Corp of Engineers has the authority to do what they deem necessary for their mandate. PP&L is interested in keeping the flood easements, because if they are instructed by the Army Corp of Engineers to allow the lake level to rise they still hold the easements; even though their FERC license says they cannot rise about 2,893 if they do or it happens beyond their control, they cannot be sued by the people where the easements exist for flooding their property. He then stated the Planning Office and County Attorney's have reviewed the easements submitted, and have determined they are legal and that they do say the land can be flooded; there has been discussion as to what elevation the land can be flooded and there is a FERC license that says Kerr Dam can not be raised. He further added there are hydrological issues such as the presence of Hungry Horse Dam that controls the South Fork, and since Hungry Horse Dam and Kerr Dam have become hydro logically functional, there has only been one event that raised the elevation of Flathead Lake above base flood elevation (which is set by FEMA) 2893.9 and the 1964 flood amounted to 2894.29 (above FEMA by .33 feet).

Commissioner Lauman said if they raised the lake to higher flood elevations that would also include North Shore Harbor and the low lying areas on the Bigfork side, and that it would be unlikely they would raise the lake with all the high end housing development. He then noted that he realizes the easements are there and that it is possible. He then noted they each have done a lot of work in reading all the input that has been put forth to them on North Shore Ranch. Lauman then referred to a letter from the US Department of Interior Fish Wildlife & Service, dated April 22, 2008 in which he read:

Ideally the service does not support additional development next to water fowl production areas, however, we do support the individual rights of private property owners. The goal of our office is to minimize impacts to wildlife and other natural resources while working cooperatively with local developers.

Commissioner Lauman continued with he feels this is a huge statement from the national level, in that they realize there are private property rights involved. He then said from reading all the information there is concern in regards to hunting and doesn't feel hunters would hunt the flatland with big game rifles. He further noted they have created a buffer along the water fowl production area and doesn't feel domestic animals would be a problem if addressed with covenants. Lauman stated there are a lot of emotional issues with North Shore Ranch, but in reality you need to sort the emotional issues from the factual issues and they need to judge their decision based on the facts. Also noted was he would be more concerned if the proposed development was not on a sewer system.

Commissioner Brenneman stated that he agreed with the findings of fact and could live with all the findings proposed by the Planning Board with the development having some really good things in it; but he doesn't feel as a matter of policy that they could approve a preliminary plat on a piece of property that has flood easements on it. He then added with findings of fact 39, 43 and 48 proposed by the Planning Board if they were to adopt them that...

Planner Grieve then noted that finding of fact 39 was based on inaccurate data and has since been corrected. The 2.1 foot higher value was based on an inaccurate data point given to him by the Flathead Biological Station and has been revised.

Commissioner Brenneman then said that even as the Planning Board changed that the finding of fact states this is an area of property that has a 100% chance of flooding within 500 years, and for those reasons he cannot support the preliminary plat, but can support the findings of fact.

Chairman Hall stated that he respected the amount of scientific evidence that has been gathered and feels the design team has done a fabulous job and have gone above and beyond. He then said that as he reviewed the project it didn't take him long to find specific issues that he has a problem with, which included: impact on wildlife, seismic issues and flood easements. Hall then read a portion of MCA 76-3-608 with states:

- (1) The basis for the governing body's decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrates that development of the proposed subdivision meets the requirements of this chapter. A governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services.
- (2) The governing body shall issue written findings of fact that weigh the criteria in subsection (3), as applicable.
- (3) A subdivision proposal must undergo review for the following primary criteria:
 - (a) except when the governing body has established an exemption pursuant to subsection (6) of this section or except as provided in [76-3-509](#), [76-3-609](#) (2) or (4), or [76-3-616](#), the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety;

Chairman Hall continued with this is what drives them at this level in their decision making process. He then noted that Kerr Dam can actually override FERC (which is the Federal Energy Regulatory Commission) and if we have an event, which we will; it is only a matter of time then the Army Corp of Engineers can over ride Kerr Dam who can only raise the water level so high, and FERC can come in any time and flood the area; that is why the flood easements are in place, which is a health and safety issue that we can't ignore. He then added that basically why they have the flood easements is so PP&L will not be liable for plaintiffs property over and above the level set, and it says no where that a county would be exempt from litigation for approving a subdivision where there are flood easements.

Eric Mulcahy then explained that the flood easements are all around the lake and on most of the properties. He then added that surveyors in his office run across them in their chain of title searches all the time. He further explained the easements state that they can flood to 2893 based on the Somers datum as Grieve previously stated. If you look at the flood plain elevation and compare apples to apples it is 2893.9, which is the 100 year flood plain as determined by FEMA, which they have placed on their plat. If that is compared to the 29 datum which their survey is in the 100 year flood plain is 2892.9 and the high water that the dam can be held at it 2892. They are the same water elevations, just 2 different numbers based on 2 different datum's. He continued with Grieve went on to state in his report that the only event since the implementation of the dams they have on record is the 1964 flood event which exceeded the 500 year flood, which was 3.3 tenths of a foot above the base flood elevation. They are proposing that the homes be elevated 2 feet above the natural ground level for stability and other issues. The flood easement is a catch all for any event unforeseen in that your property can be flooded above the 2893 in perpetuity, which seems no different than having property in Evergreen or anywhere along a lake or river which is subject to flooding. When you return to the health and safety issue basically Flathead County regulates to the 100 year floodplain, which has been addressed and as some communities around the country have regulated to the 500 year flood plain. Mulcahy then said as Commissioner Lauman stated there will be a lot of properties susceptible to flooding around the community.

Chairman Hall then noted that would not justify them approving a subdivision in harms way.

Eric Mulcahy stated that it would only be in harms way if we were to have an unforeseen event. He then added that the same event could be applied to portions of Bigfork, Lakeside, Evergreen, Columbia Falls and countless subdivisions that have been approved over the years that are more susceptible to flooding than North Shore Ranch Subdivision, and to him the easement is not an issue, and is covered by the regulations which you are allowed to review subdivisions under.

Chairman Hall then spoke about seismic events (liquefaction) and read from the Flathead County Subdivision Regulations Chapter 4.7.4 that states:

Lands on which there is evidence of hazards such as flooding, snow avalanches, rock falls, land slides, steep slopes in excess of 30% or more grade, subsidence, high hazard fire areas, high water table, polluted or non-potable water supply, high voltage lines, high pressure gas lines, air or vehicular traffic hazards or congestion, or other features which may be detrimental to the health, safety or general welfare of existing or future residents, or where development would place unreasonable burdens on the general public including the requirements of excessive expenditure of public funds or environmental degradation shall not be subdivided for building or residential purposes, unless the hazards or eliminates will be overcome by approved design and construction plans.

Chairman Hall continued with saying that Montana is one of the most seismic active states in the United States. He then reviewed statistics of seismic events in Montana and stated that we in the Flathead are past due for a significant earthquake with a magnitude of 6.5 or greater. In the geotechnical assessment of the subject property performed by CMG Engineering and submitted with the application, the Engineer states that the potential of liquefaction during the design level of an earthquake is one of a variety of listed typical concerns with residential construction on the type of soils present on this subject property. Hall then said according to the USGS Website that liquefaction can be defined as a physical process which can occur during an earthquake when clay free soil temporarily loses strength resulting in ground failure. Liquefaction occurring beneath buildings and other structures can cause major damage during earthquakes; although earthquakes in Flathead County are uncommon and relatively minor in recent history and the risk proposed by liquefaction seems remote at this time, it seems irresponsible for staff to ignore. Hall then read project specific conditions #20 (d) that states:

Residents are advised that according to the geotechnical assessment that was conducted on the subject property, liquefaction on the subject property during a seismic event is a typical concern associated with the soil type and depth to groundwater on the subject property. As a result, structures should be designed by an engineer and built accordingly.

Chairman Hall then added that once this gets to final plat there is no way for them to require that an engineer design the structure. He then suggested that it be changed to: As a result, structures shall be designed by an engineer and built accordingly.

Josh Smith with CMG Engineering said that 9 borings were done on the property and that liquefaction is a concern in the upper 50 to 100 feet of soil, and once it is below that it is determined that it doesn't really happen. He then noted that in a residential neighborhood it would not swallow up the homes, however, if it is not mitigated they would end up with settlement.

Chairman Hall said that then with his understanding that it would turn into "jello" liquefaction if not designed right, which would require putting pillars down in the ground until you hit bedrock and then building on that. If it is not built that way and a seismic event happens then the foundation would sink down to where it settles.

Josh Smith said in the design level earthquake with that type of soil it could settle a couple of inches; however, you can mitigate that by stiffening up foundations.

Chairman Hall then said for the record you stated it could settle a couple of inches and I question that when you have that depth of that type of soil.

Josh Smith replied that it is a matter of how the soil is sitting there now and that it is a percentage thing. He then explained it as thinking about a bucket of rocks; when you hit the side of it when they are all the same size it settles down a little bit.

Chairman Hall then said that his concern is if the subdivision is approved and there is a seismic event, and the homes all settle between two to six inches then all of a sudden you have litigation.

Josh Smith noted that what is being proposed is that in the CC&R's that a geotechnical analysis be signed off by a Geotechnical Engineer having visited each site.

Chairman Hall then spoke about wildlife and wildlife habitat as defined in Chapter 2 of the Flathead County Development Code as "Living animals which are neither human nor domesticated" and "A place frequented by wildlife or site where wildlife naturally lives". He then noted the subject property borders 2,370 acres of the Flathead Waterfowl Production Area that is managed by USFWS to provide wildlife habitat and recreational opportunities for visitors and to maintain healthy native vegetation of wetlands and upland areas for ecological purposes.

Planner Grieve noted for the record the above definition was taken off the USFWS Website and during the public hearing a representative from FWS corrected the definition.

Chairman Hall added that agencies have had plenty of time in working with land trusts in striking a deal and have not come forward with a deal and questions why. He then said finding of fact #32 states:

The proposed subdivision will have a negative impact on some species of wildlife on adjacent federal lands, because both the wildlife report submitted by the applicant and agency comments from Montana Fish, Wildlife and Parks state some species that are sensitive to the presence of humans would be displaced by the proposed subdivision and development.

Chairman Hall noted that a subsidiary motion #9 was made to add a new finding of fact #57 which states:

During the public hearing on March 26, 2008 Montana Fish Wildlife and Parks provided additional relevant information related to findings of fact #32 through #36 related to wildlife and wildlife habitat significant.

Chairman Hall then proposed to change finding of fact #32 to state:

The proposed subdivision will have an **unacceptable** negative impact on some species of wildlife on adjacent federal lands, because both the wildlife report submitted by the applicant and agency comments from MFWP state some species that are sensitive to the presence of humans would be displaced by the proposed subdivision and development.

Commissioner Lauman noted that he lives in a development north of Lakeside with 102 homes and 1,500 feet of lakeshore and the geese seem to hatch very well in their development. He then said that he would like FWP to come to his development and address their goose problem.

Chairman Hall stated that they need to have language in their findings to support denial if they decide to go that way.

Commissioner Brenneman noted that there is such language presently existing in the findings if the amendments from the Planning Board are included. He then added that he would not support a change in findings of fact #32.

Eric Mulcahy stated the Wildlife Biologist on the team was out of State and noted that they did take very seriously the wildlife issue with part of the team meeting with FWP on many occasions and thought they had many issues resolved through them, and the night of the public hearing they saw other issues raised. He further said that they have placed almost half of this project in open space that will be managed in a number of different ways; 5 acres will be used for food plots, some of it manicured for ball fields and a lot of it re-vegetated in native grasses. Mulcahy then explained the buffer areas, so hunting with shotguns could continue, and added that they will probably end up providing more habitat for bird species with the development than there currently is under the farming practice. He also discussed domestic animals that will be covered in CC&R's.

Chairman Hall then stated that his major issues are still the same with the impact to wildlife, seismic issues and flooding.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP 07-32 as Findings of Fact with amended conditions as proposed by the Planning Board. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman noted that despite efforts by the developers there are adverse impacts that cannot be mitigated and the fact that as a matter of policy we cannot approve a subdivision on lands that they have a legal easement to flood and as was pointed out by Chairman Hall earlier there is no guarantee that Flathead County would not be sued if the land were to be flooded.

Commissioner Brenneman made a **motion** to deny preliminary plat of North Shore Ranch. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. **Opposed** - Lauman. Motion carried by quorum.

Chairman Hall stated that he hoped the agencies that have been interested in purchasing the property would not take this as a sign that they should stop their efforts. He then noted that the effort that went into the project was phenomenal.

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 April 24, 2008.

THURSDAY, APRIL 24, 2008

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

7:00 a.m. Commissioner Lauman to Prerelease Center Working Committee meeting @ Triangle Bldg.

4:00 p.m. Commissioner Lauman to Forest Service Open House @ Forest Service Bldg.
7:00 p.m. Commissioner Lauman to Road Advisory Committee meeting @ Solid Waste Conference Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 25, 2008.

FRIDAY, APRIL 25, 2008

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

9:00 a.m. Commissioner Brenneman to Flathead Basin Commission meeting in Pablo

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 28, 2008.
