
MONDAY, MAY 19, 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.

MONTHLY MEETING W/ JIM ATKINSON, AOA

9:04:06 AM

Members present:

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

Others present:

AOA Director Jim Atkinson, Clerk Kile

Atkinson reported Mike Pence is on the governing board for Gateway West Mall and has met with Sherry Wulf in regards to possibly moving AOA to the mall along with other agencies. He then reported the optima buses are being examined bumper to bumper by an engineer, the sprinters are getting new striping and work is being done to maintain the commuter routes this summer. He then expressed his concern with the hours of operation of the free shuttle buses in Glacier Park that he feels might be a problem. He then noted for the record that JARC money won't be available to fund the buses next year. Atkinson then reported there were 2,853 home delivered meals and 2,944 congregate meals for the month of March.

PUBLIC HEARING: TAX INCENTIVE/ SCOTT-MARKLE

9:32:01 AM

Members present:

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

Others present:

Deputy County Attorney Jonathan Smith, Ann Markle, Clerk Kile

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition of the Scott-Markle tax incentive request.

Anne Markle stated that she appreciated the request being considered.

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

Commissioner Lauman made a **motion** to approve Resolution #2147. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 2147

WHEREAS, the Board of Commissioners of Flathead County, Montana, passed Resolution No. 475 on April 8, 1983, and Resolution No. 475A on February 21, 1984, allowing tax benefits to remodeling, reconstruction or expansion of existing structures in Flathead County;

WHEREAS, Robert Markle and Anne Scott-Markle, of Columbia Falls, Montana, have applied for the tax benefits with regard to the remodeling and expansion of their commercial building located 305 First Avenue West, Columbia Falls;

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing under the provisions of section 15-24-1501, M.C.A., on the 19th day of May, 2008, concerning the request for tax benefits filed by Robert Markle and Anne Scott-Markle; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, having reviewed the application of Robert Markle and Anne Scott-Markle, and the testimony presented at the public hearing, has concluded that the application for tax reduction benefits meets the requirements of the applicable statutes and resolutions.

NOW, THEREFORE, BE IT RESOLVED that the expansion of the commercial building located at 305 First Avenue West, Columbia Falls, Montana, shall be granted the tax benefits set forth in Resolution Nos. 475 and 475A and Section 15-24-1501, M.C.A., and the added value will be taxed at twenty percent of its taxable value in the first year after construction, forty percent of its taxable value in the second first year after construction, sixty percent of its taxable value in the third year after construction, eighty percent of its taxable value in the fourth year after construction, and one hundred percent of its taxable value in the fifth year after construction and thereafter.

DATED this 19th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:

Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

PUBLIC HEARING: MILDREN ZONE CHANGE/ BIGFORK ZONING DISTRICT

[10:02:08 AM](#)

Members present:

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

Others present:

Planning and Zoning Director Jeff Harris, Planner Andrew Hagemeyer, Deputy County Attorney Jonathan Smith, Erica Wirtala, Breanna Hughes, Cheryl Ridderhoff, Gary Ridderhoff, Rhett Rieke, Jerren Carles, Lois C. Robinson, JoAnn Mildren, Stan Mildren, Edd Blackler, John Bourquin, Don Taylor, Leonna Taylor, M. Reborg, Anne Guerrant, Paul Guerrant, Patricia Wagner, Craig Wagner, Donald Angst, Gloria Angst, Matthew DiPaulo, Denise Mildren, Dan Mildren, Claudia Thorsrud, Lloyd Thorsrud, Tim Mildren, Joelle Maley, Bill Maley, Bret Hughes, Peter Leander, Lynn Taylor, Ed Sirucek, Carol Sirucek, Kirt Taylor, Blair Carstensen, Caitlin Carstensen, Mark Blelenberg, Kelly Imlay, Clerk Kile

Hagemeyer entered into record Staff Report FZC 08-01. He then reviewed the application submitted by Stan Mildren with technical assistance from Sands Surveying regarding a zone change request from SAG-10 to SAG-5 Suburban Agriculture zoning within the Bigfork Zoning District. The property is located east of Bigfork on Swan River Road ¾ of a mile south of where it intersects with Hwy 83. The total area of the property comprising the proposed zone change is 59.09 acres. On March 27, 2008 BLUAC unanimously recommended denial of the request with 12 citizens speaking in opposition. On April 9, 2008 the Flathead County Planning Board voted to recommend approval of the Mildren Zone Change with a 5-4 vote with minor changes to criteria #3 and #10. It was noted that several letters of opposition have been received with the 3 reasons for opposition being: concern of the general character of the area, concern over water quality issues and concern with misleading statements. Hagemeyer said to say the property is surrounded by 5 acre parcels is inaccurate. He then noted that there are some positives to the request in that it is on Swan River Road that has a bike path that leads up to the boundary of the property that could be extended and is close to services by Echo Lake Road. He further noted there is a SAG-5 district to the south and this could be an extension of that zoning.

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition of the Mildren Zone Change/ Bigfork Zoning District.

Erica Wirtala, representing the applicant gave a brief history of the Mildren property that has been in the family since the 1940's. She then stated the property was owned by Celia Mildren whom recently passed away and willed to her son Stan and his family and that she knew what his intent was with the property. It was noted the zone change request was denied at BLUAC with many feeling it was not appropriate and also explained was an error in her staff report was corrected. Wirtala then added that on an 8-1 vote the findings of fact were adopted by the Planning Board. She then said it is important to look at the Bigfork Neighborhood Plan in that this is in agreement with it in remaining agricultural density (SAG 5) and is not spot zoning, but an extension of an existing SAG 5 zone on Swan River Road. Traffic counts were then reported at approximately 95 cars per hour and it was noted discussions were held with James Freyholtz in regards to the intersection of Hwy 83 and Swan River Road, and to his knowledge the intersection is not of great concern with no crash data provided. Ground water concerns were then discussed with the property sitting on a sandy bluff with test holes and monitoring currently taking place. It was noted that according to the growth policy subdivision regulations a 5 acre density where ground water is less than 8 feet to the surface is required; they are in compliance with. Wirtala added their data is showing them the ground water is going down and that it is important to not confuse ground water monitoring with the flood stages and surface water coming off the hills at the moment with the influx of high temperatures. Also noted was public municipal water and sewer from Bigfork is not anticipated for quite sometime. She then spoke about Mr. Mildrens plans for the 60 acres which include giving each of his 6 children 5 acres and he would retain 5 acres for himself; to do the subdivision work (infrastructure) he will need to sell off 3 of the 5 acre parcels and is not considering a family transfer for the property. Also stated was Mr. Mildren is not considering a PUD or cluster development. She then concluded with saying that many that came to speak today have SAG 5 zoning already with the lots created to take care of their family and Mr. Mildren would like to do the same for his family in allowing his children to live on property that has been in the family for generations.

John Bourquin, stated on March 27, 2008 BLUAC reviewed the Mildren application in which 12 members of the public spoke in opposition of the zone change and 6 letters were received in opposition. He then added no one other than the engineering firm spoke to approval the proposal with the applicant not present. The recommendation by BLUAC was unanimous to deny for the following reasons: 1) higher density from 5-11 that doubles with a zone change; with a potential of 17 lots with clustering and 23 with a PUD, 2) east half of the property is not appropriate for SAG 5 zoning and septic systems due to the high water table on most of the property, 3) high number of neighbors in close proximity in opposition with no neighbors in favor of the change. With clustering of 17 lots or 23 with a PUD on the buildable dry land you would have a lot size of approximately 1 ½ acres, which is totally out of character for the neighborhood. He then spoke about the staff report mailings that to him seemed insufficient and also about additions that were added to the staff report.

Stan Mildren, owner of the property reviewed what he has seen happening over the last 50 years; he then read a prepared letter in regards to what has happened with zoning in the past. "Were you there when"? The letter referred to the history in the area and the major changes with not many farms left nowadays. He then stated they have applied for re-zoning from SAG 10 to SAG 5 in order to provide for the family. Mildren added that he understands the neighbors concerns in regards to the property being divided into 24 lots, in which he stated that is not our plan at all. He then said he would like to have a maximum of 10 lots with some of them being held for investment purposes and not sold at this time. He said I will personally hold 15 acres including the current home that Dan, Denise and his son and daughter-in-law rent. He further explained that after dividing the property Dan will build on a 5 acre lot adjacent to the 15 acres he is keeping and the farm home will then either be rented or kept as a vacation home for the family when they visit the area. It was then noted that a 25 acre parcel north of Swan River School was re-zoned this year into SAG 5 and 110 acres on Ramsfield Road was also approved for 5 acre lots. Mildren then added he doesn't want to throw this property to an outside investor, and that it is critical to his family to change to SAG 5 to share with his family as others in the neighborhood have already done for their children and grandchildren.

Tim Mildren, the applicant's oldest son said that the family has held the property very precious to them and stated that he appreciated the time in considering the matter. He then added they have looked at various ways in trying to hold onto the 60 acres, and feel this would be the best opportunity to try to hang on to the property.

Dan Mildren, 395 Swan River Road noted that he doesn't intend to move from the area and would like to continue to have the opportunity to raise his family here as the 5th generation in the family. He then stated he would like to live on the property where his family has deep roots and maintain as much of the property as possible.

Joelle Malay noted that she has come back to the area for the past 31 years and for the last several came back to help her grandmother with her garden so she could continue to maintain it. She then stated that she was grateful for the opportunity to have land here to remember her grandmother by, and the beauty of the area is something her family wants to deeply preserve and be able to come back and visit and have as part of their home.

Matthew DiPaulo, 410 Swan River Road stated that he lives across the street from the Mildren Farm on 10 acres on a beautiful piece of property, and that when they bought the property he bought into a promise. He then said that he wished he could maintain the property the way it is now forever and ever with SAG 10 zoning being what he bought and paid for. DiPaulo stated that when he bought the property he did not know that the zoning could be changed by anyone by a vote, and that if he had wanted to live in a SAG 5 parcel community they could have, but didn't.

Claudia Thorsrud stated the neighbors put together a video explaining the area that was then presented. During the video neighbors were interviewed that spoke in opposition to the zoning.

Claudia Thorsrud then stated that between her husband, father and herself they own 76 acres of the bordering property along the eastern side and are currently petitioning a portion of the property to be re-zoned AG 20. She then referenced MCA 7-6-203 that names specific criteria the Planning Board must address when considering zone changes that states:

- Zoning regulations must be: designed to lessen congestion in the streets.
Any increase of density or building in the area is only going to increase congestion in the streets.
- Prevent overcrowding of land:
If SAG 5 zoning is allowed and something were to happen to the Mildren family and someone else developed the property they would be over crowded.
- Zoning also designed to facilitate the adequate provision of transportation, water, sewerage.
Increased density on this property could easily jeopardize the water for everyone in the area.

Claudia Thorsrud further stated that unfortunately MCA doesn't address the number of children in your family nor how you are suppose to divide the property when a relative who owns it passes away. As of 1993 all of these provisions and more were established and now the Mildren family wishes to change the zoning and if the zone change is granted the density as mentioned could more than double or maybe go even higher. She then added with the legal possibility of 24 homes on 1/3 of the land it is reasonable to assume that congestion in the streets would be intensified and higher density of homes would also create possible undue concentration of population. Thorsrud then spoke about the possibility of 24 new wells and septic systems. She then presented the Clerk with a Septic System Impact on Surface Waters Report and a copy of MCA 7-6-203.

Lloyd Thorsrud, 295 River Bend Road explained the borders of the Thorsrud property and stated that he built his home and during the construction of it, discovered the clay hard pan layer below the sand that holds the high ground water in the area. He then noted their home sits on the highest ground in the area and during testing for septic approval they could not find a suitable location on their property and had to put the system on neighboring property. Thorsrud then spoke about different soil types and stated that because of high ground water issues in close proximity to the river he feels it is not a good idea to zone the property SAG5.

Cheryl Ridderhoff, 250 Swan River Road presented a petition with 39 signatures in opposition from neighbors who live in close proximity to the Mildren property who strongly object the proposed zone change. She then read the following letter and asked that the whole neighborhood be considered when a decision is made.

We, the undersigned, STRONGLY OBJECT to the above proposed zone change from SAG10 to SAG5. Our properties either border Swan River Road or are located on adjacent roads in the Swan River Road area. While we find fault with all 12 of the itemized criteria, our predominant objections concern the issues of: congestion, safety, character of the district and undue concentration of people.

CONGESTION AND SAFETY

Swan River Road is narrower than county standards, the yellow dividing line is nearly invisible, the road is loaded with curves as you approach Hwy 209 and bordered by culverts along most of the 3 mile distance from Hwy 83 to Hwy 209. Even with a half mile bike path on the east side of the road, joggers, equestrians, walkers and bicyclists travel this road next to gravel and sand trucks, septic trucks, occasional logging trucks as well as passenger vehicles and motorcycles. During the winter months, children walking home from Swan River School and those bused from Bigfork High School are forced to walk on the roadway due to the lack of adequate shoulder and snow accumulation in the barrow pits.

CHARACTER OF THE DISTRICT

The majority of the Mildren property is bordered by SAG10 and AG40. Of course this will change the character of the Swan River Road community. There is not one parcel in this area which has cluster housing or a PUD.

UNDUE CONCENTRATION OF PEOPLE

In Erica's petition for zoning, she refers to "clustering" and a PUD numerous times. Andrews report also makes mention of "clustering" as permitted in Section 5.09 FCZR. With the probability of clustering or a PUD, the number of people moving into the Swan River Road area would be overwhelming. Based on an average of 2.48 persons per household (Flathead County Statistics 2000) cluster housing would add approximately 47 additional people on 24 building acres. In the instance of a PUD, there could be 55 people on 59 acres. The additional number of vehicles traveling on Swan River Road on any given day could be staggering. It is quite obvious that the density increase would affect the entire area.

Bret Hughes, 285 Swan River Road presented a report to the commission in regards to soils. He then said the ground water table in this area is controlled by the slope permeability of deposits and that he has witnessed many years when large ponds flooded portions of the valley bottom. Hughes then noted that the majority of the Mildren farm is the same elevation of his farm

and the pictures taken in the video are of the ground water on his farm. He further added that on a normal moisture year to put 10 to 15 homes on the property that it would be difficult. Also noted are there are a lot of ½ acre and 1 acre lots available in Bigfork currently for sale.

Lynn Taylor, 405 Swan River Road presented a report from a 2005 Geo Technical Engineering Evaluation that was done for the Swan River School addition that explains the soil and water conditions unique to the area. She then explained the report says the primary concern in regards to the gymnasium addition is liquefiable soils in that they can lose significant shear strength during a seismic event and have shown to result in major structural distress and differential settlement. Liquefaction potential exists at this site due to shallow groundwater and the presence of loose sand. She further explained the liquefiable soils are not good for septic systems with the water draining to quickly and not enough organic material to filter out nitrates. Taylor then noted the Mildrens have not applied yet for a PUD or a high density subdivision, but they have applied for double the housing density, which they have told them is not their intent with density being the main difference between SAG5 and SAG10 zoning. She then closed by saying she is opposed to growth that is unprecedented and potentially uncharacteristic for the community and the life they have built for themselves.

Breanna Hughes, 285 Swan River Road read a prepared letter on behalf of her mother Becky Hughes. The letter was in regards to safety issues at the intersection of Swan River Road and Hwy 83 where within a few hundred feet of the intersection there are nine other approaches on an overloaded intersection.

Kirt Taylor, 405 Swan River Road stated his main concerns involve safety which has been addressed. He then said he has objections to the way the application describes the area that he feels is not a truthful representation of where they live with it describing churches, public parks, restaurants, schools and service stations in the immediate vicinity. Taylor said the area that he lives in is called Swan River and the area they represent is called the Swan River area. He then stated if you took the Mildren property and surrounded it one half mile in all directions there are 35 houses in one square mile; with an average of 18.2 acres per house.

Gary Ridderhoff, 250 Swan River Road, stated that BLUAC is in complete disagreement with the planner and the applicant as to the zoning designation for the area. He then added it is zoned SAG10 and the problem comes in when you try to increase the density by 100 percent. The requested zone change is not in compliance with the Master Plan or the Bigfork Neighborhood Plan, and to change to SAG5 will set a dangerous precedence to the entire Swan River community and the general health safety and welfare of the community is at stake.

Peter Leander, an attorney pointed out on an overlay map what the property would look like with SAG5 and SAG10 zoning along with clustering. He then said zoning was put into place to protect general welfare; not individual welfare or individual pieces of property. He further added the factors found in the zoning regulations and statues that control their decision talk about promoting safety; not just keeping safety, water quality or density but promoting, and not a single one would be promoted. Leander then said there must be a compelling reason and this is a financial desire which he respects. He then closed by saying the other 5 acre parcels in the area were all created either through zoning and are non-conforming now; that there has been no zone change to 5 acre lots in this area subsequent to zoning.

Commissioner Lauman made a **motion** to continue the Public Hearing on June 2, 2008 at 9:30. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. **Opposed** – Brenneman. Motion carried by quorum.

CONSIDERATION OF BLUAC BYLAWS

[11:32:26 AM](#)

Members present:

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

Others present:

Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Brenneman made a **motion** to approve the amendments to the BLUAC bylaws. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

AWARD BIDS: GRAVEL CRUSHING/ ROAD DEPT.

[11:33:04 AM](#)

Members present:

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

Others present:

Public Works Director David Prunty, Operations Manager Road & Bridge Department Guy Foy, Clerk Kile

The following bids were awarded to:

| | |
|--------------------------|---|
| LHC | Sheepherder Pit 3" minus Crushed Aggregate for \$2.93 |
| Goose Bay Equipment | Sheepherder Pit ¾" minus Crushed Aggregate for \$3.38 |
| Schellinger Construction | Busch Pit ¾" minus Crushed Aggregate for \$3.30 |
| Schellinger Construction | Gladys Glen Pit ¾" minus Crushed Aggregate for \$3.27 |

Commissioner Brenneman made a **motion** to award the 3" crushed aggregate at the Sheepherder Pit to LHC, ¾ " crushed aggregate at the Sheepherder Pit to Goose Bay Equipment and ¾ " crushed aggregate at the Busch Pit and Gladys Glen Pit to Schellinger Construction. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: RSID #143 (RESTHAVEN)

[11:37:20 AM](#)

Members present:

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

Others present:

Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Brenneman made a **motion** to authorize the publication of Call for Bids for RSID #143 (Resthaven) and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for the paving of RSID 143 – Rest Haven Drive in Whitefish, Montana.

The project generally consists of paving approximately 110,000 square feet with 3-inch thick asphalt and 6-inch thick ¾-inch crushed gravel, improving existing drainage swales on the shoulder of the road, and paving driveway access approaches to the property line. Potential bidders are encouraged to pick up a set of plans from Morrison-Maierle at 125 Schoolhouse Loop, Kalispell, Montana. They can also be reached at (406) 752-2216.

Each bidder should submit bids for and produce a schedule showing when the work can be started and completed. Warranties and schedules will be considered when determining the bid that is in the best interest of the homeowners of Rest Haven Drive and will be included in the contract for paving Rest Haven Drive.

Each bidder must deposit with his/her bid, a bid security in the amount of ten percent (10%) of the bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within 10 days, enter into a formal contract for the completion of the project. 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 bid bond executed by a surety corporation authorized to do business in Montana.

No bidder may withdraw a bid after the actual date of the opening thereof.

A Performance Bond and Labor and Materials Payment Bond each in the amount of One Hundred percent (100%) of the contract sum will be required of the successful bidder, to secure the contractor's covenant to faithfully perform all of the conditions of the contract in accordance with the law and that contract. The successful bidder will also be required to provide proof of Workers' Compensation insurance and/or an independent contractor certification from the State dated after May 1, 2005, and General Liability and Automobile insurance policies, with Flathead County as an additional insured, each in the amount of at least \$1,000,000.00.

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 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 country that enforces a preference for resident bidders equal to the preference given in the other state or country.

All sealed bids, plainly marked "Paving Rest Haven Drive RSID 143 Bid" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before 5:00 o'clock p.m., on June 10, 2008. Bids will be opened and read at 10:00 o'clock a.m., on June 12, 2008 in the Commissioners' Office at the Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Flathead County reserves the right to accept or reject any bid and to waive any irregularities which are deemed to be in the best interest of the County.

The award of 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 19th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish: May 22, May 29 and June 5, 2008.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: EAST EVERGREEN TRAIL

[11:39:49 AM](#)

Members present:

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

Others present:

Planning and Zoning Director Jeff Harris, Darla Harmsen, Clerk Kile

Commissioner Brenneman made a **motion** to authorize the publication of Call for Bids for the East Evergreen Trail Bike Path and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

INVITATION TO BID

Sealed bids, entitled STPE 6799(27) EAST EVERGREEN PATH - Kalispell and addressed to County of Flathead, will be received at the office of the Flathead County Commission, 800 S Main Street, Kalispell, Montana 59901 until 10:00 a.m., local time, June 12, 2008 and then publicly opened and read immediately thereafter.

The project work is generally described as but not limited to: **Complete construction of new bicycle/pedestrian trail along East Evergreen Drive from LaSalle (US Highway -2) to Helena Flats Road including; saw-cutting existing asphalt along East Evergreen, import material and compaction, constructing concrete curb/gutter, new asphaltic surfacing, utility adjustments both vertically and relocations, removal of existing pedestrian bridge over Spring Creek with new pedestrian bridge installation, construction of approach retaining walls, storm drainage structures, relocating signs and mailboxes, new signage and striping, fencing, site grading and seeding.**

Plans and specifications are available for viewing at the Flathead Builders Exchange. Copies of the plans and specifications may be obtained from Neil Consultants, Inc., 4509 North Star Blvd. Great Falls, MT (406-453-5478). Plans and specifications will be available for a non-refundable fee of \$60.00.

All laborers and mechanics employed by contractors or subcontractors in performance of the construction work shall be paid wages at the rates as may be required by Federal Davis Bacon rates. The contractor must insure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin. The successful contractor will be subject to withholding of 1% of all payments for transmittal to the Department of Revenue to pay the public contract tax.

Each bid or proposal must be accompanied by a Certified Check, Cashier's Check or Bid Bond payable to the County of Flathead, Montana, in an amount not less than ten percent (10%) of the total amount of the bid. Successful bidders shall furnish an approved Performance Bond and a labor and materials Payment Bond, each in the amount of One Hundred Percent (100%) of the contract amount. Insurance as required shall be provided by the successful bidder(s) and a Certificate(s) of that insurance shall be provided.

The Disadvantaged Business Enterprise (DBE) goal established for this contract is zero percent (0%). For information concerning Montana Department of Transportation certified DBE's, contact Shanon Hahn, MDT's DBE Coordinator, at (406) 444-6337.

Prebid Conference. This optional conference will be held at Flathead County Planning and Zoning office at 1035 First Avenue West, Kalispell, MT at 2:00 p.m., on June 3, 2008.

The successful bidder will be required to have a proper Montana Public Contractor's License when contract is signed. Subcontractors for work over \$5,000.00 shall also be a holder of a Montana Public Contractor's License also in the property class.

No bid may be withdrawn for (30) days after the scheduled time for the public opening of bids.

The right is reserved to reject any or all proposals received, to waive informalities, to postpone the award of the contract for a period not to exceed Sixty (60) days, and to accept the bid which is in the best interests of the Owner. **The award of 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.**

The County of Flathead is an Equal Opportunity Employer. Minority Contractors are urged to apply.

Dated this 19th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

(1st Publication): May 25, 2008

(2nd Publication): June 1, 2008

(3rd Publication): June 8, 2008

FINAL PLAT: TOMBSTONE SUBDIVISION

[11:42:04 AM](#)

Members present:

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

Others present:

Planner Dianne Broadie, Clerk Kile

Broadie reviewed the application submitted by Tombstone Estates with technical assistance from Flathead Geomatics for final plat approval of Tombstone Subdivision; a subdivision creating 2 residential lots. The property is located off Hwy 206, south of Blackmer Lane. Preliminary plat approval was granted on January 8, 2008, subject to 18 conditions.

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

AUTHORIZATION TO PUBLISH CALL FOR BIDS: PAVER & LOADER/ ROAD DEPT.

[11:42:27 AM](#)

Members present:

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

Others present:

Public Works Director David Prunty, Operations Manager Road & Bridge Department Guy Foy, Clerk Kile

Commissioner Lauman made a **motion** to authorize the publication of Call for Bids for a Loader for the Road Department and authorized the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to authorize the publication of Call for Bids for a Paver for the Road Department and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for the purchase of the following:

One (1) used (2000 or newer) Wheel Loader. Approximate 4 yard general purpose bucket, approximate 200 net horsepower engine, about 40,000 lbs weight, heater and air conditioning, ride control, AM/FM radio with CD and/or cassette player, with less than 3,000 hours. Please send a list of all options, hours, make, model and pictures if possible with price quotes.

The Road Department will determine from the bids submitted which vehicles will be inspected by the Department. In awarding the bid, the age, mileage, condition of the vehicle and tires, and the terms of any warranty the bidder is willing to offer, as well as the bid price, will be taken into account in order that the Department can select the best overall vehicle from the bids submitted. All used equipment **must** have **SIMS Reports** attached to bids.

Loader will be delivered FOB to the Flathead County Road Department, 1249 Willow Glen Drive, Kalispell, MT. 59901.

Bidders with any questions may contact the Flathead County Road Department, 1249 Willow Glen Drive, Kalispell, Mt. 59901, (406) 758-5790.

All sealed bids, **plainly marked "SEALED BID – Wheel Loader"** 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 June 3, 2008. Bids will be opened and read at 9:45 a.m. on June 4, 2008, in the Commissioner's Office at the West Annex of the Courthouse.

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.

Flathead County reserves the right to accept or reject any bid and to waive any irregularities, which are deemed to be in the best interest of the County.

Dated this 19th day of May, 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 May 22 and May 29, 2008

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, is accepting bids, specifications, and pricing for one (1) eight (8) foot paver, and Hydraulically Extendible Screeds.

The specifications for the paver which must be met by the bidder may be obtained from the Flathead County Road Department, 1249 Willow Glen Drive, Kalispell, Mt. 59901, (406) 758-5790.

Each bidder must deposit with his bid, a bid 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 unit. 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.

The Seller shall include with his bid a contract form to be executed by the parties. Flathead County reserves the right to negotiate the terms of the said proposed contract (excluding the prices contained therein) and to consider the terms of said proposed contract in determining the award of said bid.

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 June 3, 2008. Bids will be opened and read at 9:45 a.m. on June 4, 2008, in the Commissioners' 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 19th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk and Recorder

By/s/Diana Kile
Diana Kile, Deputy

Publish on May 22 and May 29, 2008.

DOCUMENT FOR SIGNATURE: PROFESSIONAL SERVICES CONTRACT FOR CONSORTIA III PROGRAM/ HEALTH DEPT.

[11:44:35 AM](#)

Members present:

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

Others present:

Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Brenneman made a **motion** to approve the document for signature for professional services for the Consortia III Program. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #08-11-1-02-006-0

[11:44:11 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Dale W. Lauman

Others present:

Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Brenneman made a **motion** to continue DPHHS Contract #08-11-1-02-006-0. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

12:00 p.m. Commissioner Brenneman: Youth Service Network meeting @ The Summit

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 20, 2008.

TUESDAY, MAY 20, 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.

11:00 a.m. Commissioner Brenneman: Health Board Budget Committee meeting @ Earl Bennett Bldg.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 21, 2008.

WEDNESDAY, MAY 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.

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

PUBLIC HEARING: PINNACLE PROPERTIES ZONE CHANGE/ EVERGREEN & VICINITY ZONING DISTRICT

[9:30:21 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Narda Wilson, Newell Carson, Barbara Carson, Clerk Kile

Broadie entered into record Staff report FZC 08-02. She then reviewed the zone change request from Pinnacle Properties with technical assistance from Narda Wilson to change zoning in the Evergreen and Vicinity Zoning District on approximately 2.469 acres from R-2, One Family Limited Residential to B-2, General Business on property located north of Hwy 35 on the west side of Bernard Road in Evergreen. The purpose of the zone change would be to allow the expansion of an existing commercial business that lies to the south of this site and would be used primarily for parking vehicles. On April 9, 2008 Flathead County Planning Board voted unanimously to approve the request.

Chairman Brenneman PT opened the public hearing to anyone wishing to speak in favor or opposition of the zone change.

Narda Wilson, 184 Midway Drive representing the property owners explained the business use to be Carson Brothers Heating and Cooling; an established business prior to zoning in Evergreen. She then said the property would probably be used for storage of vehicle and someday they might end up doing a boundary line adjustment that will segregate the west half from the east half and possibly a small business will go in or the current business could expand.

No one else rising to speak, Commissioner Brenneman PT closed the public hearing.

Commissioner Lauman made a **motion** to approve Resolution #797ET. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intent and authorized the Chairman to sign. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

RESOLUTION NO. 797 ET

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 21st day of May, 2008, to consider a request by Pinnacle Properties to change the zoning designation in a portion of the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) to B-2 (General Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on May 6 and May 13, 2008;

WHEREAS, the Board of Commissioners received public comment on the proposed zoning change; and

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Evergreen and Vicinity Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning for a portion of the area in the Evergreen and Vicinity Zoning District from R-2 to B-2, that area being described as the boundaries of Lot 16B, Resubdivision Lot 16, Block 2, Bernards Park, in Section 3, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana located at 132 Bernard Road, Kalispell, containing 2.469 acres.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Evergreen and Vicinity Zoning District to be changed, the general character of the proposed change in regulations for the area, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Evergreen and Vicinity Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Evergreen and Vicinity Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders within the Evergreen and Vicinity Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 21st day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Gary D. Hall, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
EVERGREEN AND VICINITY ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 797 ET) on May 21, 2008, to change the zoning designation in a portion of the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) to B-2 (General Business).

The boundaries of the area proposed to be amended from R-2 to B-2 are the boundaries of Lot 16B, Resubdivision Lot 16, Block 2, Bernards Park, in Section 3, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana located at 132 Bernard Road, Kalispell, containing 2.469 acres.

The proposed change would generally change the character of the zoning regulations applicable to the property from providing a residential district for large tract development in suburban areas, beyond sanitary sewer and/or water lines, to providing for 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 R-2 and B-2 Zones are on file for public inspection at the Office of the Clerk and Recorder, 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://co.flathead.mt.us/fcpz/index.html>. Documents related to the proposed amendment are also on file for public inspection at the Office of the Clerk and Recorder and at the Flathead County Planning and Zoning Office.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Evergreen and Vicinity Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 21st day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on May 26 and June 2, 2008.

BUDGET AMENDMENT: LIBRARY

[10:05:54 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Library Director Kim Crowley, Clerk Kile

Crowley reported the \$100,000.00 budget amendment has been committed by the Library Board to help purchase a building in Columbia Falls as a lease holder or as a partial owner of ¼ of the building.

Commissioner Lauman made a **motion** to approve Budget Amendment Resolution #2148. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

BUDGET AMENDMENT RESOLUTION NO. 2148

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 21st day of May 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____
Gary D. Hall, Chairman

By/s/Joseph D. Brenneman, PT
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: | | 4/30/2008 | BUDGET ENTRY | | VOUCHER NO.: | |
|-----------------------------|------|-----------|-------------------|---------------------------|--------------|--------------|
| DATE OF RECORD: | | | RESOLUTION # 2148 | | Entered by: | |
| Fund | Dept | ACTIVITY | OBJECT | ACCOUNT DESCRIPTION | DEBIT | CREDIT |
| 4020 | | 101000 | | CASH | | \$117,964.40 |
| 4020 | 0248 | 460110 | 920 | CAPITAL OUTLAY BLDG | \$100,000.00 | |
| 4020 | 0248 | 460110 | 215 | COMP EQUIP/SFTWR/HRDWR | \$17,964.40 | |
| Explanation: Library | | | | | \$117,964.40 | \$117,964.40 |

CONTINUATION OF BOARD APPOINTMENT: SMITH VALLEY FIRE DEPT.

[9:55:02 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to appoint Janet Feller to the Smith Valley Fire Department. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

CONTINUATION OF DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #08-11-1-02-006-0

[10:01:37 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Health Department Director Joe Russell, Clerk Kile

Russell explained the DPHHS contract is for 1.2 million over a 26 month period for the Health Clinic.

Commissioner Lauman made a **motion** to approve the DPHHS Contract #08-11-1-02-006-0 contract and authorized the Chairman to sign. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: NORDQUIST

[10:30:00 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Planner George Smith, Clerk Kile

Smith reviewed the application submitted by Myron Nordquist to construct a boat shelter on an existing non-conforming residential dock at 115 Peaceful Lane in Lakeside. The total impervious cover is 860 square feet which is within the property shoreline allowance and all work will be done from the existing dock with no equipment entering the lake.

Commissioner Lauman made a **motion** to approve Lakeshore Permit FLP 08-22. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: CALLAHAN

[10:32:41 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Planner George Smith, Clerk Kile

Smith reviewed the application submitted by Callahan Revocable Trust to restore banks undercut by erosion at 342 Blaine Lakeshore Drive. Several undercut trees and all debris will be removed within the Lakeshore Protection Zone.

Commissioner Lauman made a **motion** to approve Lakeshore Permit FLP 08-52. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

9:15 a.m. RSVP Board meeting @ Heritage Place
11:00 a.m. County Attorney meeting @ Co. Atty's Office
12:00 p.m. Commissioner Brenneman: DUI Task Force meeting @ The Summit

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

THURSDAY, MAY 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.

Katherine Maxwell, 114 Pikes Peak asked that Cooper Farms Neighborhood Plan not be acted on today after it was put on hold for two years. She then asked that it be looked at in light of the new growth policy by the Planning Board with opportunity for public comment again. Maxwell stated that Somers has been working on a neighborhood plan for a long time and this type of plan is one land owner doing a subdivision. She then noted there are many concerns in regards to the idea of having a whole new city put right next to theirs.

Mayre Flowers, Citizens for a Better Flathead presented a prepared letter on the Cooper Farm Neighborhood Plan and Growth Policy Amendment to the Commission and urged that it be sent back to the Planning Board with recent development in the area; with Siderius Commons and the Somers residents revising their Neighborhood Plan. She then stated that she feels it would be appropriate for it to go back to the Planning Board for review to give the public and developers time to sit down together and review the plan in the context of the current status of development and potential development in the corridor. Flowers noted they have concerns that the proposal does not comply with the current growth policy.

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

MONTHLY MEETING W/ MONICA EISENZIMER, ELECTION DEPT.

[9:15:57 AM](#)

Members present:

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

Others present:

Recording Manager Monica Eisenzimer, Clerk Kile

Eisenzimer reported the Election Department is busy making preparations for the primary election and have trained all the Chief Judges in smaller groups this year with them having more to learn with the newer technology. She then noted they currently have issued over 5,000 absentee ballots with a steady turn out of voters. Also noted was the City of Whitefish will be doing a mail ballots election this summer for a new fire hall. A tour was then given of the East Annex where the absentee ballots will be opened and counted.

DOCUMENTS FOR SIGNATURE: RESOLUTION AMENDING BUDGET, RESOLUTION CERTIFYING STATUTORY COMPLIANCE AND RELATED LETTERS/ CDBG GRANT

[9:45:10 AM](#)

Members present:

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

Others present:

Deputy County Attorney Jonathan Smith, Debbie Boreson, Gary Winship, Clerk Kile

Commissioner Lauman made a **motion** to approve Resolution #2120A and #2120B and related documents. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION No. 2120 A RESOLUTION FOR DESIGNATING ENVIRONMENTAL CERTIFYING OFFICIAL

WHEREAS, Flathead County is applying to the Montana Department of Commerce for a Community Development Block Grant - Economic Development Program (CDBG-ED) for Glacier Stone Supply, LLC, to finance dust and sound suppression, and other equipment including conveyor systems at Glacier Stone's plant on Whitefish Stage Road and their quarries in Northwest Montana;

WHEREAS, Flathead County has the legal jurisdiction and authority to administer such a grant for Glacier Stone Supply, LLC; and

WHEREAS, in 2008 Flathead County applied for federal, state, local and private funding to Glacier Stone Supply, LLC;

WHEREAS, all necessary funding has been received to permit the project to go forward; and

WHEREAS, an Environmental Certifying Official may be designated by formal resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, that Flathead County agrees to designate Jeff Harris as the Environmental Certifying Official to produce an Environmental Review Record; and

BE IT FURTHER RESOLVED that Flathead County will ensure that it and all of its contractors or agents shall conduct all program matters in a non-discriminatory manner such that all persons regardless of race, gender, age, disability, or other protected class shall be treated equally; and

BE IT FURTHER RESOLVED that each shall comply with the policies and procedures delineated in the 2008 Flathead County and Glacier Stone Supply, LLC Management Plan, approved by the Montana Department of Commerce Community Development Block Grant Program; and

BE IT FURTHER RESOLVED that the above designation shall become effective upon signing of this resolution.

Dated this 22nd day of May, 2008.

BOARD OF 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

BUDGET AMENDMENT RESOLUTION NO. 2120B

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 May 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

| DATE OF ISSUE: 05/19/08 | | BUDGET ENTRY | | | VOUCHER NO.: | |
|---|------|-------------------|--------|---------------------------------|--------------|--------------|
| DATE OF RECORD: | | RESOLUTION #2120B | | | Entered by: | |
| Fund | Dept | ACTIVITY | OBJECT | ACCOUNT DESCRIPTION | DEBIT | CREDIT |
| 1000 | 0200 | 331009 | | CDBG/Glacier Stone Supply | \$300,000.00 | |
| 1000 | 0200 | 411801 | 730 | Donations to Other Institutions | | \$300,000.00 |
| 1000 | 0200 | 331009 | | CDBG/Glacier Stone Supply | | \$300,000.00 |
| 1000 | 0200 | 411801 | 730 | Donations to Other Institutions | \$300,000.00 | |
| Explanation: CDBG/ Glacier Stone Supply pass through grant | | | | | \$600,000.00 | \$600,000.00 |

CONSIDERATION OF HR TRANSMITTAL: FAIRGROUND SEASONAL WORKER

[9:51:55 AM](#)

Members present:

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

Others present:

HR Director Raeann Campbell, Fairgrounds Director Jay Scott, Clerk Kile

Commissioner Brenneman made a **motion** to approve the HR Transmittal for a seasonal worker at the Fairgrounds. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

MEETING W/ JAE CARNSEW/ I.T. RE: PHONE SYSTEM AT FAIRGROUNDS

[10:07:45 AM](#)

Members present:

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

Others present:

I.T. Systems & Network Administrator Jae Carnsew, Fairgrounds Director Jay Scott, Clerk Kile

Carnsew reported they are experiencing great difficulty in supporting two e-mail addresses at the same time.

Discussion was then held relative to a June 1, 2008 shut off date for the old e-mail address.

Carnsew then reported that when the county wide phone system was updated the Fairgrounds and Solid Waste were not included, because of the inter cabling between all the buildings that would have cost too much. He then stated that since that time they have gotten rid of the wireless connection that feeds the internet and e-mail at the two locations at their departments cost. Carnsew then added that after going over the Fairgrounds phone bill which is \$500.00 a month that it would only be a 2 ½ to 3 year investment to recover the \$10,000.00 phone system purchase which would be a good investment for the county.

FINAL PLAT: HODGE CREEK RESERVE

[10:24:22 AM](#)

Members present:

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

Others present:

Planner Andrew Hagemeyer, Erica Wirtala, Charles Doyle, Paul Wachholz, Clerk Kile

Hagemeyer reviewed the application submitted by Many Lakes East LLP with technical assistance from Charles Doyle and Sands Surveying for final plat approval of Hodge Creek Reserve; a subdivision creating 14 residential lots. The property is located off Ashley Lake Road approximately 3 miles north of Hwy 2. Preliminary plat approval was granted on August 8, 2005 subject to 24 conditions.

Commissioner Brenneman made a **motion** to approve final plat of Hodge Creek Reserve with an SIA included. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

FINAL PLAT: FREDERICK SUBDIVISION NO. 1

[10:30:41 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Ardis Larsen, Clerk Kile

Broadie reviewed the application submitted by Clarice Zabel with technical assistance from Larsen Engineering for final plat approval of Frederick Subdivision No. 1; a subdivision creating 2 residential lots. The property is located south of Trap Road between Middle Road and Hwy 206. Preliminary plat approval was granted on October 2, 2006 subject to 15 conditions.

Commissioner Lauman made a **motion** to approve final plat of Frederick Subdivision No. 1. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

FINAL PLAT: FREDERICK SUBDIVISION NO. 2

[10:31:51 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Ardis Larsen, Clerk Kile

Broadie reviewed the application submitted by Gary Zabel with technical assistance from Larsen Engineering for final plat approval of Frederick Subdivision No. 2; a subdivision creating 2 residential lots. The property is located south of Trap Road between Middle Road and Hwy 206. Preliminary plat approval was granted on October 2, 2006 subject to 15 conditions.

Commissioner Brenneman made a **motion** to approve final plat of Frederick Subdivision No. 1. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**CONTINUATION OF CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT & NOTICE OF PASSAGE:
COOPER FARMS NEIGHBORHOOD PLAN**

[11:03:11 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Deputy County Attorney Jonathan Smith, Eric Mulcahy, Mark Owens, Don Peterson, Lee Griswold, Mayre Flowers, Katherine Maxwell, Clerk Kile

Harris reviewed the events that have occurred surrounding the consideration of Cooper Farms Neighborhood Plan. He then stated the public hearing was held by the Flathead County Planning Board on March 15, 2006 at which time 62 comment letters were received. It went to the Commission on May 1, 2006 for consideration at which time they did not give a date to continue to with the pending growth policy; at that time no one could have predicted the growth policy would have gone on for another year. Harris then noted they started working with the applicants again in January 2008. He then stated that today they have the option of acting on the plan or remanding it back through the process.

Commissioner Brenneman asked if the changes to the document that were made since it was reviewed by the public at the Planning Board hearing were significant.

Harris explained that in his opinion they are not significant and that the proposed changes did not change the content of the plan. He then said changes were made to the format, a section was added that dealt with being consistent with the growth policy and the reasons why. The plan now requires the implementation of the applicants coming in and asking for a zone change.

Commissioner Brenneman asked the applicant if they understood the safest thing to do in regard to proper public involvement is to go back through the process even though substantial changes have not been made.

Eric Mulcahy stated that they concur with the observation in regards to going back through the process being the safest thing to do. He then added they have discussed it amongst themselves; however, they respectfully ask that it be reviewed and a decision be made this morning after them going through the public process two years ago. He further said after waiting two years for the growth policy and the Riverdale Neighborhood Plan to go before them it has taken along time. Mulcahy explained the changes made were to reflect what the growth policy had to say about neighborhood plans.

Harris then reviewed Staff Report FPMA 05-08 that was updated on May 9, 2008. He then noted a public hearing was held on March 15, 2006 for consideration of the Cooper Farm Neighborhood Plan. It was noted the plan now includes a traffic impact study, flood plain study and a wetland delineation study. Harris then explained the format has been changed and re-adjusted, a PUD and zoning requirement has been included, clarification was made of commercial development and landscaping, action items were added; goal and policies and an analysis on compliance with the growth policy. The proposed neighborhood plan would change existing on-site agricultural dominated land uses on approximately 362 acres to more urban suburban residential uses, with a commercial site located in proximity to Hwy 82. The residential component consists of a range of single family and multi family dwellings on approximately 237 acres, commercial uses on approximately 19 acres with an additional 107 acres in wetlands protection/ open space.

Harris noted that one of the larger issues has been the "Gateway into Flathead Valley" as you come off the Somers hill. He then stated the applicant has done a good job in providing landscaping requirements throughout the development with protective buffering along the perimeter and throughout the interior of the site.

Commissioner Lauman asked if any discussions have been held in regards to coordinating with the Somers Neighborhood Plan.

Harris explained this plan is too far out of the Somers Neighborhood Plan.

Commissioner Brenneman questioned the Floodplain Map in regard to west, center and east swale with the west and center swale having a base flood elevation of 2,900 feet and the east swale will have a base elevation of 2,891.67 which is 1 ½ feet below the level of the lake at full pool. He then asked if it could be explained.

Mulcahy explained that full pool is 2,892 and the Somers datum is 2,893 so essentially the swale is not connected overland to the river to the north or even the swale south of the highway; that it is essentially a ground water and surface drainage and has a different floodplain. The other swales come up and meet the pond and the ditch that goes up to Wiley Dike has a siphon pipe that is hydraulically connected to the river. The floodplain is based off the river floodplain not Wiley Dike. Mulcahy then added that Mr. Cooper who lived on the property in 1964 said when the flood came the bottom of the swales filled with water and stopped.

Commissioner Brenneman then clarified that the center and west swales are considered to be connected to the river and the east swale is completely unconnected. Also questioned was the designated commercial area that isn't going to be used for commercial.

General discussion was held relative to the designated commercial greenspace/ openspace along the highway and the sewer holding pond.

Chairman Hall stated that he was pleased with the end result and that having more time it was made a better project.

Commissioner Lauman asked if the property down by the pond was traded.

Mark Owens, 715 Birch Grove said 2 areas of potential problems were identified and property was exchanged.

Mulcahy noted a goal and policy exists in regards to a 5 acre park.

Commissioner Brenneman made a **motion** to adopt Staff Report FPMA 05-08 that includes findings. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to adopt Resolution #2149 and authorized the publication of the Notice of Passage of Resolution of Intent and authorized the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 2149

WHEREAS, Flathead Village Greens (Cooper Farms) has petitioned for a revision to the Flathead County Growth Policy by adopting the Cooper Farms Neighborhood Plan as an addendum thereto;

WHEREAS, the request is to adopt the Cooper Farms Neighborhood Plan as an addendum to the Flathead County Growth Policy, thereby changing the Plan designation on 362 acres, located at the Northeast corner of the intersection of U.S. Highway 93 and Montana State Highway 82 in the Somers area and described as Tracts 6, 6A, 6B, 1 AC, 7 and 7B in Section 14, and Tract 5 C in Section 13, all in Township 27 North, Range 21 West, P.M.M., Flathead County, Montana, from the present Agricultural designation to an Urban Residential designation and a complimentary Commercial designation, with the residential component consisting of a range of single family and multi-family dwellings on approximately 237 acres, a commercial component consisting of approximately 19 acres, and an additional 107 acres of wetlands protection/open space;

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt that amendment to the Flathead County Master Plan, as amended by the Flathead County Planning Board;

WHEREAS, the Board of Commissioners postponed consideration of the Coopers Farm Neighborhood Plan on May 1, 2006, pending adoption of a Growth Policy and has since adopted the Flathead County Growth Policy; and

WHEREAS, the Board of Commissioners has reviewed the proposal and determined that the proposed amendment to the Flathead County Growth Policy has been updated in reference to the Flathead County Growth Policy and should be formally considered.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Section 76-1-604, M.C.A., that it intends to consider the revision of the Flathead County Growth Policy by the adoption of the Cooper Farms Neighborhood Plan, as recommended by the Flathead County Planning Board, as an addendum thereto, thereby changing the designation on 362 acres from the present Agricultural designation to an Urban Residential designation, a complimentary Commercial designation, and wetlands protection/open space designation.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed Growth Policy amendment and will consider any written comments which are received in the Board's Office by June 30, 2008. The Board will consider whether to pass a final resolution adopting the Cooper Farms Neighborhood Plan as an addendum to the Flathead County Growth Policy, after that date.

DATED this 22nd day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION FLATHEAD COUNTY GROWTH POLICY

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 2149) on May 22, 2008, to consider an amendment to the Flathead County Growth Policy, as proposed by Flathead Village Greens (Cooper Farms).

The proposed amendment would adopt the Cooper Farms Neighborhood Plan as an addendum to the Flathead County Growth Policy, thereby changing the designation on 362 acres from the present Agricultural designation to an Urban Residential designation with a complimentary Commercial designation, with the residential component consisting of a range of single family and multi-family dwellings on approximately 237 acres, commercial uses on approximately 19 acres, and 107 acres of wetlands preservation/open space.

There is currently no agricultural or residential zoning designation for the subject property. The property proposed for amendment is located near the Northeast corner of U.S. Highway 93 and Montana State Highway 82 in the Somers area. The legal description is Tracts 6, 6A, 6B, 1 AC, 7 and 7B in Section 14, and Tract 5 C in Section 13, all in Township 27 North, Range 21 West, P.M.M., Flathead County, Montana. Documents related to the proposal are on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, where they may be examined by the public.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Flathead County Growth Policy and will consider any written comments which are received in the Board's Office prior to June 30, 2008. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 22nd day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on May 27 and June 3, 2008.

CONSIDERATION OF RELEASE OF COLLATERAL: EAGLE'S NEST INDUSTRIAL PARK & EAGLE'S NEST CONDOMINIUMS NO. 2

[11:53:54 AM](#)

Members present:

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

Others present:

- Clerk Kile

Commissioner Brenneman made a **motion** to approve the release of collateral for Eagle's Nest Industrial Park and Eagle's Nest Condominiums No. 2. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

- 12:00 p.m. Commissioner Brenneman: Rotary meeting @ Hilton Garden Inn**
- 2:00 p.m. Commissioner Brenneman: Health Board meeting @ Earl Bennett Bldg.**
- 4:00 p.m. Commissioner Hall: Transportation Committee meeting @ Kalispell Chamber of Commerce**
- 4:00 p.m. Commissioner Brenneman: Meeting w/ Fire Service Area Board @ OES Office**
- 7:00 p.m. Road Advisory Committee meeting @ Solid Waste District Conference Room**
- 7:00 p.m. Commissioner Lauman: Marion Container Site meeting**

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

FRIDAY, MAY 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.

- 9:00 a.m. Commissioner Hall: Montana Economic Development EDD Board meeting @ MWED Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 26, 2008.
