
MONDAY, JUNE 9, 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/ JAY SCOTT, FAIRGROUNDS

[9:00:14 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Fair Director Jay Scott, Clerk Kile

Scott presented a copy of the 2008 Northwest Montana Fair Book and reported Jeremy Camp and Sawyer Brown will be the entertainment for the year. He then noted under 11 and over 60 will be admitted free this year. Scott then reported a customer appreciation day event was held with 800 attending, a bull riding event will be held this weekend and a monster show truck will be coming soon. Discussion was then held relative to fiber optic lines that were cut at the Fairgrounds and the need for a Master Plan.

DOCUMENT FOR SIGNATURE: SOFTWARE CONTRACT/ EAGLE TRANSIT

[9:28:07 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Eagle Transit Director Cheryl Talley, Clerk Kile

Talley reported Eagle Transit has no computerized software for scheduling routes and explained the State will be contributing \$10,000.00 towards the purchase price of the software and the balance will come from their operating fund.

Commissioner Lauman made a **motion** to approve the software contract for Eagle Transit. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

BOARD APPOINTMENT: LAKESIDE COMMUNITY COUNCIL

[9:30:50 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman read into the record the appointment will be postponed until he has the opportunity to check into how the vacancies were advertised.

CONSIDERATION OF RELEASE OF COLLATERAL: SIA/ EAGLE DEVELOPMENT, PHASE III

[9:34:58 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve the release of collateral for Eagle Development, Phase III. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER

[9:36:07 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Juvenile Detention Center Director Laurie Rebeck, Sheriff's Office Kathy Frame, Clerk Kile

Rebuck reported new video equipment has been ordered for the next budget year and concrete work was discussed for the outdoor recreation area. She then noted the population is presently 5; with it normally increasing through the summer months.

CONSIDERATION OF LAKESHORE PERMIT: WATERSIDE/ ROBERTS

[10:10:48 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planner George Smith, Clerk Kile

Smith reviewed the application submitted by Waterside Homeowners Association with technical assistance from Schwarz Engineering for a minor variance from the Lake and Lakeshore Protection Regulations to allow installation of a 10 foot by 10 foot swim platform off shore, north of the marina entrance for owner and guest use.

Commissioner Lauman expressed his concern with the platform being used by neighbor residents.

Commissioner Lauman made a **motion** to approve Lakeshore Permit FLV 08-03. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

AUTHORIZATION TO PUBLISH RFQ: LAND SURVEYOR, EXAMINING SURVEYOR AND ASSISTANT SURVEYOR

[10:14:29 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to authorize the publication for RFQ's for a Land Surveyor, Examining Surveyor and Assistant Surveyor and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

REQUEST FOR QUALIFICATIONS

The Flathead County Board of Commissioners is requesting interested surveyors or firms to submit their qualifications for providing field surveying services and examining surveyor services to Flathead County. Such qualification statements are to be submitted, in writing, to the Flathead County Board of Commissioners at 800 South Main, Kalispell, Montana 59901 and must be received no later than 5:00 p.m. on June 25, 2008. All responses will be opened by the Board of Commissioners at 9:30 a.m. on June 26, 2008. Those firms chosen for further discussions or more detailed submittals will be so notified by written letter from the Office of the Flathead County Board of Commissioners.

SCOPE OF WORK:

The person/firm selected for providing field surveying services for Flathead County will be called upon to survey County roads and other County properties at the direction of County officials.

All work will be performed in a timely manner and within statutory or policy imposed deadlines.

The persons/firms selected for providing examining surveying services for Flathead County will be required to review all requested road abandonments and write up the viewers report and recommendation for consideration by the Flathead County Board of Commissioners; to examine and sign all of the Subdivision Plats and Certificates of Survey filed in Flathead County; and to provide other examining services that may be presented for review.

All work will be performed in a timely manner and within statutory or policy imposed deadlines.

CRITERIA OF SELECTION:

Selection of a person/firm for the provision of these services will be based upon the following criteria and each of the seven criteria must be addressed within the qualifications response submitted in order to be eligible for consideration.

1. Qualifications of the proposed professional personnel who will be assigned to the project.
2. Capability to meet time and project budget requirements.
3. Location of the office of the person/firm.
4. Present and projected workloads of the person/firm.
5. Related experience on similar projects.
6. Recent and current work for this agency (Flathead County).
7. Technical approach.

The person/firm selected to provide these services will be required to enter into a two (2) year contract.

Each person/firm submitting a proposal should also indicate whether or not they would like to be considered for the position of Assistant Examining Surveyor in the event that they are not selected for the position of Examining Surveyor.

Dated this 9th day of June, 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 June 12 and June 19, 2008.

MEETING W/ LAKESIDE PARK COMMITTEE

[10:16:12 AM](#) [10:47:00 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Tamara Tanberg, John Ulrich, Kathy Cummings, Clerk Kile

Tanberg reported a public meeting was held in Lakeside on May 12, 2008 to provide a time for public feedback for the proposed purchase of a piece of property that would provide public waterfront access on Flathead Lake. It was noted the property would adjoin a small parcel of county owned property four miles south of Lakeside in Deep Bay.

Discussion was held relative to the need for financial support for purchase of the State Park, in which a letter of support along with a resolution was requested from the Commission to be sent to the Governors Office.

MONTHLY MEETING W/ CINDY MULLANEY, OES

[10:35:28 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, OES Director Cindy Mullaney, Clerk Kile

Mullaney reported she has been working with Jack Speelman on upgrading the web base system to 7.4 and will do training this week on in.

Discussion was held relative to feedback received in regards to possible flooding and the need for an emergency contact number.

Mullaney then reported final copies of the pre-disaster mitigation plan are available for the 30 day public review and can be viewed at <http://flathead.mt.gov/oes/downloads.php>

Discussion also included the exchange of an OES vehicle.

QUARTERLY MEETING W/ BIGFORK STORMWATER ADVISORY COMMITTEE

[11:00:48 AM](#)

Members present:

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

Others present:

Grant Writer Debbie Pierson, Sue Hanson, Clerk Kile

Hanson presented a report from the Bigfork Stormwater Advisory Committee meeting that is available for viewing at <http://www.bigforksteering.org/bigfork-stormwater-advisory.html>. She then noted that informational brochures from the Advisory Committee were handed out at the Paddlefest and Whitewater Festival held in Bigfork. Hanson also reported an article will be written by her and Julie Spencer to make the public aware of the harm storm water runoff is causing.

FINAL PLAT: JOSHUA ACRES

[11:19:27 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Erica Wirtala, Murphy Wager, Clerk Kile

Broadie reviewed the application submitted by Dennis F and Dennis M Wager with technical assistance from Sands Surveying for final plat approval of Joshua Acres; a subdivision creating 10 residential lots on the south side of Hwy 2 past Marion. Preliminary plat approval was granted on July 6, 2006 subject to 14 conditions.

Commissioner Brenneman made a **motion** to approve final plat of Joshua Acres FFP 08-11. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

PRELIMINARY PLAT: WILLOW VIEW PARK SUBDIVISION

[11:30:16 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, J. R. Hemp, Russ Heaton, Bob Stauffer, Clerk Kile

Broadie reviewed the application submitted by New Outlook with technical assistance from APEC for preliminary plat approval of Willow View Park Subdivision; a four-lot minor subdivision on 2.62 acres located south of Conrad Drive between Collier Lane and Willow Glen Drive. Three of the lots are proposed to access on Willow Glen Drive and one is proposed to access from Collier Lane. All lots would be on individual septic systems. A multi-user well system is proposed for all lots. A variance is requested from the requirement for an internal subdivision road. She then reviewed the findings of fact and recommended denial of the application. The findings of fact that point towards denial were in regards to impacts on local services, school bus stop, impacts to the natural environment in regards to test holes that indicate groundwater at depths of eight feet or less, location of a well and sub-standards roads.

Bob Stauffer explained that they initially thought they could hook into the sewer on Willow Glen and found out that direct connections into it were not allowed. He then spoke in regards to the bus stop in which Kay Evans from the Transportation Department told them it was a bad corner and they would not stop there. Also noted is they have their approach permits from the MDOT and the Road Department. Stauffer then spoke about the eight foot to ground water regulation which they have dealt with in changing the number of lots.

General discussion was held relative to a solution for a septic approval agreement and bike path easement along Willow Glen.

Chairman Hall noted the right-of-way issue can be taken care of with a condition as well as the bus stop, sewer and well.

Commissioner Brenneman stated we have 7 of 15 findings that don't support approval.

Commissioner Brenneman made a **motion** to deny Willow View Park Subdivision. Motion **dies** for lack of a second.

Discussion was held relative to changing findings to support conditions.

Broadie then reviewed findings that were deleted:

- Finding of Fact #4: There would be a detrimental effect on some local services because of the additional multiple accesses to Willow Glen Drive, because there is no provision for a safe bus stop impacting schools, and because future wastewater provision would be made more difficult.
- Finding of Fact #5: Due to submitted studies and agency comment high groundwater is likely to present a constraint to the protection of water quality and the proposal does not meet FSR Section 4.7.12 (d).
- Finding of Fact #10: Additional driveway access could be detrimental to safety.
- Finding of Fact #12: This criteria is not met because the variance could have an additional public cost in the future.
- Finding of Fact #13: The granting of this variance would place the subdivision in non-conformance to policy P.23.2 of the Growth Policy.

Findings of fact that were changed:

- Finding of Fact #3: There is minimal effect on mail delivery, police, solid waste and electrical/phone/gas utility providers as these services are in place and level of service standards would remain relatively the same and a minimal effect on recreation because a bike easement is required along Willow Glen.
- Finding of Fact #9: The applicant currently has secured two driveway encroachment permits for Willow Glen.
- Finding of Fact #11: The property generally does not meet the variance criteria for a hardship caused by unique conditions.
- Finding of Fact #15: The proposal would be in compliance with Flathead County Subdivision Regulations with the granting of a variance from sections 4.7.7 and from section 4.7.12.

Additional unique conditions will be added for variances from section 4.7.7 and 4.7.12.

Commissioner Lauman made a **motion** to approve findings of fact for Willow View Park Subdivision as amended. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman **Opposed** - Brenneman Motion carried by quorum.

Discussion was then held relative to:

- Condition #10 which will be changed to: The developer shall contact the Superintendent of Schools and if required provide and improve a location for safe loading and unloading of students.
- Condition #19 & #20 will be combined to state: A 20 foot wide bike/pedestrian easement shall be shown on the face of the plat for future widening of Willow Glen Drive. An additional 10 foot wide bike/pedestrian easement shall be shown on the face of the final plat. The easement shall be shown adjacent and parallel to the easement for widening on Willow Glen Drive.
- Condition will be added in regards to the well abandonment.

Chairman Hall stated a statement should be placed on the final plat under condition #11 (g) that states when public sewer hookup becomes available the owners will agree to hook up to the public wastewater system.

Commissioner Lauman made a **motion** to approve preliminary plat of Willow View Park Subdivision with the approved changes of findings of fact and conditions. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. **Opposed** – Breneman. Motion carried by quorum.

STANDARD CONDITIONS

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.17(iv), FCSR]
2. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures.
3. The applicant shall show proof of a one approach permit to Collier Lane from the Flathead County Road Department indicating the approach has been built and received final inspection. [Section 4.7.17, FCSR]
4. The applicant shall show proof of two approach permits to Willow Glen Drive from the Montana Department of Transportation indicating the approach has been built and received final inspection. [Section 4.7.17, FCSR]
5. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.24, FCSR]
6. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, FCSR]
7. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that the plat meets the requirements of the fire district shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
8. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [Section 4.7.26, FCSR]
9. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
10. The developer shall contact the Superintendent of Schools and, if required, provide and improve a location for the safe loading and unloading of students. [Section 4.7.30, FCSR]
11. The following statements shall be placed on the face of the final plat applicable to all lots:

- a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.27©, FCSR]
- b. All utilities shall be placed underground. [Section 4.7.24, FCSR]
- c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler.
- d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed.
- e. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities.
- f.

Waiver of Protest

Participation in Special Improvement District

[per County Resolution 503-M]

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

- g. At the time that sewer service becomes available, all lot owners will agree to hook up to the public wastewater system.

12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), MCA]
13. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.27, FCSR]
14. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 4.4.23, FCSR]
15. Preliminary plat approval is valid for three years. [Section 4.4.20, FCSR]

UNIQUE CONDITIONS

16. The shared access easement shall be designed and constructed in accordance with the standards shown in diagram "Joint Access" and shall be certified by a licensed engineer to have met these standards.
17. The placement of the driveway access for Lot 4 shall be no closer than 25 feet from either the northern or southern lot line.
18. A Right-of-way easement of 10 feet for the future widening of Collier Lane should be shown on the face of the plat.
19. A 20 foot right-of-way easement shall be shown on the plat for the future widening of Willow Glen Drive. An additional 10 foot wide bike/pedestrian easement shall be shown on the face of the plat. This easement shall be shown adjacent and parallel to the easement for widening on Willow Glen Drive.
20. The applicant shall submit a notarized and recorded agreement between the lot owner of Tract 27 of the East ½ of the SE ¼ of Section 8 of Township 28N Range 21 West and the applicant that states that the conflicting well on the south side of the said tract has been abandoned.
21. A variance from Section 4.7.12 (d), Groundwater Provisions, shall be granted.
22. A variance from Section 4.7.7(c), Lots, shall be granted.

MEETING W/ UNIV OF MT. DEPT OF ENVIRONMENTAL HEALTH SCIENCES RE: FINDINGS OF NORTH FORK ROAD DUST STUDY

[1:05:19 PM](#)

Members present:

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

Others present:

Assistant Mike Pence, Dr. Andrij Holian, Dr. Tony Ward, Planning & Zoning Director Jeff Harris, Planner Andrew Hagemeyer, Michele Hembd, Bonny Ogle, Lynn Ogle, Leo Downs, Dube Horland, John Frederick, Virginia Sluiter, Linda Pittman, Carl Pittman, Gary Hembd, Bob Grimaldi, Larry Wilson, Jan Caldwell, Molly Shepherd, Jean Grimaldi, Alice Caldwell, Joe Franchini, Linda Jaye, Tony Ward, Rachel Potter, Jeff Larsen, Charles Lapp, Gregg Puckett, Raymond G. Brown, Clerk Kile

Dr. Tony Ward stated he was asked by the North Fork Coalition to design a study to measure the road dust that came off the North Fork Road. He then reported the results of the air sampling dust study done on the North Fork Road with TSI Dust Trak Air Samplers. In the presentation he explained what particulate matter is and the different forms of it and the types of toxicity when exposed to them. The type of particles focused on were PM10 and PM2.5; with PM standing for particulate matter. The data collected was from July 17 through August 22, 2007 in which almost every day it exceeded the acceptable standard levels set by the EPA.

Dr. Andrij Holian explained the testing done by the University with mice and concluded the potential health effects of high levels of exposure caused by road dust are similar to that of cigarette smoke. He further explained a calculation was done based upon the breathing volume of how long it would take to accumulate the amount of 400 micrograms times four disposition that did cause pathology. His calculations estimate that after approximately two years of exposure the amount of dust that would reach the lungs during a life time of exposure for 70 years, you would accumulate approximately 20 times as much as what was put into the mice over a short period of time. He then added that children are not the same as adults as they are much more sensitive than adults.

Discussion was held relative to particles in the air that you don't see.

Michael Richeson noted that Flathead County has 700 miles of gravel roads.

Chairman Hall noted there is a different composite of material on some of these county gravel roads.

General discussion was held relative to other possible studies done within the county for dust.

Bonny Ogle commented that the air sampling study was not done over the 4th of July when the biggest concentration of traffic is on the road.

It was noted that it was made abundantly clear when the study was commissioned with the University that the study would have no interest in promoting any cause one way or the other; that they were only doing scientific work.

MEETING W/ JEFF HARRIS RE: WHITEFISH INTERLOCAL AGREEMENT

[2:21:15 PM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Clerk Kile

Harris reported he will be attending a large landowners meeting in Whitefish and is looking for direction from the Commission in regards to understanding the transition period.

Discussion also included lakeshore issues, floodplain permits and the process involved with aligning Whitefish zoning with Flathead County zoning.

Grieve explained the intensive research involved in regards to dealing with each individual WLR/WSR and making the transition. He then noted that administratively behind the scenes there is a lot of investigation that has to take place.

3:15 p.m. Commissioner Brenneman: FBC Retreat @ Flathead Lake Lodge
7:00 p.m. Commissioner Hall: Whitefish City Council & County Commissioners: Large Land Owners Meeting @ Council Chambers

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 10, 2008.

TUESDAY, JUNE 10, 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.

7:15 a.m. Commissioner Brenneman: FVCC Community Conversations @ FVCC Arts & Technology Bldg.
9:00 a.m. Commissioner Brenneman: Flathead Basin Commission Retreat @ Flathead Lake Lodge
9:00 a.m. Canvass Primary Election @ Election Dept.
1:15 p.m. 911 meeting @ Justice Center

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 11, 2008.

WEDNESDAY, JUNE 11, 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.

PRELIMINARY PLAT: MARION MOBILE COURT

[10:00:19 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, Murphy Wagar, Michelle Wagar, Anthony Sylva, Michael Cochra, Dick Smith, Clerk Kile

Broadie entered into record Staff Report FPP 08-04. She then reviewed the application submitted by Murphy and Michelle Wagar with technical assistance from Smith Surveying and Stelling Engineering Inc., for preliminary plat approval of Marion Mobile Court; a proposal for 22 manufactured home lots and two commercial lots from an existing 15.696 acre tract that is currently developed with one single family home. The property is located directly off Hwy 2 about 1,500 feet past the turn off to Pleasant Valley Road. The two commercial lots would front Hwy 2, but access from the internal subdivision road. A secondary access is proposed through an adjoining subdivision. A 15 foot wide tree landscape buffer is proposed on the perimeter of the site. A shared water system is proposed with a second well dedicated for fire protection. Septic is proposed with individual systems for the commercial lots and shared systems for the residential component. Two units would share each septic. On site parkland is provided in the form of two park sites, each about 35,000 sq. ft. in size. Broadie stated all findings support approval.

Discussion was held relative to the crash gate and access onto the highway.

Commissioner Lauman noted they will continue to pursue the reduction of speed in the area with MDOT.

Commissioner Lauman made a **motion** to adopt findings of fact for Marion Mobile Court. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve preliminary plat of Marion Mobile Court. Commissioner Brenneman PT **seconded** the motion.

Discussion was then held relative to condition #16 in regards to a fence.

Commissioner Brenneman PT noted that he would like to have a way for pedestrian traffic to get to the convenience store without having to cross the highway.

Aye - Brenneman and Lauman. Motion carried by quorum.

STANDARD CONDITIONS

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.17(iv), FCSR]
2. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures.
3. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that the plat meets the requirements of the fire district shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
4. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.26, FCSR]
5. All internal subdivision roads shall be certified by a licensed engineer and constructed in accordance with the Flathead County Minimum Standards for Design and Construction. [Section 4.7.17, FCSR]
6. With the application for final plat, the applicant shall provide a Road Users' Agreement which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision. [Section 4.7.16(e), FCSR]
7. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.24, FCSR]
8. The applicant shall show proof of a completed approach permit for the new road and a modified approach permit for Bailey Circle from the Montana Department of Transportation indicating the approach for the new road has been built and received final inspection and that the other approach is sufficient for the added vehicle trips. [Section 4.7.16, FCSR]
9. The proposed water, wastewater treatment and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, FCSR]
10. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
11. The developer shall contact the Superintendent of Schools and, if required, provide and improve a location for the safe loading and unloading of students. [Section 4.7.30, FCSR]
12. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance or space entrance for the manufactured home park portion of this plat and at any subsequent divergent points of access for shared driveways. All address numbers or space numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.27.c, FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.24, FCSR]
 - c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler.
 - d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed.
 - e. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities.
 - f.

Waiver of Protest
Participation in Special Improvement District
[per County Resolution 503-M]

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
 - g. Only Class A and Class B fire-rated roofing materials are allowed on the commercial structures.
 - h. Defensible Space Standards shall be incorporated around all primary structures.
 - i. Spaces 1-22 of Lot 3 shall allow only Class A or Class B Manufactured Homes. Manufactured homes placed on these spaces shall have the hitch and tongue removed and shall be skirted with fire resistant conventional siding materials within 30 days after it has been moved to the space.
 - j. Lot owners are alerted to the presence of potentially dangerous wildlife in the area and are reminded that feeding big game is illegal. Lot owners are encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on safely living near wildlife and minimizing impact, including such things as bear proofing, pet control and removing food sources.
13. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.27, FCSR]
14. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 4.4.23, FCSR]

15. Preliminary plat approval is valid for three years. [Section 4.4.20, FCSR]

SITE-SPECIFIC CONDITIONS

- 16. A fifteen foot treed buffer shall remain around the perimeter of the manufactured home park or a landscape plan shall be submitted and reviewed showing the equivalent buffering. The applicant shall have an alternative option of a five foot high perimeter fence installation. The installation of such landscaping or of a five foot high fence shall be completed prior to final plat approval.
- 17. With the application for final plat, the applicant shall provide an access easement which shows legal access via Lot 1 of Top of the Hill subdivision connecting to Highway 2.
- 18. The mailbox site shall be located along the primary entrance road.
- 19. The plat shall show four guest parking spaces for the manufactured home park.
- 20. The revised preliminary plat shall show an approved turn around adjacent to spaces 19 and 20. The crash gate shall be placed on the emergency access road at the approved turn-around.

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: GORTON V. COUNTY

[10:30:32 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Deputy County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Clerk Kile

Smith explained the plat wasn't properly phased under regulations.

Commissioner Lauman made a **motion** to authorize the County Attorneys Office to accept service for Gorton v. Flathead County. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF HR TRANSMITTAL: INTERN/ GIS DEPT.

[10:33:38 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Deputy County Attorney Jonathan Smith, HR Director Raeann Campbell, Clerk Kile

Campbell noted the transmittal is for a revised job description.

Commissioner Lauman made a **motion** to approve the HR Transmittal for GIS. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF HR TRANSMITTAL: CHIEF FINANCIAL SUPERVISOR/ COMMUNITY HEALTH CENTER

[10:34:12 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Deputy County Attorney Jonathan Smith, HR Director Raeann Campbell, Clerk Kile

Commissioner Lauman made a **motion** to approve the job description for a Chief Financial Officer. Commissioner Brenneman PT **seconded** the motion. **Aye** –Brenneman and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve the new position for a Chief Financial Officer and Executive Director for the Community Health Center. Commissioner Brenneman PT **seconded** the motion. **Aye** –Brenneman and Lauman. Motion carried by quorum

Commissioner Lauman made a **motion** to approve the job description for the Executive Director. Commissioner Brenneman PT **seconded** the motion. **Aye** –Brenneman and Lauman. Motion carried by quorum

- 7:00 a.m. Commissioner Lauman: Prerelease Center Working Committee meeting @ The Triangle Bldg.**
- 9:15 a.m. Commissioner Lauman: RSVP Board meeting @ Heritage Place**
- 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 June 12, 2008.

THURSDAY, JUNE 12, 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.

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:02:22 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, Clerk Kile

Harris reported the Planning & Zoning Office is not seeing a decline in subdivision applications, but are seeing a decline in large subdivision applications. He then presented a schedule of the Planning Boards meetings for the next 4 months with a meeting scheduled every Wednesday. Harris also presented the Commission with a "Working Draft Map" of the Transportation Study (Phase II) and explained the study will give them information that will help in prioritizing work that needs done. He then noted a new template is being used by personnel in the office for subdivision reports that will be consistent. Also reported was a Text Amendment to the Flathead County Zoning Regulations is in progress to replace language in section 1.04.020.

Discussion was then held relative to the Two Rivers Neighborhood Plan that is not consistent with the growth policy.

BI-MONTHLY MEETING W/ VICKI SAXBY, I.T.

[9:37:04 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

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

Saxby reported the web enhancement project went live on April 21, 2008 as planned and they will announce the new website <http://flathead.mt.gov> to the public on June 25. She then stated Snow Dog is still working on the e-commerce portion of the website and that tax payments should be able to be made on-line this fall. She then noted the Health Department has asked them to develop two new applications; one to deal with ground water monitoring and one to track food borne illnesses. Saxby further reported that spam e-mail has been greatly reduced, they now have three UPS units installed, they are in the process of re-cabling the server room and are moving the core router from its current location to a safer more accessible place in the server room.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: NORTH FORK NEIGHBORHOOD PLAN

[9:47:49 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planner Andrew Hagemeyer, Clerk Kile

Commissioner Brenneman PT noted for the record no comments were received.

Commissioner Lauman made a **motion** to adopt Final Resolution #2143A. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

RESOLUTION NO. 2143A

WHEREAS, the Board of Commissioners of Flathead County, Montana, adopted the North Fork Neighborhood Plan as an addendum to the Flathead County Master Plan on March 10, 1987.

WHEREAS, the Board of Commissioners replaced the Flathead County Master Plan with the Flathead County Growth Policy on March 19, 2007.

WHEREAS, a group of property owners has petitioned for a revision to the North Fork Neighborhood Plan in order to ensure that it complies with the Flathead County Growth Policy;

WHEREAS, the property covered by the plan is approximately 523,800 acres located between the crest of the Whitefish Range on the West, to the crest of the Livingston Range on the East and between the Canadian border on the North and Camas and Big Creek on the South, and is comprised generally of 246,000 acres administered by the US Forest Service, 244,000 acres administered by the US Park Service, 18,600 acres administered by the State and 14,480 acres of private land;

WHEREAS, with the inclusion of the proposed revisions to the North Fork Neighborhood Plan, the Plan allows for some growth in residential and commercial uses appropriate to the area, though restricting growth to ensure its scale is comfortable to the residents and appropriate for the level of services available in the remote area it covers; is written to protect important environmental attributes of the area, with polices, such as stream side setbacks, that were implemented over a decade ago and remain in the plan; and complies with the Flathead County Growth Policy;

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt the revision to the North Fork Neighborhood Plan, an addendum to the Flathead County Growth Policy, as amended by the Flathead County Planning Board;

WHEREAS, the Flathead County Board of Commissioners reviewed the proposal, determined that the proposed revision of the North Fork Neighborhood Plan should be formally considered, passed a resolution of intention (Resolution No. 2143, dated May 1, 2008) to consider that adoption, gave the public an opportunity to comment in writing on the proposed revisions to the North Fork Neighborhood Plan received in the Board's Office by June 6, 2008, and received no comments concerning its intention to adopt the proposed revisions to the North Fork Neighborhood Plan.

NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it hereby adopts the proposed revisions to the North Fork Neighborhood Plan, an addendum to the Flathead County Growth Policy, and the North Fork Neighborhood Plan, as adopted, is attached hereto as Exhibit A.

DATED this 12th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____
Gary D. Hall, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Appendix "A" is available for viewing at http://flathead.mt.gov/planning_zoning/

CONSIDERATION OF PRINTING BIDS: COUNTY ATTORNEY'S OFFICE

[9:48:58 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the print bid from Great Northern Printing for 500 business cards for \$24.95 for the Sheriff's office. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

OPEN BIDS: RSID #143 (RESTHAVEN)

[10:00:29 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Terry Richmond, Denise Smith, Allen Chatriand, Russell Olsen, David Steely, Dan Chilcote, Jeff Schmidt, Chuck Pisk, Dan Fleck, Steve Settle, Jason Campbell, Clerk Kile

Terry Richmond explained that two addendums were issued on the project. He then noted a base bid for the project will be received, an additive alternate for traffic calming devices and a deductive alternate/ modification to the routing of the pavement to eliminate conflicts with a lift station. He then recommended that the bids be opened and taken under advisement before a recommendation is made.

Bids received with bid bonds enclosed from:

	<u>Base Bid</u>	<u>Additive</u>	<u>Road Deduct</u>
Goose Bay	\$352,482.25	\$9,066.00	\$17,617.07
LHC	\$396,248.00	\$2,880.51	\$14,265.55
Schellinger Construction	\$299,140.00	\$4,800.00	\$ 8,860.00
Knife River	\$354,169.86	\$1,587.96	\$19,753.21
Settle Contracting Inc.	\$328,727.10	\$7,125.00	\$12,350.00

Commissioner Lauman made a **motion** to take the bids received under advisement and refer them to Morrison and Maierle. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION: INCREASE PORT AUTHORITY MEMBERS FROM 5 TO 7

10:20:50 AM

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Mike Strotheide, Clerk Kile

Smith noted the Port Authority has requested that two additional members be added to the board.

Mike Strotheide stated that they want the additional members in order to have more diversification within the county.

Commissioner Lauman made a **motion** to adopt Resolution #1396A to increase the Port Authority Board members from 5 to 7. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

RESOLUTION 1396 A
AMENDING THE RESOLUTION CREATING A PORT AUTHORITY aka
ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, the Board of County Commissioners of Flathead County, after conducting a public hearing on July 22, 1999, to receive public comment on a proposal to create a port authority, established a port authority pursuant to Section 7-14-1104, M.C.A., by adoption of Resolution No. 1396 on July 22, 1999;

WHEREAS, the Board of County Commissioners of Flathead County, in adopting Resolution No. 1396 established the number of members of the Port Authority at five;

WHEREAS, the Board of County Commissioners has been asked to increase the number of members on the Port Authority to seven; and

WHEREAS, the Board of County Commissioners agrees that the number of members of the Port Authority should be increased to seven.

NOW THEREFORE, by the authority granted in Section 7-14-1101, M.C.A., the Board of County Commissioners hereby amends Resolution No. 1396 by amending Paragraph 1 thereof as follows:

1. The Board of Commissioners of the Port Authority shall be comprised of ~~five~~ seven members to be appointed by the Board of County Commissioners, as set forth in Section 7-14-1101, M.C.A.

BE IT FURTHER RESOLVED that the two additional members to be appointed shall be appointed initially for terms that will end on December 31, 2009 and December 31, 2010, and that thereafter, the members appointed to those positions shall serve for terms of five years, commencing on January 1 and ending on December 31.

DATED this 12th day of June, 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

OPEN BIDS: EAST EVERGREEN BIKE PATH

10:11:53 AM

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planner Alex Hogle, Terry Richmond, Denise Smith, Allen Chatriand, Russell Olsen, David Steely, Dan Chilcote, Jeff Schmidt, Chuck Pisk, Dan Fleck, Steve Settle, Jason Campbell, Clerk Kile

Bids received with bid bonds enclosed from:

Schellinger Construction	\$496,941.25
Paveco, LLC	\$483,691.74
Sandry Construction	\$674,904.00

Settle Contracting	\$474,667.27
AAA Construction	\$499,409.00
Goose Bay	\$419,178.76
Knife River	\$635,650.53
LHC Inc.	\$470,239.50

Commissioner Lauman made a **motion** to take the East Evergreen Bike Path bids under advisement. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

- 11:00 a.m. Commissioner Brenneman: View Road Abandonment #471 (portion of Park Street)**
- 12:00 p.m. Bigfork Steering Committee Public Forum @ Bethany Lutheran Church**
- 2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Sr. Center**
- 7:00 p.m. Road Advisory Committee meeting @ Solid Waste District Conference Room**
- 7:30 p.m. Fair Board meeting @ Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 13, 2008.

FRIDAY, JUNE 13, 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 and Brenneman: "Putting Civil Dialogue into Practice" Workshop @ FVCC Arts & Technology Bldg.**
- 10:00 a.m. Commissioner Lauman: Older Americans meeting @ Expo Building, Fairgrounds.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 16, 2008.
