
MONDAY, JUNE 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.

6:00 p.m. Commissioner Lauman: McMannamy Draw Community Meeting @ West Valley School

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 24, 2008.

TUESDAY, JUNE 24, 2008

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

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

Pam Holmquist explained the progress that has taken place in regards to the feasibility study for the Water and Sewer Board. She then noted a power point presentation is being put together that she would like the Commission to view before it is presented to the board.

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

DOCUMENT FOR SIGNATURE: EASEMENT FROM FLATHEAD COUNTY TO FEC

[9:34:37 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Debbie Boreson, Clerk Kile

Steele noted the easement pertains to a strip of land in Whitefish that Flathead County is selling and that Flathead Electric will have an easement to.

Commissioner Lauman made a **motion** to approve the easement document for signature. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: MDOT SECTION 5311 CONTRACT/ EAGLE TRANSIT

[9:38:01 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the MDOT Section 5311 Contract for Eagle Transit. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #09-07-5-31-005-0

[9:38:51 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve DPHHS Contract #09-07-5-31-005-0. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: BIGFORK SHORES

[9:45:40 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Mike Pence, Planner George Smith, Clerk Kile

Smith reported they just recently found out the lake bottom in the canal is co-owned by the North Shore Association and the Bigfork Shore Association. He then added the permit has been put on hold until agreements are reached.

Commissioner Lauman made a **motion** to remove the consideration for the Lakeshore Permit for Bigfork Shores from the agenda. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF EXTENSION: DEER CREEK HEIGHTS

[10:00:16 AM](#)
Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Brooke Howard, Clerk Kile

Commissioner Lauman made a **motion** to approve an extension for Deer Creek Heights to September 12, 2009. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: RSID #144 (LODGEPOLE DR)

[10:03:31 AM](#)
Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Clerk Kile

Commissioner Lauman made a **motion** to authorize publication of the Call for Bids for RSID #144 (Lodgepole Drive) and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for the paving of RSID 144 – Lodgepole Drive in Marion, Montana.

The project generally consists of paving approximately 130,000 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. The contract documents, consisting of half size drawings and the project manual, may be examined or obtained at the office of Morrison-Maierle, Inc., 125 Schoolhouse Loop, Kalispell, MT 59904. The required deposit of \$50.00 per set is non-refundable. Payment of an additional \$20.00 is required for express mail.

In addition, the drawings and project manual may also be examined at the following locations:

Northwest Plans Exchange	2303 Hwy. 2 East, Kalispell, MT 59901
Helena Plans Exchange (MCA)	1717 11 th Ave, Helena, MT 59604
Morrison-Maierle, Inc. – Missoula	3011 Palmer Drive, Missoula, MT 59801
Missoula Builders Exchange	201 North Russell, Missoula, MT 59801

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 Lodgepole Drive and will be included in the contract for paving Lodgepole 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 Lodgepole Drive RSID 144 Bid**" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before 5:00 p.m., on July 22, 2008. Bids will be opened and read at 10:15 a.m., on July 23, 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 24th day of June, 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: July 3, 2008
July 10, 2008
July 17, 2008

AUTHORIZATION TO PUBLISH CALL FOR BIDS: RSID #145 (SNOWGHOST DRIVE)

[10:03:06 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to authorize publication of the Call for Bids for RSID #145 (Snowghost Drive) and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for the paving of RSID 145 – Snowghost Drive in Whitefish, Montana.

The project generally consists of paving approximately 67,000 square feet with 3-inch thick asphalt and 8-inch 1-1/2-inch crushed gravel, and improving existing drainage swales on the shoulder of the road. The contract documents, consisting of half size drawings and the project manual, may be examined or obtained at the office of Morrison-Maierle, Inc., 125 Schoolhouse Loop, Kalispell, MT 59904. The required deposit of \$50.00 per set is non-refundable. Payment of an additional \$20.00 is required for express mail.

In addition, the drawings and project manual may also be examined at the following locations:

Northwest Plans Exchange	2303 Hwy. 2 East, Kalispell, MT 59901
Helena Plans Exchange (MCA)	1717 11 th Ave, Helena, MT 59604
Morrison-Maierle, Inc. – Missoula	3011 Palmer Drive, Missoula, MT 59801
Missoula Builders Exchange	201 North Russell, Missoula, MT 59801

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 Snowghost Drive and will be included in the contract for paving Snowghost 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 Snowghost Drive RSID 145 Bid**" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before 5:00 p.m., on July 22, 2008. Bids will be opened and read at 10:15 a.m., on July 23, 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 24th day of June, 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: July 3, 2008
July 10, 2008
July 17, 2008

AWARD BID: LOADER/ ROAD DEPT.

[10:17:27 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Operations Manager Guy Foy, Shop Superintendent Ted Gilbertson, Clerk Kile

Commissioner Lauman made a **motion** to award the bid to Western States Equipment for a loader. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #471 (PORTION OF PARK STREET)

[10:20:20 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to authorize publication of the Notice of Public Hearing for Road Abandonment #471 and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

**NOTICE OF DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 471**

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

A portion of Park Street in Section 5, Township 28 N, Range 21 W, described as follows:

Beginning at the SE corner of tract 2 of COS 15769 N 07° 49' 30" W 30.10 feet, thence N 01° 30' 27" W 58.93 feet to the NE corner of tract 2 of COS 15769, thence N84° 09' 57" E 60.50 feet, thence S 01° 30' 27" W 113.87 feet, thence northwesterly to the SE corner of tract 2 of COS 15769 to the point of beginning.

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

The hearing on this petition for abandonment is set for **July 10, 2008 at 9:30 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 24th day of June 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

PAULA ROBINSON,
CLERK AND RECORDER

By/s/Diana Kile
Diana Kile, Deputy

Publish on June 28 and July 5, 2008

DOCUMENT FOR SIGNATURE: COPS TECHNOLOGY GRANT/ SHERIFF'S OFFICE

[10:23:02 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Pierson reported the COPS Technology grant is money appropriated for the 911 CAD System.

Commissioner Lauman made a **motion** to approve the COPS Technology Grant and related documents for signature. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

MONTHLY MEETING W/ LINCOLN CHUTE, FIRE SERVICE AREA MANAGER

[10:30:51 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Fire Service Area Manager Lincoln Chute, Clerk Kile

Chute reported he attended a legislative committee meeting in Libby where discussions were held relative to the high cost of fighting fires. He then spoke of his concern with the North Fork area being put on the AMA (Appropriate Management Action) list, and stated that DNRC agrees with him that they definitely need to try to be involved if a fire starts up the North Fork. Also noted was the progress made in identifying homes and private infrastructures in the fire service area that are not being taxed for fire protection. He then reported that he met with Plum Creek in regards to a 72 lot subdivision north of Bitterroot Lake that he feels should be annexed into the Marion Fire Department. He further added he has been working with Fire Chiefs in regards to regulations and by-laws.

PUBLIC HEARING: FALCON & HAYS ZONE CHANGE/ HWY 93 NORTH ZONING DISTRICT

[11:05:02 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Planning & Zoning Director B J Grieve, Planner Andrew Hagemeyer, Deputy County Attorney Jonathan Smith, Erica Wirtala, Tanner Falcon, Andrea Falcon, Kirk Falcon, Bill Ashe, Erin Spon, Jeff Ashe, Rick Smith, Tim Groeres, Clerk Kile

Hagemeyer reviewed Staff Report FZC 08-04; an application submitted by Kirk and Andrea Falcon and Glen and Helen Hayes with technical assistance from Sands Surveying regarding a zone change request from SAG-10 to SAG-5 within the Hwy 93 North Zoning District. The property is located northwest of Kalispell off of Rose Crossing and Whitefish Stage. On May 14, 2008 the Flathead County Planning Board held a public hearing, at which time their recommendation was to deny the zone change request with the dysfunctional road not being addressed. He then noted staff's recommendation is for approval.

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

Erica Wirtala, representing the Falcons and Hayes gave a history of the properties included in the request and the surrounding properties. She then noted the Road User's Agreement came about when Morning View Meadows was developed; the CC&R's were broken, but the Road User's Agreement was retained. Wirtala then reviewed documents presented to the Commission and stated those not part of the subdivision are party to the Road User's Agreement. Also stated was the current Secretary/Treasurer has not been as active as Andrea Falcon was in keeping track of everyone and updating them on the road, and that the account still has \$800.00 in it with people still contributing to it and maintaining the road. She then noted the Hayes have four children and with the current zoning could only leave the land to two of them.

Andrea Falcon, 2075 Pine Grove Lane then presented a letter to the Commission in regards to the history of the Road User's Agreement that states, "It shall be binding upon the property owners and their respective heirs, successors, personal representatives and assigns, and shall be appurtenant and deemed to run with the land." This agreement was signed and recorded June 6, 1991 and it's existence reaffirmed last year when Morning View Meadows covenants were abolished, yet retaining the Road Maintenance Agreement. She then explained the history of Mr. Ashe's apparent confusion and stated the 55 acres of tract land have never been a part of Morning View Meadows. Both the Falcon and Hayes homes were built before this subdivision was created in 1979; the date of the original covenants. Mr. Ashe's subdivision was stuck in the middle of Pine Grove Lane and contains 5 parcels. The Road Maintenance Agreement was created in 1991 and covered all parcels fronting Pine Grove Lane. The agreement covered 13 parcels of land; only 5 of which were those in Morning View Meadows. She then noted that due to the fact that this Road Maintenance Agreement was then filed as an amendment to their covenants and contained the legal descriptions of the non-subdivision lands, the lawyers of a new landowner/ developer desiring to develop the land along the stretch of Pine Grove Lane felt it necessary to clear title by abolishing the covenants in their entirety, except for the Road Maintenance Agreement. The current zoning is SAG 10 and the request is for SAG-5 zoning. Falcon then spoke about the signatures on Mr. Ashe's petition and stated that only 2 out of 20 parcels are more than 10 acres with 85% of them under 10 acres and most of them being 4.9 acre tracts.

Rick Smith, 1925 Pine Grove Lane commented that he was offended by comments made and stated that the Road Agreement is basically not in existence; although there is something on paper. He then said his wife is the current Secretary/ Treasurer and that no money has been paid into the account for over two years now and that she has been active in keeping track of the account. Smith added they have asked to have meeting with neighbors including the Falcons. He further stated there are two sides to every story and what you are getting is not true.

Bill Ashe, 1870 Pine Grove Lane commented that he is the one taking the heat for the petition. He then pointed out on a map the parcels that would have an increase in dust with the proposed zone change. Ashe then spoke about the wording of the Road Users Agreement that states a committee of three would be established to enforce the agreement; which has never happened, so the enforcement part is non-existence. He then stated 6 parcels have contributed absolutely nothing to Road Maintenance. He further added dust is a big problem on the road and an additional 9 parcels would double the traffic on the road. Ashe then asked that the will of those that live there be considered.

Jeff Ashe stated that when it came time to abolish the covenants that those that had extra parcels were given extra votes to abolish the covenants, but when it came time to pay the road fee the extra parcel holders never paid into the road fee; only when it was in their favor did they use the benefit of having another tract of land.

Andrea Falcon, 2075 Pine Grove Lane explained that for the 12 years they have lived on the property that it was determined in their meetings that the only people that had to pay into the road fund were those that had homes; that none of the other 13 parcels were ever notified. The only ones that paid were the ones that had homes built along the road.

Chairman Hall asked the applicant why they wanted the zone change.

Andrea Falcon stated they feel SAG-5 is the highest and best use for the area. She further stated they are not working with a developer; that they would like to sell their original home with 5 acres and build a high end green home and hold on to as much land as possible.

Erica Wirtala stated the Hayes plan to live out their lives on the property and have no plans to subdivide.

Tanner Falcon said that he feels for the future it would be in the best interest for the family if the zone change would be done in case something were to happen to his parents, so that an agreeable split could be made.

Erica Wirtala then said the Falcons have contributed on a fairly regular basis to the Road Users Agreement account. She further said there are no CC&R's on the property.

Bill Ashe commented the Flathead County Planning Board members that heard the proposed zone change recommended denial of it.

Jeff Ashe commented if their intentions are to pass the tracts on to family members they could cross the bridge of zoning at that time. He further commented the use of the road increases expeditiously towards Rose Crossing; therefore more intense road maintenance is required on the front of the road.

Andrea Falcon pointed out that a neighbor that signed Mr. Ashe's petition had his zoning changed to SAG 5.

Bill Ashe commented that the neighbor did change his property to two five acre parcels and that he lives on a paved road and has minimum impact on the neighborhood.

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

Commissiner Lauman said that it seems the Road Users Agreement is in fact in place. He then said that when you live in a development and assess only the houses that you are also enhancing the lots. He further encouraged them to assess all properties on the road.

Chairman Hall commented this is not an easy decision with staff recommending it because it is compliant with Subdivision Regulations and the Planning Board denying it. He then said he has been out on the road and that it is substandard and that it is unfortunate that there are not better relationships with those living on the road.

Hagemeier commented at the public hearing before public comment on the road was made, that the statutory criteria that he reviewed it under were met. He further commented that he cannot make the determination on the Road Users Agreement.

Commissioner Lauman made a **motion** to approve the Falcon & Hayes Zone Change / Hwy 93 North Zoning District Resolution #837BO. Chairman Hall **seconded** the motion.

Chairman Hall said that the road is the main issue and that they should have a right to take care of their families.

Aye - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 837 BO

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 24th day of June, 2008, concerning a proposal by Kirk and Andrea Falcon and Glen and Helen Hay, to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on June 9 and June 16, 2008;

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing; and

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts 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., adopts this resolution of intention to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 to SAG-5, the boundaries of said area are described on the attached Exhibit A.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Highway 93 North Zoning District to be changed, the general character of the proposed designation for the area to be changed, 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 Highway 93 North 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 Highway 93 North 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 Highway 93 North Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 24th day of June, 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

ATTEST:
Paula Robinson, Clerk

By _____
Joseph D. Brenneman, Member

By/s/Diana Kile
Diana Kile, Deputy

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
BIGFORK AREA 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. 837 BO) on June 24, 2008, to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from SAG-10 to SAG-5 are set forth on Exhibit A.

The proposed change would not change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, and providing for estate type residential development, but the minimum lot size would be reduced from 10 acres to five acres.

The Flathead County Zoning Regulations defining the SAG-10 and SAG-5 Zones are on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana and on the Flathead County Planning and Zoning Office's website, at: <http://www.co.flathead.mt.us/fcpz/index.html>. Documents related to the proposed amendment in the Highway 93 North Zoning District are also on file for public inspection at the Office of the County Clerk and Recorder and 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 Highway 93 North Zoning District from persons owning real property within the Highway 93 North Zoning 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 24th 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 28 and July 5, 2008.

12:00 p.m. Commissioner Brenneman: CDC Board of Directors meeting @ CDC Office
5:00 p.m. Commissioner Lauman: Refuse Board meeting @ Solid Waste District Office

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

WEDNESDAY, JUNE 25, 2008

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

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/ DAVID PRUNTY, SOLID WASTE DISTRICT

[9:31:37 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Solid Works Director David Prunty, Solid Waste Operations Manager Jim Chilcote, Clerk Kile

Prunty presented a copy of a conceptual site layout plan for consolidation of the Kila and Marion sites which will be centrally located for Kila, Marion and Ashley Lake residents. The site will have a 30 year easement at a cost of \$17,000.00. He then noted a public meeting will be held at the Earl Bennett building in regards to the consolidation.

Discussion was then held relative to the Columbia Falls container site that accounts for 26% of the volume of garbage being hauled.

Prunty then spoke about the scavenging policy that will be implemented and the recycling program they would like to expand. He then noted the May landfill tonnage was down by 8% in 2008 compared to 2007.

DOCUMENT FOR SIGNATURE: RECREATION TRAILS PROGRAM GRANT/ HERRON PARK

[10:12:47 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Member absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Pierson reported the grant money is to do trail work in Herron Park.

Commissioner Lauman made a **motion** to approve the document for signature for the Fish, Wildlife and Parks Recreational Trails Program Grant, Herron Park Project and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

BOARD APPOINTMENTS: RIVERDALE LAND USE ADVISORY COMMITTEE AND SOUTH KALISPELL VOLUNTEER FIRE DEPT.

[10:03:56 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planning & Zoning Office Administrator Mary Sevier, Clerk Kile

Chairman Hall made a **motion** to appoint Lacy Galpin, Herb Koenig, Harry Brown, William Spurzem and Scot Hedstrom to the Riverdale Land Use Advisory Committee. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to appoint Faith Brewer to the South Kalispell Volunteer Fire Department. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: SUPPORT LAKESIDE PARKS COMMITTEE TO ACQUIRE PARK IN LAKESIDE W/ STATE OF MONTANA

[10:07:08 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Tamara Tanberg, Kathy Cumming, Clerk Kile

Chairman Hall read into the record Resolution #2151.

Commissioner Lauman made a **motion** to adopt Resolution #2151 in support of acquiring park land in Lakeside, Montana. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 2151

WHEREAS, the Lakeside Parks Advisory Committee has recommended that the State of Montana consider the purchase of property known as Crag Moor or Deep Bay, on the West Shore of Flathead Lake approximately 4 miles South of Lakeside, Montana;

WHEREAS, the Himsl Family Trust, owner of the property consisting of approximately 60 acres and containing approximately 767 feet of lake frontage, has expressed a desire to see the property developed as a State park and has expressed willingness to negotiate a sale for that purpose; and

WHEREAS, the Board of Commissioners believes that the site would be an ideal location for a State park available to the public for Flathead Lake access.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that it is in full support of the efforts of the Lakeside Parks Advisory Committee to encourage the State of Montana to purchase the property known as Crag Moor or Deep Bay, on the West Shore of Flathead Lake approximately 4 miles South of Lakeside, Montana, for the use and benefit of the people of Montana as a State park.

Dated this 25th day of June, 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

AUTHORIZATION TO PUBLISH: FLATHEAD COUNTY PRE-DISASTER MITIGATION PLAN

[10:11:11 AM](#)

Members present:

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

Others present:

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

Commissioner Brenneman made a **motion** to authorize publication of the Flathead County Pre-Disaster Mitigation Plan and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

NOTICE OF PUBLIC COMMENT PERIOD
FLATHEAD COUNTY PRE-DISASTER MITIGATION PLAN

The Pre-Disaster Mitigation Plan for Flathead County and the incorporated Cities of Columbia Falls, Kalispell and Whitefish is available for public review and comment. The 30 day review period begins July 1, 2008 and ends July 31, 2008. A paper copy of the plan is available for review at the three City Offices and at the Office of Emergency Services located in the basement of the Justice Building, 920 S Main, Kalispell. A copy of the plan is also posted on the Flathead County website at www.flathead.mt.gov. Comments on the plan should be submitted in writing to Cindy Mullaney, Acting Director, Office of Emergency Services, 920 S. Main Street, Kalispell, MT 59901 or via the internet to oes@flathead.mt.gov.

Dated this 25th day of June, 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 June 30 and July 7, 2008.

PRELIMINARY PLAT: PICNIC HILL SUBDIVISION

[10:18:21 AM](#)

Members present:

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

Others present:

Assistant Planning & Zoning Director B J Grieve, Planner Andrew Hagemeyer, Deputy County Attorney Jonathan Smith, Craig Tutvedt, Laurie Tutvedt, Narda Wilson, Debbie Shoemaker, Dawn Marquardt, Clerk Kile

Hagemeier entered into record FSR 08-02; he then reviewed the application submitted by Craig and David Tutvedt with technical assistance from Narda Wilson for preliminary plat approval of Picnic Hill Subdivision; a two lot minor subdivision on 160 acres located on West Spring Creek Road at the intersection of Clark Drive.

General discussion was held relative to the condition of the road, right-of-way issues and moving lot 2 to a different location on the property.

Craig Tutvedt said when lot 2 was created it was put out as equal equity and that it will never be used; he is fine with moving it.

Hagemeier stated that if lot 2 is moved that condition 14 should be deleted.

Jonathan Smith noted for the record that the Montana Supreme Court last week released an opinion that says remainders don't exist under the subdivision act, and this is a subdivision that has two lots and a remainder; next week this would be a subdivision and the way we are interpreting the Supreme Court decision it would be 3 lots. He then added at this point he doesn't feel it is reasonable to stop this one at mid course and send it back to start over where it would become a 3 lot subdivision. Smith stated for the record this is one of the last ones you will see with a remainder.

BJ Grieve noted the Planning & Zoning Office has drafted a letter to be sent to all Surveyors.

Finding of Fact 1 will be changed to read: The effects can be mitigated by bringing the road up to county standards or a county gravel road or moving lot 2 immediately to the west of lot 1.

Finding of Fact 7 is stricken.

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

Narda Wilson, representing the Tutvedt's noted that Spring Creek definitely is not up to county standards. She then said most of the roads in West Valley are sub-standard and to require 3,450 feet of road improvements on Clark Drive seems excessive for the creation of 2 lots. It was noted the issues that appear to require the need to upgrade Clark Drive to current county standards are primarily related to emergency access. Wilson then asked that condition 14 be stricken and condition 15 be amended to state that a letter from the West Valley Fire Department will be provided approving access to lots 1 and 2 and making any improvements that would be required prior to final plat approval.

Haegemier noted condition 15 was proposed by the applicant and stated there are goals and policies in the growth policy that talk about not allowing development on roads that are sub-par.

Condition 15 will state: The applicant shall move lot 2 to the west of lot 1 and acquire a letter from the West Valley Fire Chief stating that Clark Drive can provide adequate year around access and that any required improvements would be made prior to final plat.

Condition 16 will state: The applicant will show on the face of the final plat a 30 foot easement from the center line of Clark Drive.

Commissioner Brenneman made a **motion** to approve Picnic Hill Subdivision with amended conditions. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

STANDARD CONDITIONS

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.17(iv), FCSR]
2. The applicant shall show proof of completed approach permits from the Flathead County Road Department, indicating the approach has been built and received final inspection. [Section 4.7.17, FCSR]
3. Except for sewer and water lines, underground utilities (if placed in the road right-of-way or easement) shall be located between the roadway and the right of way or easement line to simplify location and repair of lines. These underground facilities shall be installed after the road has been brought to grade and before it is surfaced. Utility lines shall be designed by utility firms in cooperation with the subdivider, subject to all applicable laws and all rules and regulations of any appropriate regulatory authority having jurisdiction over such facilities. At the time of final plat, letters shall be provided from the appropriate utilities stating that the lines constructed meet these requirements and any of their additional requirements. [Section 4.7.24, FCSR]
4. Utility easements shall be 10 feet wide unless otherwise specified by the utility company. These easements shall be shown on the face of the final plat. [Section 4.7.24(c), FCSR]
5. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
6. The applicant shall provide an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved and implemented. The Weed Control Plan shall be implemented prior to final plat application. The County Weed Supervisor may charge a fee to inspect the subdivision and approve the implementation. [Section 4.7.26, FCSR]
7. 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]
8. 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]
9. 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(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.24, FCSR]

- c. Lot owners are notified they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
- d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed.
- e.

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.

- 10. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), MCA]
 - 11. 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 4.2.19, FCSR]
 - 12. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 4.2.15, FCSR]
 - 13. Preliminary plat approval is valid for three years. [Section 4.2.13, FCSR]
- UNIQUE CONDITIONS
- 14. The applicant shall move lot 2 to the west of lot 1, and acquire a letter from the West Valley Fire Department that states Clark Drive can provide adequate year round access and that any required improvements be certified by a licensed engineer and made before final plat approval.
 - 15. The applicant shall show the 30 foot easement for Clark Drive from the center line of the road on the face of the final plat.
 - 16. The applicant shall receive a variance from Section 4.7.7 (b) [FCSR] prior to final plat approval.

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

[11:08:27 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Finance Technician Lora Aspenlieder, Clerk Kile

Garza reported the Finance Department is tying up the budget and closing out the year. He further reported the 2007 audit is almost complete and they are working the tax levy schedule and putting together a plan in order to be prepared for 2008.

Discussion was held relative to one percent longevity pay for elected officials

BUDGET MEETING: CLERK OF DISTRICT COURT

[10:58:12 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Finance Technician Lora Aspenlieder, Clerk of District Court Office Administrator Peg Allison, Clerk Kile

Discussion was held relative to the Clerk of District Court's budget for 2008-2009.

- 10:00 a.m. Commissioner Brenneman: State Emergency Response Commission conference call**
- 11:00 a.m. County Attorney meeting @ Co. Atty's Office**
- 3:30 p.m. Commissioner Lauman & Commissioner Hall: Installation & Welcome Ceremony for Glacier Nat'l Park Superintendent Chas Cartwright @ Apgar Transit Center**

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

THURSDAY, JUNE 26, 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/ MONICA EISENZIMER, ELECTION DEPT.

[9:20:20 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Recording Manager Monica Eisenzimer, Clerk Kile

Eisenzimer presented precinct by precinct election results to the Commission. She then noted some state wide issues have been withdrawn that will allow the ballot this fall to be shortened.

Discussion was held relative to small polling sites.

OPEN RFQ: LAND SURVEYOR, EXAMINING LAND SURVEYOR AND ASSISTANT SURVEYOR

[9:37:55 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

RFQ's were received from: James H Burton, Bryan Block, Smith Surveying and Consulting, Sands Surveying, Robert Peccia and Associates and Jackola Engineering.

Commissioner Lauman made a **motion** to take under advisement the RFQ's for a Land Surveyor, Examining Surveyor and Assistant Surveyor. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: CLIENT AGREEMENT FOR PRESCRIPTIONS/ HUMAN RESOURCE OFFICE

[9:51:06 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk Kile

Campbell reported Allegiance has switched their prescription plan to Great West and the document is for the new agreement.

Commissioner Lauman made a **motion** to approve the client agreement document for the prescription plan and authorized the Chairman to sign. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

HR TRANSMITTAL: CIVIL DEPUTY & LIBRARY TECHNICAL ASSISTANT

[9:57:13 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Sheriff Mike Meehan, Under Sheriff Pete Wingert, Clerk Kile

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

Commissioner Lauman made a **motion** to approve the HR Transmittal for a Library Technical Assistant with the job description revised. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: COLLECTIVE BARGAINING AGREEMENT TEAMSTERS LOCAL NO 2/ ROAD DEPT

[9:48:02 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk Kile

Campbell reported the changes which included an interchange rule, tool allowance and COLA increase.

Commissioner Lauman made a **motion** to approve the Teamster Local collective bargaining agreement. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: AFSCME LOCAL 3531 DEPUTY SHERIFF'S EMPLOYEES

[9:45:51 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Sheriff Mike Meehan, Under Sheriff Pete Wingert, Clerk Kile

Commissioner Lauman made a **motion** to approve the local 3531 Deputy Sheriff Employee Contract. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

FINAL PLAT: HIDDEN WATERS

[10:00:54 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Planning & Zoning Director B J Grieve, Planner Dianna Broadie, Bailey Iott, Olaf Ervine, Clerk Kile

Broadie reviewed the application submitted by Hidden Waters LLP with technical assistance from Montana Mapping for final plat approval of Hidden Waters; a subdivision creating seven residential lots located off Hwy 2, northeast of West Valley Drive and across from Ashley Hills Drive. Preliminary plat approval was granted on April 10, 2006 subject to 15 conditions. Staff recommends final plat approval be granted.

Commissioner Lauman made a **motion** to approve final plat of Hidden Waters. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: N.W. DRUG TASK FORCE INTERLOCAL AGREEMENT

[10:18:38 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Debbie Boreson, Clerk Kile

Commissioner Lauman made a **motion** to approve the N.W. Drug Task Force Interlocal Agreement. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DEQ CONTRACT #506025

[10:21:12 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve DEQ Contract #506025 and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS & OTHER WATER BODIES/ WHITEFISH FIRE SERVICE AREA

[10:22:31 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Debbie Boreson, Robert Smith, Clerk Kile

Commissioner Lauman made a **motion** to approve the document for signature for proposed work in Montana's streams, wetlands, floodplains and other water bodies in the Whitefish Fire Service Area. Chairman Hall **seconded** the motion. **Aye –** Hall and Lauman. Motion carried by quorum.

PRELIMINARY PLAT: GLACIER INTERNATIONAL BUSINESS PARK

[10:56:44 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Planning & Zoning Director B J Grieve, Planner Dianna Broadie, Weed & Parks Director Jed Fisher, Olaf Ervine, Clerk Kile

Broadie entered into record Staff Report FPP 08-02. Broadie then reviewed the application submitted by Bill Redding with technical assistance from Montana Mapping for preliminary plat approval of Glacier International Business Park; a proposal to create ten commercial lots and two additional lots dedicated respectively to the purpose of signage and drainfield from an existing 23.20 acre tract located on the southwest corner of Hwy 2 and Birch Grove. There is a proposed open space on the south portion of the site that would act as a buffer to the development lying south and additional central open space in a spoke pattern between the centrally located lots. The project proposes three access points, one directly onto Birch Grove, one indirectly onto Birch Grove from a private road named D & J Lane and the third directly onto Hwy 2.

Commissioner Lauman made a **motion** to adopt findings of fact. Chairman Hall **seconded** the motion. **Aye -** Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve preliminary plat for Glacier International Business Park. Chairman Hall **seconded** the motion. **Aye -** Hall 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 for the internal subdivision roads 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 from the County for the new road and proof of a modified approach permit for D & J Lane
9. The applicant shall show proof of a completed approach permit from the Montana Department of Transportation indicating the approach to Highway 2 has been built and received final inspection. [Section 4.7.16, FCSR]
10. 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]
11. 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]
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 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.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.

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. With the application for final plat, the applicant shall provide a Road Users' Agreement for D & J Lane 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]
17. Prior to submission for final plat, a landscape plan shall be submitted and approved by the Planning Department of Flathead County showing a modification to the original plan adding additional landscaping along the western boundary along Highway 2. Plantings as illustrated in the approved plan shall be completed.
18. A 10 foot bike/pedestrian easement shall be shown along Birch Grove Road.
19. Curb, gutter and catch basins shall be installed prior to final plat. A statement shall be placed on the final plat shall, "All parking lots shall require curb, gutter, and catch basins."
20. A maintenance agreement shall be recorded requiring each lot owner to pay their pro-rata share of ongoing catch basin monitoring and maintenance.
21. The community wastewater shall be constructed as a level two system and this construction shall be certified by a licensed engineer.
22. A 30 foot road and utility easement shall be placed on the plat on the eastern boundary from the intersection of D & J Lane to the southernmost boundary.
23. An avigation easement shall be executed with Glacier International Airport prior to final plat.
24. Fire hydrants with a minimum fire flow of 1,000 gallons per minute for the duration of 2 hours shall be installed at a spacing not to exceed 660 feet of travel distance and located such that at least one hydrant would be likely to be within 330 feet of any point of entry to a building based on the placement of the buildings shown on the submitted landscape plan. The construction and design shall be certified by a licensed engineer.
25. Proof shall be submitted that the existing billboard is properly licensed and meets all design codes in FCPZ Section 5.11.020 (3) and 5.11.030 or the sign shall be removed.
26. Access from Highway 2 shall be limited to a right hand entrance and exit movement.
27. The residential buffer area shall be shown as "Open Space Buffer" on the plat drawing and a statement shall be placed on the face of the plat, "The Open Space Buffer area shall remain in a native state and shall not be built on. Maintenance shall be allowed for removal of hazardous trees and to remove invasive plants or otherwise maintain or improve the health of the buffer. Trail systems or interpretive signage shall be allowed within the Open Space Buffer."
28. The following statement shall be placed on the face of the final plat:
"No further subdivision is allowed unless permitted under future zoning".

CONSIDERATION OF LAKESHORE PERMIT: FLATHEAD NATIONAL FOREST

[11:31:46 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

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

Smith reviewed the Lake and Lakeshore Construction Permit submitted by the Flathead National Forest to install a concrete boat ramp to USDA standards for public lake access use. The total length of the concrete boat ramp shall be 45 feet long by 18 feet wide and the ramp may be extended to reach a depth of 3 ½ feet. The ramp is to be bounded by grade level riprap as wave mediation and over-run protection.

Commissioner Lauman made a **motion** to approve Lakeshore Permit FLP 08-60. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

BUDGET AMENDMENT: FINANCE/HAZ-MAT/FIRE SERVICE AREA

11:14:35 AM

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Clerk & Recorder Paula Robinson, Clerk Kile

Commissioner Lauman made a **motion** to approve Budget Resolution #2152. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

BUDGET AMENDMENT RESOLUTION NO. 2152

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 26th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

DATE OF ISSUE:			BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:			2152		Entered by:	
RESOLUTION #						
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESC	DEBIT	CREDIT
2398-0221	420600-112			Temporary Salaries	\$15,810.00	
2398-0221	420600-141			Unemployment	\$23.80	
2398-0221	420600-142			Industrial Accident	\$528.90	
2398-0221	420600-144			FICA	\$980.17	
2398-0221	420600-147			Medicare Tax	\$229.17	
2398-0221	420600-212			Small Item Equipment		\$10,000.00
2398-0221	420600-380			Training Services		\$5,000.00
2398-0221	420600-220			Operation Supplies		\$2,752.04
Explanation: Haz-Mat					\$17,572.04	\$17,752.04

DATE OF ISSUE:			BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:			2152		Entered by:	
RESOLUTION #						
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESC	DEBIT	CREDIT
2391-0201	420400-110			Salaries	\$7,200.00	

2391-0201	420400-142			Industrial Accident	\$42.03	
2391-0201	420400-229			Other Operational Supplies	\$2,029.91	
2391-0201	420400-398			Other Contracted Services		\$9,271.94
Explanation: Fire Service					\$9,271.94	\$9,271.94

DATE OF ISSUE:		BUDGET ENTRY				VOUCHER NO.:		
DATE OF RECORD:		RESOLUTION #	2152				Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESC	DEBIT	CREDIT		
1000	0202	410550	110	Salaries	6,500.00			
1000	0202	410550	215	Comp Equip/Stfwr/Hdwr		4,000.00		
1000	0202	410550	212	Small Item Equipment		2,500.00		
1000	0202	410550	380	Training Services	1,375.00			
1000	0202	410550	311	Postage		150.00		
1000	0202	410550	322	Books/Catalogs/Binding/Record		300.00		
1000	0202	410550	337	Advertising		500.00		
1000	0202	410550	360	Equip Maintenance		300.00		
1000	0202	410550	345	Telephone		125.00		
1000	0202	410550	370	Travel	12.00			
1000	0202	410550	378	County Travel		12.00		
1000	0202	410550	397	Contracted Serv	2,500.00			
1000	0202	410550	398	Other Contracted Serv		2,500.00		
Explanation: Finance					10,387.00	10,387.00		

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT & PLANNING & ZONING OFFICE

[11:21:16 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the print bid from Thomas Printing for 250 Rural Living Guides for \$650.00 for the Planning & Zoning Office. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve the print bid from North Star Printing for 2,000 business cards for \$92.86 for the Health Department. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve the print bid from North Star Printing for 1,000 Depo-Provera reminder cards for \$98.00, 5 prescription books for \$94.00 and 6 prescription books for \$96.00 for the Health Department. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF ACCEPTANCE OF EXTENDED LETTER OF CREDIT: MOUNTAIN VIEW TIMBERS

[11:29:41 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:
Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the letter of credit for Mountain View Timbers. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: MONTANA DEPT OF AGRICULTURE EQUIPMENT GRANT/ WEED DEPT.

[11:31:07 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Mike Pence, Weed & Parks Director Jed Fisher, Clerk Kile

Commissioner Lauman made a **motion** to approve the Montana Department of Agriculture equipment grant document for signature. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

MEETING W/ COMPENSATION BOARD

[11:35:11 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Mike Pence, Clerk & Recorder Paula Robinson, Finance Comptroller Joe Garza, Clerk Kile

This meeting was postponed to July 1, 2008 @ 11:00.

COLA INCREASE AUTHORIZATION

[11:40:11 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Mike Pence, Clerk & Recorder Paula Robinson, Finance Comptroller Joe Garza, Clerk Kile

Chairman Hall stated the Board of County Commissioners recommend and approve a 4% pay increase to Flathead County employees for Fiscal Year 2009, effective June 22, 2008. This increase represents a 2.8% COLA figure provided earlier this year by MACo and the University of Montana, plus 1.2% to cover local and other cost of living factors. This action applies to all county employees, with the exception of employee groups that are currently involved in union contract negotiations.

Commissioner Lauman made a **motion** to approve the 4% COLA increase. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

10:00 a.m. Commissioner Brenneman: Conference Call / State Emergency Response Commission
5:00 p.m. Road Advisory Committee meeting @ Solid Waste District Conference Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 27, 2008.

FRIDAY, JUNE 27, 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.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 30, 2008.
