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## MONDAY, JULY 21, 2008

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

### **Commissioner Brenneman PT opened public comment on matters within the Commissions' Jurisdiction.**

Noel Gorton, 578 Creston Road read a letter that she stated she would like to go on the record.

There have always been regulations and standards to guide the growth of Flathead County. These regulations should assure sound infrastructure for the health and safety of the public. This Commission has let down the citizens of Flathead County by not adhering to these regulations and not following your own laws. I have wondered why Fox Hill Estates, Phase 4 is different than any other subdivision. The recommendation from the Road Department and the Planning & Zoning Office was to pave Mennonite Church Road and Creston Road from the intersection of Hwy 35 to the subdivision with the increase of traffic that Fox Hill Estates, Phase 1 and 2 would generate. On December 8, 2005 Commissioner Hall asked the developer if there were any plans to pave Mennonite Church Road, and Eric Mulcahy with Sands Surveying stated that the distance from the subdivision to the highway was 1 ½ miles and it would not be economically feasible for the subdivider to pave. Commissioner Hall then asked about dust abatement during construction. Condition #17 was approved in regards to abating for dust and it appears it was never intended to be enforced, as the developer was not held to the regulations and standards. Both Charlie Johnson with the Road Department and the Planning & Zoning Office were absolutely correct in stating the dust will severely affect the health and safety of the residents and people who use the roads. Why have you compromised our health and safety for a subdivision when your duty and obligation is to all the citizens of Flathead County; not just to developers and friends? I lived the first 48 years of my life truly believing in government and that it does work, that leaders do right by following the laws and setting good examples. This Commission has opened my eyes that this isn't always the case; a blind eye has been turned to this development time and time again. I can only hope that you will do the right thing with Phase Three.

**No one else rising to speak, Commissioner Brenneman PT closed the public comment period.**

### **MONTHLY MEETING W/ JIM ATKINSON, AOA**

[9:03:02 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Discussion was held relative to a new AOA site, transportation services provided and senior independent living statistics.

### **AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: BROWN V. COUNTY**

[9:36:45 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, HR Director Raeann Campbell, Clerk Kile

Commissioner Brenneman made a **motion** to authorize the County Attorney's office to accept service. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

### **DOCUMENT FOR SIGNATURE: NMHR SERVICE PROVIDER AGREEMENT ADDENDUM/ AOA**

[9:36:00 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Commissioner Lauman made a **motion** to approve the NMHR agreement and authorized the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

### **CONSIDERATION OF HR TRANSMITTAL: ADMINISTRATIVE SUPPORT/ HEALTH CLINIC**

[9:38:07 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, HR Director Raeann Campbell, Clerk Kile

Commissioner Brenneman made a **motion** to approve the HR Transmittal for the Health Clinic and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**HR TRANSMITTAL FOR SIGNATURE: EAGLE TRANSIT COMPENSATION AGREEMENT**

[9:38:40 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, HR Director Raeann Campbell, AOA Director Jim Atkinson, Clerk Kile

Pence explained that when negotiations were held with the Eagle Transit bus driver's that a tie vote was cast and they are no longer represented by the Teamsters Union. He then noted they are recommending they receive 4% COLA and 10 cents per year for three years.

Commissioner Lauman made a **motion** to approve the Eagle Transit agreement and authorized the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**BOARD APPOINTMENTS: BIGFORK LAND USE ADVISORY COMMITTEE, SOUTH KALISPELL VOLUNTEER FIRE DEPT AND FOYS LAKESIDE ESTATES WATER & SEWER DISTRICT**

[9:41:01 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 appoint Roger Stevens to the South Kalispell Volunteer Fire Department and Marian Lynn to the Foy's Lakeside Estates Water and Sewer District. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

The appointment to the Bigfork Land Use Advisory Committee was continued for clarification.

**DOCUMENT FOR SIGNATURE: AOA LEASE/ ALPINE BUSINESS CENTER**

[9:45:39 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

Smith explained the lease is for one year commencing on July 1, 2008 and continuing through June 30, 2009 providing however, the tenant may terminate the lease prior to the end of the one year term by giving notice of early termination and paying pro-rated rent.

Commissioner Lauman made a **motion** to approve the Alpine Business Center Lease agreement. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**FINAL PLAT: FOX HILL ESTATES, PHASE 4**

[10:03:18 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 Bailey Iott, Sandy Leighty, Diana Leighty, Terry Leighty, Mark Leighty, Erica Wirtala, Rich Lapp, Bret Birk, Clerk Kile

Iott presented final plat FFP 08-26 for Fox Hill Estates, Phase 4; a subdivision creating 32 residential lots located on the south side of Mennonite Church Road. Preliminary plat approval was granted on December 8, 2005, subject to 17 conditions. The subdivision plat has been found to be in compliance and staff recommends approval.

Commissioner Brenneman made a **motion** to approve final plat of Fox Hill Estates, Phase 4. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**FINAL PLAT: LARCHWOOD SUMMER HOMES, AMENDED PLAT OF LOT 7**

[10:06:01 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 Bailey Iott, Sandy Leighty, Diana Leighty, Terry Leighty, Mark Leighty, Erica Wirtala, Rich Lapp, Bret Birk, Clerk Kile

Iott presented final plat FFP 08-21 for Larchwood Summer Homes Amd, Plat Lot 7; a subdivision creating two residential lots located off Hwy 93 on Larchwood Lane. Preliminary plat approval was granted on September 4, 2007, subject to 19 conditions. The subdivision plat has been found to be in compliance and staff recommends approval.

Commissioner Lauman made a **motion** to approve final plat of Larchwood Summer Homes, Amended Plat of Lot 7. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #09-07-301-005-0**

[10:18:12 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve DPHHS Contract #09-07-301-005-0. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #09-07-301-047-0**

[10:19:45 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve DPHHS Contract #09-07-301-047-0. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**PRELIMINARY PLAT: SCENIC VIEW SUBDIVISION**

[10:32:56 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 Andrew Hagemeyer, Michael Scott, Clerk Kile

Hagemeyer entered into record Staff Report FFP 08-08. He then reviewed the application submitted by Michael Scott with technical assistance from Narda Wilson and Big Sky Surveying for preliminary plat approval of Scenic View Subdivision; a four lot residential subdivision located on Roberts Road off of Hwy 206 near Columbia Falls. All parcels are approximately five acres and are proposed to have individual septic and water systems. The Flathead County Planning Board met regarding this proposal on June 11, 2008, at which time amendments were made to conditions and the board voted unanimously to recommend approval to the Commission.

Commissioner Lauman made a **motion** to adopt findings of fact as amended in regards to the road width. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Narda Wilson proposed that condition 16 be amended to: Roberts Road shall be upgraded to county standards for a gravel road with a minimum of 24 foot wide travel surface to the eastern boundary of lot one. Discussion was also held relative to condition 15 (a) and (b) in which 15 (a) will be amended to: Primary use of the lots shall be single family dwellings and 15 (b) will be deleted.

Commissioner Lauman made a **motion** to approve Scenic View Subdivision as amended. Commissioner Brenneman **seconded** the motion.

Discussion was then held relative to amended condition 15 (a): Primary use of the lots shall be single family dwellings.

Commissioner Brenneman made a **motion** to approve preliminary plat of Scenic View Subdivision with condition 15 (a) and (b) both deleted. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**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. The applicant shall provide an updated approach permit from the Montana Department of Transportation that specifically includes the number of lots introduced by this subdivision. [Section 4.7.17, FCSR]

3. 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]
  4. The proposed water and sewage treatment systems and storm drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Sections 4.7.21 and 4.7.22, 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. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler.
    - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed.
    - 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.
  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 4.4.27, 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 4.4.23, FCSR]
  13. Preliminary plat approval is valid for three years. [Section 4.4.20, FCSR]
- UNIQUE CONDITIONS
14. The applicant shall provide an appraisal of the unimproved land from a Certified General Appraiser, dated no more than six months prior to final plat application submittal, to set the baseline value of the parkland cash donation. The Planning & Zoning Office shall determine the actual parkland donation based on the baseline appraisal at that time. Proof shall be provided that the cash donation has been paid to Flathead County at the time of final plat application. [Section 4.7.25(f), FCSR]
  15. Roberts Road shall be upgraded to county standards for a gravel road with a minimum 24 feet wide travel surface to the eastern property boundary of lot one and the roadway will incorporate an approved hammerhead turn around the road way shall be constructed prior to final plat approval and 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, FDSC]
  16. Areas with depth to groundwater 8 feet or less shall be located on the final plat. Septic systems for lot 1 shall not be located in the areas of groundwater 8 feet or less.

**MEETING W/ ERICA WIRTALA/ SANDS SURVEYING RE: FOX HILL ESTATES, PHASE 3**

[10:56:45 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, Deputy County Attorney Jonathan Smith, Sandy Leighty, Diana Leighty, Terry Leighty, Mark Leighty, Erica Wirtala, Rich Lapp, Bret Birk, Clerk Kile

Wirtala reviewed the history of Fox Hill Estates, Phase 3 in which an extension was requested and granted. She then noted a final plat application was turned into the Planning and Zoning Office with a check. Shortly thereafter she received an e-mail from Deputy County Attorney Jonathan Smith noting that he had received a letter from Attorney Roger Sullivan indicating there would be legal notice served and that they should be advised that Fox Hill Estates, Phase 3 was not going to go forward as anticipated. On June 10, 2008 she met with Jeff Harris and others at which time they came to the conclusion they better re-submit a preliminary plat. At this point when she went to the Planning and Zoning Office to get the check back that was

submitted for final plat she was told they weren't eligible to get the check back. Harris at this point told her he would waive the fee for the new preliminary plat submittal. Mr. Leighty then put a stop payment on the check.

Harris stated the applicant was advised of the risk they were taking in moving forward with submitting final plat. He then said staff did work on the final plat application that was submitted and they felt more than reasonable in requiring fees.

Commissioner Brenneman asked if the Leighty's were aware that their failure to ask for an extension in a timely manner cost the taxpayers in Flathead County over \$5,000.00.

Smith explained that as of June 3, 2008 preliminary plat for Fox Hill Estates, Phase 3 Subdivision is declared void from the beginning.

#### **QUARTERLY REPORT W/ ADELE KRANTZ, TREASURER**

[11:17:35 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Treasurer Adele Krantz, Deputy County Attorney Jonathan Smith, Clerk Kile

Krantz presented a quarterly review report in which the stip rate averaged 2.52% in June and the sweep account earned 2.90%. Also noted were the school investment agreements have all been signed. She then reported the personal property tax bills are due by July 31, 2008 and an Investment Workshop for School Clerks and School Administrators will be held.

Commissioner Lauman made a **motion** to approve the signature on the school agreement documents and authorized the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

#### **PRELIMINARY PLAT: BARREL HED ACRES 2**

[11:30:02 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, Deputy County Attorney Jonathan Smith, Eric Mulcahy, Ardis Larsen, Jeff Larsen, Richard (Scott) Hedstrom, Judy Hedstrom, Clerk Kile

Broadie entered into record Staff Report FSR 08-07. She then reviewed the application submitted by Richard and Judy Hedstrom with technical assistance from Larsen Engineering for preliminary plat approval of Barrel Hed Acres 2; a five lot minor subdivision on 25.019 acres with a remainder of approximately 45 acres located north of Church Drive on the west side of Prairie View Drive.

Commissioner Brenneman made a **motion** to adopt Staff Report FSR 08-07 as findings of fact. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

General discussion was held relative to dust control on Prairie View Road.

Condition 19 will be added to state: With the application for final plat the applicant shall provide a dust abatement plan to be recorded with final plat for the section of Prairie View Road that fronts the subdivision. This plan shall require each property owner to contribute their pro-rata share for the cost of meeting the abatement measures indicated. Dust abatement shall remain in place until such time the road is paved.

Commissioner Brenneman made a **motion** to approve Barrel Hed Acres 2 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 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), Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road Department or the Montana Department of Transportation indicating the approach has been built and received final inspection and final approval. [Section 4.7.17, FCSR]
3. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures. [Section 4.7.14, FCSR]
4. 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]
5. 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]
6. 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]

7. 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 and for any integral access roads lying outside the subdivision. [Section 4.7.16(e), FCSR]
8. 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]
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 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. [Section 4.7.23, FCSR]
- d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.26, FCSR]
- 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. [Section 4.7.14, FCSR]

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.

12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
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 (for major subdivisions) or Section 4.2.19 (for minor subdivisions), FCSR]
14. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.4.22 (for major subdivisions) or Section 4.2.15 (for minor subdivisions), FCSR]
15. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. [Section 4.4.20 (for major subdivisions) or Section 4.2.13 (for minor subdivisions), FCSR]

PROJECT-SPECIFIC CONDITIONS

16. The following statements shall be placed on the face of the final plat applicable to all lots:
  - g. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.28, FCSR]
17. A 10 foot bike/pedestrian easement shall be shown along Prairie View Road.
18. The following statement shall be placed on the face of the final plat:  
This subdivision is located in an agricultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm on adjoining properties will not be restricted as a result of the development or occupancy of this subdivision.
19. With the application for final plat, the applicant shall provide a Dust Abatement Plan to be recorded with the plat for the section of Prairie View Road that fronts the subdivision. This plan shall require each property owner to contribute their pro-rata share for the cost of meeting the abatement measures indicated in such a plan. This Dust Abatement Plan shall remain in force until such time as the roadway is paved.

**CONTINUATION OF BOARD APPOINTMENT: LAKESIDE COMMUNITY COUNCIL**

[11:51:33 AM](#)

Members present:

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

Others present:

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

Commissioner Brenneman made a **motion** to appoint Barb Miller and Bruce Young to the Lakeside Community Council.

Discussion was held relative to the advertising process.

Motion died for lack of a **second**.

Commissioner Hall made a **motion** to delay action for the board appointments. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

#### **RECONSIDERATION OF EXTENSION: SUBDIVISION NO. 259**

[11:56:41 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, Deputy County Attorney Jonathan Smith, Eric Mulcahy, Clerk Kile

Harris explained this request was previously denied on inadequate information.

Commissioner Brenneman made a **motion** to re-consider the extension for Subdivision No. 259. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the extension in light of new information received prior to the 30 day deadline. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

#### **CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: TRANSFER PROPERTY TO CITY OF COLUMBIA FALLS**

[12:01:16 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, Deputy County Attorney Jonathan Smith, Debbie Boreson, Clerk Kile

Smith noted the City of Columbia Falls has requested that property on 4<sup>th</sup> Avenue East in the City of Columbia Falls described as lots 6, 7, 8, 9 and 10 and a portion of abandoned roadway, block 48 of Columbia Falls Townsite be transferred by Flathead County to the City of Columbia Falls for use as parking for the City's River Edge Park. If the property is not used for parking it will revert back to Flathead County.

Commissioner Lauman made a **motion** to approve Resolution #2150A to transfer property to the City of Columbia Falls. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to approve the grant deed and authorized the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Smith noted the grant deed contains a revisionary clause that if they try to sell the property it will revert back to the County.

#### RESOLUTION NO. 2150 A

WHEREAS, Flathead County owns certain real property on 4<sup>th</sup> Avenue East in the City of Columbia Falls which is not necessary for the conduct of the County business, said property being described as Lots 6, 7, 8, 9 and 10, and portion of abandoned roadway, Block 48 of Columbia Falls Townsite, as shown on the map or plat thereof, of record in the Office of the Clerk & Recorder of Flathead County, Montana;

WHEREAS, the City of Columbia Falls has requested that the above-described property be transferred by the County to the City of Columbia Falls for use as parking for the City's River's Edge Park;

WHEREAS, the Board of Commissioners of Flathead County, Montana, determined that the above-described property should be transferred to the City of Columbia Falls for that purpose; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, pursuant to Section 7-8-101, M.C.A., adopted a resolution of intention (Resolution No. 2150 dated June 18, 2008) to transfer the property to the City of Columbia Falls and solicited comments from the public concerning the proposed transfer and received no comments.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, pursuant to Section 7-8-101, M.C.A., hereby determines that the following property shall transferred to the City of Columbia Falls:

Lots 6, 7, 8, 9 and 10, and portion of abandoned roadway, Block 48 of Columbia Falls Townsite, as shown on the map or plat thereof, of record in the Office of the Clerk & Recorder of Flathead County, Montana.

DATED this 21<sup>st</sup> day of July, 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

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

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## **TUESDAY, JULY 22, 2008**

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

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

### **MEETING W/ MOORE INFORMATION, ET AL, RE: LAND & WATER CONSERVATION BOND SURVEY**

[9:00:25 AM](#)

Members present:

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

Others present:

Liz Seabaugh, Marilyn Wood, Lex Blood, Marcy Mahr, Ken Siderius, Bill Dakin, Bob Moore, Glenn Marx, Joshua Alpert, Catlyn M. Dewitt, Pat Young, Robin Steinkraus, Ben Long, Clerk Kile

Bob Moore with Moore Information Research presented the results of a phone survey done in Flathead County in June 2008, with 404 citizens interviewed. The money from the sale of bonds would allow the county to purchase development rights from willing landowners to conserve farms and ranches and protect clean water and conserve wildlife habitat. The report indicated 58% of Flathead County residents would support a \$20 million dollar bond to buy conservations easements, 61% would support a \$15 million dollar bond and 64% would support a \$10 million dollar bond.

Marilyn Wood with Flathead Land Trust asked that a resolution be passed as soon as possible in order for the bond issue to be put on the ballot this fall. She then noted she had letters of support from the Land Use Committee, Flathead Conservation District and the County Parks and Weed Board.

Discussion was held relative to putting this back on the agenda next week for further consideration.

### **BI-MONTHLY MEETING W/ MINDY COCHRAN, GIS**

[9:44:11 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk & Recorder Paula Robinson, GIS Program Manager Mindy Cochran, Clerk Kile

Cochran presented a brief overview of GIS projects which included preparation for potential forest fires in regards to mapping requirements, tax audits on fire and TV districts, road namings and continued work on the geographic coordinate database project. Also noted was a new GPS receiver has been purchased that will give them better mapping capabilities.

### **QUARTERLY JAIL FACILITY TOUR**

[10:07:53 AM](#)

Members present:

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

### **MONTHLY MEETING W/ LINCOLN CHUTE, FIRE SERVICE AREA MANAGER**

[10:36:33 AM](#)

Members present:

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

Others present:

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

General discussion was held relative to small fires that have started in the Flathead and the need to possibly put restriction on the valley floor. Chute then reported the Annual Operating Plan between the Fire Districts, Forest Service and Park has a higher level of participation this year than ever before. Also noted was continued work on finding properties that are not being taxed for fire service and membership of the NRCG coordinating group was discussed.



**CONTINUATION OF FIELD SURVEYOR INTERVIEW: SANDS SURVEYING**

[11:00:29 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk & Recorder Paula Robinson, Operations Manager Road & Bridge Department Guy Foy, Finance Comptroller Joe Garza, GIS Program Manager Mindy Cochran, Tom Sands, Clerk Kile

Sands commented the prices he quoted to the County are the same as what he charges everyone else and added that he feels they are fair.

Chairman Hall commented that it is a huge jump from what they have been paying and stated he would like to reject the proposal and look at the next surveyor's RFQ in line.

Commissioner Lauman said he realizes it is a jump and stated that he likes the idea of hiring a local surveyor

Foy stated with reductions in their budget and the volume of work not going down it would be a serious increase in their budget.

Chairman Hall made a **motion** to look at other bids submitted for Field Surveying services. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. **Opposed** - Lauman. Motion carried by quorum.

**DISCUSSION RE: LOCAL OPTION MOTOR VEHICLE TAX**

[11:29:15 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, District Court Ted Lympus, District Court Bonnie Olson, Deputy County Attorney Jonathan Smith, Clerk & Recorder Paula Robinson, Finance Comptroller Joe Garza, Recording Manager Monica Eisenzimer, Health Dept. Director Joe Russell, Treasurer Adele Krantz, Planning & Zoning Director Jeff Harris, Public Works Director David Prunty, Operations Manager Road and Bridge Dept Guy Foy, I. T. Director Vicki Saxby, Superintendent of Schools Marcia Sheffels, AOA Director Jim Atkinson, OES Mark Peck, Cindy Dooley, Clerk Kile

General discussion was held relative to a state law that allows the county the option of charging a motor vehicle license tax (with voter approval) that could be used at the counties discretion. Under the law 50% of the fee would go to Flathead County and the other 50% would then be split between Flathead County, Kalispell, Whitefish and Columbia Falls. Pence noted the revenue would most likely be used for roads and funding of District Court.

**12:00 p.m. Commissioner Brenneman: CDC Board 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 July 23, 2008.

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**WEDNESDAY, JULY 23, 2008**

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

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

**CONSIDERATION OF PRINTING BIDS: FINANCE DEPT AND WEED DEPT.**

[9:22:59 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman (Seated [9:24:59 AM](#))  
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Clerk Kile

Commissioner Lauman made a **motion** to award the print bid for envelopes to Eagle Flight Business for the Weed Department for \$162.80. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to award the print bid for 5,000 envelopes to North Star Printing for the Finance Department for \$329.00. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**MONTHLY MEETING W/ DAVID PRUNTY, SOLID WASTE DISTRICT**

[9:33:41 AM](#)

Members present:

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

Others present:

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

Prunty reported a public hearing will be held on August 19, 2008 at 6:00 at the Earl Bennett Building where staff will make a presentation of the new consolidation site proposal for Marion and Kila. Also noted were recycling program statistics with an additional three recycling bins being added at Glacier High, Flathead High and Kalispell Junior High. He then reported on the landfill gas to energy project, scavenging issues and the tonnage for June 2008 which was 11.2% less than June 2007.

**OPEN BIDS: RSID #145 (SNOWGHOST DRIVE)**

[10:04:35 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Terry Richmond, Denise Hanson, Greg Lukasik, Steve Settle, Dan Chilcote, David Steely, Allan Chatrand, Mike Markovich, Vicki Reynolds, Jason Campbell, Laura Lisowski, Clerk Kile

Bids received with bid bond enclosed from:

Knife River	\$223,622.50
Schellinger Construction, Inc.	\$251,590.00
Goose Bay	\$275,520.50
LHC, Inc.	\$398,525.00
Settle Contracting	\$269,389.10

Bid received with check enclosed from:

Weaver Gravel	\$292,945.84
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Commissioner Brenneman made a **motion** to take the Snowghost Drive bids under advisement. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**OPEN BIDS: RSID #144 (LODGEPOLE DRIVE)**

[10:11:52 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Terry Richmond, Denise Hanson, Greg Lukasik, Steve Settle, Dan Chilcote, David Steely, Allan Chatrand, Mike Markovich, Vicki Reynolds, Jason Campbell, Laura Lisowski, Clerk Kile

Bids received with bid bond enclosed from:

Knife River	\$358,935.00
Schellinger Construction, Inc.	\$360,948.75
Goose Bay	\$348,217.10
LHC, Inc.	\$417,331.60
Settle Contracting	\$381,537.40

Commissioner Lauman made a **motion** to take the bids for Lodgepole Drive under advisement. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**FINAL PLAT: DESERT MOUNTAIN VIEW SUBDIVISION**

[10:30:15 AM](#)

Members present:

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

Others present:

Planner Andrew Hagemeyer, Norma Clanton, Michael Clanton, Clerk Kile

Hagemeyer presented FFP 08-32; a request submitted by Michael and Norma Clanton with technical assistance from F & H Surveying for final plat approval of Desert Mountain View, a subdivision creating three residential lots located on Kuzmic Lane east of Coram. Preliminary plat approval was granted on January 16, 2008, subject to 23 conditions. On March 25, 2008 the applicant met with the Commission regarding condition #20 which was deleted. The subdivision plat has been found to be in compliance and staff recommends approval.

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

**BOARD APPOINTMENT: ANIMAL SHELTER ADVISORY COMMITTEE**

[10:45:26 AM](#)

Members present:

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

Others present:

Deputy County Attorney Jonathan Smith, Sheriff Mike Meehan, Clerk Kile

Commissioner Brenneman made a **motion** to appoint Cindie Jobe to the Animal Shelter Advisory Committee. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**CONSIDERATION OF ADOPTION OF RESOLUTION: SHERIFF'S OFFICE FEES**

[10:49:46 AM](#)

Members present:

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

Others present:

Deputy County Attorney Jonathan Smith, Sheriff Mike Meehan, Clerk Kile

Commissioner Brenneman made a **motion** to approve Resolution #1107A. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 1107 A

WHEREAS, Section 46-18-403, M.C.A. requires the Board of Commissioners to establish the daily rate for incarceration of inmates at the Flathead County Detention Center, equal to the actual cost incurred by the Flathead County Detention Center;

WHEREAS, it has been determined that the actual cost incurred by the Flathead County Detention Center on an average daily basis is \$50.00 for the current year and that the cost is to be recalculated yearly on October 1.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, that the daily rate for confinement costs in the Flathead County Detention Center, other than for medical costs, as ordered by the Court and paid in advance of confinement and prior to the payment of any fine, is hereby established at \$50.00 per day.

BE IT FURTHER RESOLVED that inmates are responsible for the actual costs of medication, medical services, or hospitalization while detained in the Flathead County Detention Center, based upon the individual's ability to pay and/or private provider health care coverage, or a bona fide and responsible third-party payor.

Dated this 23rd day of July, 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

**CONSIDERATION OF ADOPTION OF RESOLUTION: DAILY JAIL RATES**

[10:50:15 AM](#)

Members present:

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

Others present:

Deputy County Attorney Jonathan Smith, Sheriff Mike Meehan, Clerk Kile

Commissioner Brenneman made a **motion** to approve Resolution #756D. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 756 D

WHEREAS, Section 7-32-2141, M.C.A., allows the Board of Commissioners to fix the fees of the sheriff for services provided under Section 7-32-2141, M.C.A. and it has been several years since those fees were amended;

WHEREAS, the Sheriff has examined the fees and has recommended changes due to the increasing costs of providing the services, and continues to believe it appropriate to set flat fees without mileage, postage or other such charges being added.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby set the fees to be collected by the Sheriff under Section 7-32-2141 M.C.A., as follows:

For the service of summons and complaint on each defendant . . . . .	\$45
For making a return of a summons for a person not found in the county . . . . .	\$45
For levying and serving each writ of attachment of execution on real or personal property . . . . .	\$45
For service of attachment on the body or order of arrest on each defendant . . . . .	\$45
For the service of affidavit, order, and undertaking in claim and delivery . . . . .	\$45
For serving a subpoena . . . . . (for each witness summoned)	\$45
For serving a writ of possession or restitution . . . . .	\$45
For trial of the right of property or damages, including all services except mileage . . . . .	\$45
For serving every notice, rule, or order . . . . . (for each person served)	\$45
For a copy of any writ, process, or other paper when demanded or required by Law . . . . . (each page)	\$0.25
For posting notices and advertising any property for sale on execution or under any judgment or order of sale, exclusive of cost of publication . . . . .	\$50
For holding any sheriff's sale for personal or real property on execution or under any judgment or order of sale . . . . .	\$60
For cancellation or postponement of sheriff's sale . . . . .	\$45
For Rebooking a prisoner if returned by a bail bondsman bounty after posting of a Commercial Surety Bond . . . . .	\$50
For issuance of a concealed weapons permit . . . . .	\$60
Renewal thereof . . . . .	\$35
Reissuance for change of address . . . . .	\$ 5

Dated this 23<sup>rd</sup> day of July, 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

**11:00 a.m. County Attorney meeting @ Co. Atty's Office**  
**2:00 p.m. Commissioner Brenneman: Travel to Helena**

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

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**THURSDAY, JULY 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.

**9:00 a.m. Commissioner Brenneman: MACo Committee meeting in Helena re: State DES Funding**  
**3:00 p.m. Commissioner Brenneman: Meeting w/ Sheena Wilson/ Governor's Office re: Legislation for hazmat reimbursement**  
**3:45 p.m. Commissioner Brenneman: Meeting w/ Alice Stanley/ DNRC re: Wastewater Grant**  
**7:00 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 July 25, 2008.

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**FRIDAY, JULY 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.

**NO MEETINGS SCHEDULED**

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

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