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## MONDAY, SEPTEMBER 8, 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.

**3:00 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 September 9, 2008.

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## TUESDAY, SEPTEMBER 9, 2008

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

**1:15 p.m. Commissioner Brenneman: Interoperability Montana Project Directors meeting in Helena  
911 meeting @ Justice Center**

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

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## WEDNESDAY, SEPTEMBER 10, 2008

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

**10:00 a.m. Commissioner Brenneman: MACo New Judicial Positions meeting in Helena**

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

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## THURSDAY, SEPTEMBER 11, 2008

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

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

Charles Meyer spoke about a judgment issued by Judge Lympus that was brought from a preliminary plat request by a group called Florida Flathead LLC, which was approved by the Commission by a 2-1 vote. He reviewed the history of the preliminary plat request for Haskill Mountain Ranch Subdivision as submitted to the Planning Office, which after reviewing all the information they voted 8-0 to not recommend approval. The preliminary plat came before the Commission in July and was sent back to the Planning Board for further recommendation. The Planning Board then renewed their 8-0 vote in opposition. Meyers then reviewed the deficiencies in the reports.

Valerie Kurtzhals commented they were reluctant to file the lawsuit and hopes it will never happen to anyone again.

Charles Meyer then stated he took his 160 acres and put it all into a conservation easement so that it will continue to be a tree farm where wildlife can move.

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

### **MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE**

9:04:00 AM

Members present:

Chairman Gary D. Hall (via conference call)  
Commissioner Joseph D. Brenneman  
Commissioner Dale W. Lauman

Others present:

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

Harris reported the Planning Board has completed the task of going through all the provisions in the Subdivision Regulations that the Commission referred back to them for further consideration. He then presented a report with the suggested changes made by them and stated they are ready to proceed to a public hearing which is required to be held by the Commission. Harris also reported the Planning & Zoning Office will be advertising for board vacancies in mid September and have received an application for a new zoning district in Lakeside.



[10:35:44 AM](#)

Members present:

Chairman Gary D. Hall (via conference call)  
Commissioner Joseph D. Brenneman  
Commissioner Dale W. Lauman

Others present:

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

Harris presented an analysis report on the Planning & Zoning Office application fees that have not been amended for the past 3 years, with the fees not supporting the cost to process applications now. The report contained the following: FY08 Base Budget/ Fee Revenue Analysis, FY09 Projected Budget/ Fee Revenue Analysis, Alternative Application Fee Analysis, 2008 Proposed Fee Schedule and an Application Fee Schedule Comparison that shows Flathead County currently charges less than Missoula, Yellowstone and Lewis and Clark County as well as the City of Kalispell, Whitefish and Columbia Falls. Harris stated the recommendation is to increase fees 20 percent or 30 percent to come closer to charging fees more in line with actual review and processing costs.

Discussion was also held relative to mailing costs.

Commissioner Brenneman suggested that with the county taking over properties around Whitefish that the only possible responsible thing to do would be to consider raising the fees 30 to 40 percent.

Commissioner Lauman suggested another discussion be held regarding the issue next week.

#### **MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE RE: FAMILY TRANSFER LOT REPORT**

[11:07:14 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, Clerk Kile

Harris presented a 2008 Family Transfer Lot Report.

Total number of Family Transfer lots created - 188  
Number of Family Transfer lots still owned by family members - 139 (74%)  
Number of Family Transfer lots already sold - 49 (26%)

He then noted since 2000 there have been more than 1,700 lots created without any level of county review, other than for patterns and evasions of state subdivision law. Of the more than 1,700 family transfer lots created since 2000 approximately 847 (about 49%) have been sold.

#### **AWARD BIDS: SOFTWARE/ CLERK & RECORDER AND TREASURER'S OFFICE**

[11:16:13 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Clerk & Recorder Paula Robinson, Treasurer Adele Krantz, Finance Comptroller Joe Garza, I.T. Director Vicki Saxby, I.T. Programmer John Radar, I.T. Programmer Larry Johnson, Records Preservation Mgr. Jan Hardesty, Clerk Kile

Robinson reviewed the process the Software Committee went through in making their decision to choose the General Ledger, Investment Distributing and Trust & Agency Accounting County Business Management Software modules from Computer Software Associates (CSA), which they consider the best fit for the counties specific financial requirements and are recommending.

Garza reviewed the cost breakdown between Tyler and CSA with the total cost for the three modules chosen from CSA \$178,841.00.

Commissioner Brenneman clarified the total cost of CSA and asked if other components could be added at a future date.

Garza explained they could be added later.

Robinson explained the software will take care of the financial side of the Clerk & Records Office.

Krantz stated the two packages they decided to go with the Trust and Agency Accounting module and the Investment Distribution module mainly will serve the county and school agencies and the Investment Distribution module will allow more flexibility and fairness with interest distribution.

Discussion was held relative to payroll software which they opted to stay with their current system with so many specialties within the counties payroll system with the various unions and codes.

Commissioner Lauman made a **motion** to award the software bid to CSA for the Clerk & Recorder/ Treasurer's Office. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### **AWARD BIDS: KILA PATH/ PLANNING & ZONING OFFICE**

[11:30:03 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planner Alex Hogle, Ryan Mitchell, Clerk Kile

Hogle reported Peccia & Associates has reviewed the Kila Bike Path bids and recommends Knife River be awarded the contract for construction.

Commissioner Lauman made a **motion** to award the Kila Bike Path bid to Knife River. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### **CONSIDERATION OF PROCLAMATION: FAMILY DAY**

[11:39:34 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to proclaim family day as September 22, 2008. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### **BOARD APPOINTMENT: EVERGREEN FIRE DISTRICT BOARD AND TAB**

[11:40:49 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to appoint Denise Cofer to the Evergreen Fire District Board of Trustees. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to appoint Cheryl Talley to the Transportation Advisory Board. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### **TAX REFUND: MC CULLY**

[11:41:40 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

Pence reported DOR double taxed a building on two lots owned by the same party.

Commissioner Lauman made a **motion** to approve the tax refund for McCully. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### **CONSIDERATION OF RELEASE OF COLLATERAL: WEST VALLEY VIEWS, LOT 1**

[11:42:49 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Brooke Howard, Sarah Arrigoni, Clerk Kile

Commissioner Lauman made a **motion** to approve release of collateral for West Valley Views, Lot 1. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: AWARD OF HOMELAND SECURITY GRANT PROGRAM/ SHERIFF'S OFFICE**

[11:43:23 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

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

Commissioner Lauman made a **motion** to approve the document for signature for the Homeland Security grant. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to authorize approval of the Motorola contract as per recommendation of Jonathan Smith. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: CONSTRUCTION CONTRACTS/ RSID #143 (RESTHAVEN) #144 (LOGGEPOLE) AND #145 (SNOWHOST)**

[11:34:25 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

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

Commissioner Lauman made a **motion** to approve the signature on the construction contracts for RSID #143, #144 and #145. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

**CONSIDERATION OF HR TRANSMITTAL: BUS DRIVER/ EAGLE TRANSIT**

[11:46:05 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

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

**PRELIMINARY PLAT: MACKIN SUBDIVISION**

[11:47:29 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Planner Allison Mouch, Deputy County Attorney Jonathan Smith, Narda Wilson, Clerk Kile

Mouch entered into record Staff Report FSR 08-08. She then reviewed the application submitted by Patrick Mackin with technical assistance from Narda Wilson and Marquardt Surveying for preliminary plat approval of Mackin Subdivision; a 2 lot minor subdivision on 4.71 acres located  $\frac{3}{4}$  mile east of the intersection of Evergreen Drive and Hwy 2. Lot 1 would be 4.25 acres and lot 2 would be 0.46 acres in size. Lot 2 would maintain its current use as a single family residential lot with a pre-existing structure. Proposed lot 1 would remain undeveloped until FEMA floodplain issues are resolved, at which point it would be the owner's intent to apply for a major subdivision on the acreage.

Commissioner Lauman made a **motion** to approve findings of fact for Mackin Subdivision. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Narda Wilson explained that FEMA updated their floodplain map in 2007 and added the subject property as a small finger in the floodplain. She then noted the area has never flooded and the applicant is working with FEMA to try to get the map corrected.

General discussion was held relative to condition 14 being deleted and condition 18 modified to state: A 10 foot no access strip along the portion of lot 2 fronting East Evergreen Drive shall be shown on the face of the final plat.

Commissioner Lauman made a **motion** to approve preliminary plat of Mackin Subdivision with amended conditions. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

**STANDARD CONDITIONS**

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.17(iv), Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit for Lot 1 on to Harmony Road from the Flathead County Road Department 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 Evergreen Fire Rescue Department. A letter from that office stating that the plat meets the requirements of the Evergreen Fire Rescue area 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. 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]
7. 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]
8. 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]
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. 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.
10. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]
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 (for major subdivisions) or Section 4.2.19 (for minor subdivisions), FCSR]
12. 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]
13. 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**

14. A "Will Serve" letter from the Evergreen Water and Sewer District for proposed Lot 1 will be required prior to final plat approval.
15. The location of the 100 year floodplain shall be shown on the face of the plat. This can either be the current FEMA boundary as delineated in 2007 or a result of an approved LOMA.
16. The location of the 100-year floodplain elevation shall be demarcated as a "no-build" zone and shall be shown on the face of the final plat.
17. The following statement(s) shall be placed on the face of the final plat applicable to all lots:
 

In areas prone to flooding and where a high water table is present, landowners shall be advised the construction of basements is prohibited.

18. A 10 foot "no-access" easement along the portion of Lot 2 fronting East Evergreen Drive shall be shown on the face of the final plat.

Deputy County Attorney Jonathan Smith noted for the record there was a correction made in regards to a typographical error on RSID #143.

**9:30 a.m. Commissioner Brenneman: Northern Tier conference call @ OES**  
**12:00 p.m. Commissioner Brenneman: Bigfork Steering Committee Public Forum @ Bethany Lutheran**  
**2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Sr. Center**  
**3:00 p.m. Whitefish County Donut Transition Team meeting @ Earl Bennett Building**  
**7:30 p.m. Fair Board meeting @ Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 12, 2008.

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**FRIDAY, SEPTEMBER 12, 2008**

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

**No meetings scheduled**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 15, 2008.

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