
MONDAY, OCTOBER 13, 2008

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

COUNTY OFFICES CLOSED – COLUMBUS DAY

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 14, 2008.

TUESDAY, OCTOBER 14, 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 Lauman opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Commissioner Lauman closed the public comment period.

QUARTERLY MEETING W/ MARCIA SHEFFELS, SUPT OF SCHOOLS

[9:02:42 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Superintendent of Schools Marcia Sheffles, Clerk Kile

Sheffels reported calendars from all public and private schools have been collected and required aggregate hours have been checked, a county wide school substitute list has been created with the applicants having cleared background checks and forms for all district and private school official enrollment counts that occur by law on the first Monday of October have been sent out. She also reported financial reports for school districts have been published for the year ending June 30, 2008.

MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER

[9:35:29 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Chief Juvenile Detention Center Laurie Rebeck, Clerk Kile

Rebeck reported volunteer teachers are teaching an art program at the Juvenile Detention Center and with the learned skills will soon be painting murals on the walls in their Recreation Room. She then noted the new camera system is installed and working well.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SR2.5 TEXT AMENDMENT/ ZONING REGULATIONS

[10:05:34 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

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

Commissioner Brenneman made a **motion** to authorize the publication of the Notice of Public Hearing and authorized the chairman to sign. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a change to the text of the Flathead County Zoning Regulations proposed by Flathead County and the Flathead County Planning and Zoning Office.

The proposed amendment would add a new Section 3.43 to the Regulations which would define a new zoning classification denominated R-2.5 (Rural Residential) intended for rural, primarily residential areas where larger, estate-type lot sizes are appropriate and where agricultural, silvicultural and horticultural operations are a decreasingly viable land use. The minimum lot size set forth in the new classification is 2.5 acres. Other sections of the Flathead County Zoning Regulations would be amended to make references to the new classification where appropriate.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder, at the Flathead County Planning and Zoning Office and on the Flathead County Planning and Zoning Office's website, at:

http://flathead.mt.gov/planning_zoning/downloads.php Documents related to the proposed amendments are on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana and the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana.

The public hearing will be held on the **29th day of October, 2008 at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

DATED this 14th day of October, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Dale W. Lauman PT
Gary D. Hall, Chairman

By/s/Diana Kile
Diana Kile, Deputy

Publish on October 18 and October 25, 2008.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: VEHICLES SHERIFF'S OFFICE

[10:01:41 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Sheriff Mike Meehan, Clerk Kile

Commissioner Brenneman made a **motion** to authorize the publication of the Call for Bids for new vehicles. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman 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 purchase of six (6) new sedans and two (2) new SUV's. Bids must include the delivery cost to Kalispell, Montana.

Specifications for the SUV and Sedan vehicles are available at the Flathead County Clerk & Recorder's Office, 800 South Main, Kalispell, MT, and at the Flathead County Sheriff's Office, 920 South Main, Kalispell, MT.

Each bidder must deposit with the bid, a bid security in the amount of \$5,000 to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase and sale of said units. 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, bank draft, or bid bond executed by a surety corporation authorized to do business in Montana.

The bidder shall include with his bid, the form of contract to be signed. The terms of said contract, including maintenance and warrant provisions, will be considered in determining the bid which best serves the County's interests. The County reserves the right to negotiate terms of said contracts (excluding prices contained therein).

All **sealed** bids, plainly marked "**SEALED BID-SHERIFF'S PATROL VEHICLES**" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901 on or before **5:00 o'clock P.M. on October 31, 2008**. Bids will be opened and read at **10:00 a.m. on November 3, 2008**, in the Commissioners Office at the West Annex of the Courthouse, 800 South Main, Kalispell, Montana.

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

Dated this 14th day of October, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Dale W. Lauman P. T.
Gary D. Hall, Chairman

By/s/Diana Kile
Diana Kile, Deputy

Publish on October 18 and October 25, 2008.

BUDGET AMENDMENT: TECHNOLOGY PROGRAM GRANT/ SHERIFF'S OFFICE

[10:03:12 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Sheriff Mike Meehan, Finance Comptroller Joe Garza, Clerk Kile

Meehan reported the grant for \$222,134.00 is for the purchase equipment for 911.

Commissioner Brenneman made a **motion** to authorize the signature of the technology program grant for the Sheriff's Office and approved Budget Amendment Resolution 2165. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

BUDGET AMENDMENT RESOLUTION NO. 2165

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2008-2009, 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 9th day of October 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____
Gary D. Hall, Chairman

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

ATTEST:
Paula Robinson, Clerk

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

By/s/ Diana Kile
Diana Kile, Deputy

DATE OF ISSUE:		10/9/2008		BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:				Res #2165		Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESC	DEBIT	CREDIT	
2903	0190	334092		COPS Tech Program Grant	222,134.00		
2903		172000				222,134.00	
2903	0190	420750	212	Small Item Equipment		222,134.00	
2903		242000			222,134.00		
Explanation					444,268.00	444,268.00	
Establish budget for COPS Technology Grant							

AWARD CONTRACT: FIELD SURVEYING SERVICES

[10:06:31 AM](#) [11:04:14 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Public Works Director David Prunty, Clerk Kile

Prunty reported a rate comparison has been done and Peccia & Associates has been chosen to do field surveying services.

Commissioner Brenneman made a **motion** to approve the professional services agreement for a Land Surveyor with Peccia & Associates. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF HR TRANSMITTAL: NURSE/ SHERIFF'S OFFICE

[10:08:26 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve the HR Transmittal form for a Nurse at the Sherriff's Office. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

MONTHLY MEETING W/ CINDY MULLANEY/ OES & LINCOLN CHUTE/ FIRE SERVICE AREA MANAGER

[10:28:51 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Fire Service Manager Lincoln Chute, Interim OES Director Cindy Mullaney, Clerk Kile

Chute reported a GPS has been purchased that interfaces with the county system and can be used by multiple county departments. He then added the Fire Service Area Board will be helping to aid in communication problems. Chute reported the training schedule has been put together for winter wildland training for departments weekends and Saturdays.

Discussion was then held relative to running medical calls in fire service areas with departments not being paid.

Mullaney reported monthly meetings and training classes are being held for training requirements. She then noted the Hungry Horse Dam exercise has been bumped back to December, the Pre-Disaster Mitigation Plan was returned from the state with additional issues needing work, identification of inventory is continuing and a fleet mapping work session will be held in Kalispell the week of November 17.

Discussion also included the need for continuity of operations within the county and the need for a plan in the event anything were to happen to any of our facilities.

MEETING W/ JEFF HARRIS/ PLANNING & ZONING OFFICE RE: SUBDIVISION REGULATIONS

[11:05:12 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Deputy County Attorney Peter Steele, Gordon Cross,
Marie Hickey-Au-Claire, Clerk Kile

Harris reviewed the proposed revisions to the subdivision regulations the Planning Board has been reviewing for the past year. He then noted public hearings will be held on October 23 and October 30 at FVCC, Arts and Technology Bldg., Room 139 at 6:00 p.m.

1:15 p.m. 911 meeting @ Justice Center

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

WEDNESDAY, OCTOBER 15, 2008

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

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

PRELIMINARY PLAT: VALLEY GLEN SUBDIVISION

[9:15:52 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Planner Allison Mouch, Eric Mulcahy, Clerk Kile

Mouch entered into record Staff Report FSR 08-12; an application submitted by Wildhorse Builders and Beeson Life Estates with technical assistance from Sands Surveying for preliminary plat approval of Valley Glen Subdivision. The applicant proposes to create 4 single family residential lots on one acre of land located off of School Addition Road south of Kalispell. The lots size range from 0.227 to 0.286 and would be served by public water and sewer.

It was noted for the record a correction was made in regards to the depth of the test pits that were 8 feet and not 5 feet as indicated in the report. Also noted was a variance has been requested to connect two subdivisions together instead of having two cul-de-sacs.

Commissioner Lauman made a **motion** to adopt findings of fact for Valley Glen Subdivision as presented in Staff Report FSR 08-12. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Discussion was then held relative to condition 16 which was changed to state: In areas prone to high water tables the construction of basements is not advised.

Commissioner Lauman made a **motion** to approve the requested variance from a 60 foot right-of-way easement to a 50 foot right-of-way to be in compliance with the adjacent property. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve preliminary plat of Valley Glen Subdivision with amended condition 16. 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 access onto School Addition Road 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 Somers Volunteer Fire Department 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. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction

of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]

14. 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]
15. 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]
16. 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

17. The following statement shall appear on the face of the final plat:

In areas where a high water table is present the construction of basements is not advised.

18. The following statement shall appear on the face of the final plat:

Landowners are notified that this subdivision is approved for single family use. Any changes that materially alter any portion of the approved subdivision plat, its land divisions or improvements, or that will modify the approved use of land within the subdivision, must be made by filing an amended plat showing all alterations, per the Flathead County Development Code. [Section 4.2.18/4.4.26, FCSR]

19. The following statement shall appear on the face of the final plat, applicable to all lots:

Only Class A roofing materials are allowed. [Section 4.7.28, FCSR]

20. If the existing structure on proposed Lot 4 is altered as a result of the proposed subdivision, the residence shall be recorded with the Montana Historical Society and an inquiry regarding its eligibility to be listed on the National Register of Historic Places should be made.
21. Wachsmuth Estates must receive final plat approval from the Board of County Commissioners and construction of Valley Glen Loop and all related road, stormwater and utility infrastructure improvements for both subdivisions must be complete prior to final plat submittal of Valley Glen Subdivision.
22. A 10-foot bicycle and pedestrian easement will be required along the length of the property abutting School Addition Road and will appear on the face of the final plat.

BI-MONTHLY MEETING W/ JED FISHER, WEED/ PARKS/ MAINTENANCE

[9:35:21 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Weed & Parks Director Jed Fisher, Clerk Kile

Discussion was held relative to Conrad Complex and player's fees helping to pay for the lease. Also discussed was the purchase of playground equipment in Lakeside that will not be installed until next spring now. Fisher then said a citizen is concerned about who was hired to do the Master Park & Rec Plan, and in lieu of that they will be taking down every public comment received. He then also noted a citizen is concerned about access now to the Bigfork dock since work was done there by the Bigfork Water and Sewer District. Fisher then reported the real estate agent for Stillwater Christian School contacted him and suggested now that both appraisers work together collaboratively to come up with an appraisal.

BI-MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE

[10:00:43 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, 4-H Director Karole Sommerfield, Clerk Kile

Sommerfield report Patricia McGlenn has been hired as the new Extension Agent and will be starting November 1, 2008. She then noted a financial workshop will be held on estate planning at Mountain West Bank by the financial specialist at Montana State University that she will be attending. Sommerfield then said pesticide applicator training will begin on October 20, 2008, a fund raiser with JC Penny's for an after school program raised \$2,000.00 and the 4-H leaders banquet will be held on November 7, 2008 at the Stillwater Grange. She then reported she was elected to be the President of the Montana Association of Extension Agents.

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT

[10:13:35 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Clerk Kile

Garza reported the electricity will be turned off within the Courthouse loop area from 5 to 8 pm today for work being done by Flathead Electric. He then noted work is continuing on the budget book to have it bound and printed. Discussion was then held relative to the FY07-08 audit and a blanket resolution that will be done. Garza then stated he would be sending out a memo the first of January in regards to starting the FY10 budget process. Also added was the new software would be up and running in March or April.

PRELIMINARY PLAT: EAGLE'S CREST BLUFF'S, RESUB OF LOT 11

[10:33:32 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Planner Alex Hogle, Planner Bailey Iott, Olaf Ervine, Clerk Kile

Hogle entered into record Staff Report FPP 08-06: an application submitted by Robert C & Lynn Lust with technical assistance from Montana Mapping for preliminary plat approval of Eagle's Crest Bluff's, Resub of Lot 11. The applicant proposes to create 2 residential lots from an existing lot in a previously platted subdivision. Lot 11A would be 5.32 acres in size and would be served by the Lakeside County Water and Sewer District and Lot 11B would be 4.35 acres in size and proposes to use the original approved individual well and septic system. Access to both lots is from Trapper Creek Road which is an existing paved road within Eagle's Crest Bluff's Subdivision.

Commissioner Lauman made a **motion** to adopt findings of fact for Eagle's Crest Bluff's, Resub of Lot 11 as presented in Staff Report FPP 08-06. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Condition 17 will be changed to: Lots 11A and 11B shall connect to public water and sewer services. Service connections or extended mains shall abut the subject property (Lot 11) at the time of final plat.

Commissioner Lauman made a **motion** to approve preliminary plat of Eagle's Crest Bluff's, Resub of Lot 11. 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 permits from the Montana Department of Transportation indicating the approaches have been built and received final inspection and final approval prior to final plat. [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. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
14. 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]
15. 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, FCSR]
16. 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, FCSR]
17. Lots 11A and 11B shall connect to public water and sewer services. Service connections or extended mains shall abut the subject property (Lot 11) at the time of final plat.
18. The applicant shall provide evidence of annexation into the Lakeside County Water and Sewer District prior to final plat approval.
19. Concerning connection to the public water service, the applicant shall provide a "will serve" letter from Montana Eagle Development Company prior to final plat.
20. The applicant shall formally request annexation into the Somers /Lakeside Fire District, and provide a letter from the District regarding the potential for annexation as well as District requests prior to final plat approval.
21. The applicant shall adequately remediate the disturbed flora and soils associated with the installation of the water and sewer utilities within the subject property and along the easement(s) used for the water and sewer utility connections prior to final plat. Adequate remediation should include the replacement of top soil, hydro-seeding, and use of erosion-mat style Best Management Practices to ensure re-vegetation of the disturbed areas.
22. The following statements shall appear on the face of the final plat:
- g. The owners of Lots 11A and 11B shall abide by the guidelines set forth in the approved Fire Protection and Control Plan.
 - h. Only Class A and Class B fire-rated roofing materials are allowed.
 - i. Fire-wise/Defensible Space Standards shall be incorporated around all structures
23. The following statement shall appear on the face of the final plat:
- k. Lot owners are alerted to the presence of sensitive and potentially dangerous wildlife in the area and are reminded that **feeding big game is illegal**. Lot owners are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including such things as bear proofing, pet control, and removing food sources.
24. There shall be no further subdivision of Lots 11A and 11B, and the following statement shall appear on the face of the final plat:
- l. There shall be no further subdivision of Lots 11A and 11B.

FINAL PLAT: ALLIE ACRES

[10:53:02 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:
Chairman Gary D. Hall
Others present:
Planner Bailey Iott, Robert Erickson, Clerk Kile

Iott presented final plat FFP 08-46 for Allie Acres; a subdivision creating 2 residential lots located on Whalebone Court off of Whalebone Drive between Foys Lake Road and Creek Side Drive. Preliminary plat approval was granted on November 27, 2007, subject to 17 conditions.

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

FINAL PLAT: KILA HILL SUBDIVISION

[10:57:20 AM](#)
Members present:
Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman
Members absent:
Chairman Gary D. Hall
Others present:
Planner Bailey Iott, Robert Erickson, Clerk Kile

Iott presented final plat FFP 08-33 for Kila Hill Subdivision; a subdivision creating 3 residential lots located on the west side of Hwy 2 west, south of Swamp View Lane and north of Hoffman Draw. Preliminary plat approval was granted on January 13, 2005, subject to 17 conditions; a one year extension was granted.

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

CONSIDERATION OF ADOPTION OF RESOLUTION: COMBINE FIRE SERVICE AREA MANAGER & FLATHEAD COUNTY FIRE CHIEF

[11:01:37 AM](#)
Members present:
Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman
Members absent:
Chairman Gary D. Hall
Others present:
Fire Service Area Manager Lincoln Chute, Clerk Kile

Commissioner Lauman made a **motion** to adopt Resolution 2166 to combine the Fire Service Area Manager and Fire Chief positions. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

RESOLUTION NO. 2166

WHEREAS, the Board of Commissioners of Flathead County, Montana, created the Flathead County Fire Service Area, pursuant to the provisions of Sections 7-33-2401, *et seq.*, M.C.A., by the adoption of Resolution No. 1550 A on February 11, 2002;

WHEREAS, the Board of Commissioners has developed a job description for the position of Flathead County Fire Services Area Manager and has filled that position in order to provide for the development, implementation and management of wildland and structural protection prevention, mitigation and response programs for the Flathead County Fire Service Area (FSA);

WHEREAS, the Board of Commissioners, pursuant to the provisions of Section 7-33-2202, M.C.A., is required to appoint a county rural fire chief/warden and may, pursuant to Section 7-33-2203, M.C.A., appoint a County officer to carry out the duties of the county rural fire chief/warden; and

WHEREAS, the Board has determined that the duties of the Flathead County Fire Services Area Manager and the statutory duties of the county rural fire chief/warden are similar and that two positions should be combined.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the Flathead County Fire Services Area Manager position and the County Rural Fire Chief/Warden position are hereby combined into one position.

IT IS FURTHER RESOLVED that the person holding the combined position shall carry out the duties of the Flathead County Fire Services Area Manager as set forth in the job description for that position and shall carry out the duties of the County Rural Fire Chief as set forth in Section 7-33-2101, *et seq.*, M.C.A., and in Resolution No. 1916, as follows:

1. represent the Board of Commissioners in matters pertaining to wildland fire management in the county and serving as the county's "line" officer (line of authority from commissioners to firewarden) in such matters;
2. coordinate wildland fire protection for all lands on which the county is required to provide fire protection, primarily involving the "unprotected" lands outside of established protection jurisdictions and including Fire Service Areas and lands in rural fire districts during a county-wide or large fire event;
3. monitor the county fire situation, and assure that adequate county resources are mobilized to suppress its fires, not requiring that he be in command of incident operation, but instead being responsible for directing resources to handle fires and be responsible for county-wide operations and, therefore, not in control of each incident, and become involved when fires within a fire district boundaries exceed the capabilities of the district;
4. keep the Board of Commissioner apprised of the wildfire situation in the county and bring wildfire related matters before the board for consideration;

5. attend the meetings of the Flathead County Fire Chiefs Association and act as a liaison between the Commissioners and that Association, bringing matters to each body from the other;
6. serve as the primary contact between the county and the State (DNRC) with regard to wildland fires, requesting assistance from the State when the County's ability to handle a fire is exceeded and working with the State in Planning, prevention, training, and equipment procurement;
7. ensure that wildland fire equipment on loan to the County is maintained, fire ready, and accounted for, consolidate requests from rural fire districts, fire service areas, etc., for excess fire equipment, forward such requests to the State and disburse State-provided equipment under recommendation from the Council;
8. represent the County and its fire organization in the Northern Rockies Coordinating Group (NRCG), a region/state-wide organization of wildland firefighting agencies, through membership in the Montana County Firewardens Association and participation with the local Zone Mobilizations Board; and
9. at the request of the County Commissioners, ensure that wildland fire concerns are addressed by land developers during the subdivision review process on major residential projects, in situations where local fire chiefs are not addressing these issues.

Dated this 15th day of October, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____
Gary D. Hall, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By/s/ Diana Kile
Diana Kile, Deputy

CONSIDERATION OF PRINTING BIDS: COUNTY ATTORNEY'S OFFICE:

[11:02:27 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the print bid from Great Northern Printing for business cards for \$49.40 for the County Attorney's Office. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

11:00 p.m. County Attorney meeting @ Co. Atty's Office
12:00 p.m. Commissioner Brenneman: DUI Task Force meeting @ The Summit

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

THURSDAY, OCTOBER 16, 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 October 17, 2008.

FRIDAY, OCTOBER 17, 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 October 20, 2008.
