
MONDAY, NOVEMBER 3, 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.

Jim Clark, 128 Hill Dale Drive questioned what criteria is being used in regards to selecting Flathead County Planning Board members. He then said that it looks as if appointments are not made on qualifications.

Chairman Hall explained they are faced with the choice of making diverse boards that work well together within the county.

Commissioner Brenneman said in general they are looking for as much information as they can get for each applicant and their decision is based upon that.

Jim Clark said he was told by the Planning Office they want no job experience listed or resume; qualifications only.

Commissioner Brenneman said that was unfortunate because they wouldn't preclude anyone from sending whatever qualifications they wanted to send.

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

MEETING W/ ANDREW HAGEMEIER/ PLANNING & ZONING OFFICE RE: COLUMBIA RANGE, CONDITION #8

9:46:53 AM

Members present:

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

Others present:

- Planner Andrew Hagemeyer, Joe Kauffman, Clerk Kile

Hagemeyer explained the problem in regards to parkland dedication in condition 8.

Original finding of fact was:

2.87 acres of parkland dedication is required under Section 3.19 (1) (1) of the Flathead County Subdivision Regulations. The proposed and parkland dedication is located within a B.P.A. easement, which is dedicated to a specific utility use and not appropriate for parkland use. This issue can be mitigated through condition 8.

Proposed Finding of Fact:

0.99 acres of parkland dedication is required under Section 3.19 (A) (1) of the Flathead County Subdivision Regulations. The proposed and parkland dedication is located within a B.P.A. easement, which is dedicated to a specific utility use and not appropriate for parkland use. This issue can be mitigated through condition 8.

Condition 8 will be changed to: 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 parkland fee shall be equivalent to 0.99 acres of the unimproved, unsubsidized land. Proof shall be provided that the cash donation has been paid to Flathead County at the time of final plat application.

Commissioner Brenneman made a **motion** to approve the change to Finding of Fact 7 and to approve the change to Condition 8 as presented. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

OPEN BIDS: CARS/ SHERIFF'S OFFICE

10:02:16 AM

Members present:

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

Others present:

- Assistant Mike Pence,

Bids received with bid bond enclosed from:

Eisinger	Tahoe	\$28,142.00	Impala	\$21,646.00
DePratu	Expedition	\$27,187.72	Crown Vic	\$21,713.36
Bison Motors	Expedition	\$27,836.03	Crown Vic	\$22,044.00
Don-K	SUV	\$28,924.00	Malibu	\$22,572.00

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

MONDAY, NOVEMBER 3, 2008
(Continued)

MEETING W/ ERICA WIRTALA/ SANDS SURVEYING RE: SUBDIVISION NO. 276, CONDITION #15

[10:15:58 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Jeff Harris, Planner Alex Hogle, Public Works Director David Prunty, Erica Wirtala, Clerk Kile

Wirtala explained that due to road counts the applicant was assessed 29 feet of paving or cash-in-lieu. She then stated the old subdivision regulations use to have a provision for waiving the paving requirements when: uneconomic remnants of asphalt paving defined as segments, which extend less than 100 feet and do not serve logical areas or connect to specific points of existing asphalt may be waived. She then added as a concession the commission said they could maybe do cash-in-lieu instead of paving. The problem now is coming up with a definitive answer as to what the cost of paving would be in this specific place. Wirtala then asked that the cash-in-lieu be waived and stated if they do write a check for a certain amount for this that there is no methodology for setting the money aside to pave Mooring Road.

Harris explained that a variance would need to be granted for the request if approved.

General discussion was held relative to the extraordinary condition created.

Hogle explained that part of this review was that there have been exceptions already included in this file. The exceptions included remainder requirements and incompleteness for sufficiency review in regards to internal subdivision roads.

Wirtala stated this was a timing issue with the Supreme Court decision being handed down in regards to remainders.

General discussion was held relative to road traffic and collector roads.

Prunty stated we need to come up with a procedure to accept cash-in-lieu of paving so that money that has been dedicated to certain roads can be tracked.

Commissioner Brenneman said they are not technically creating any new impacts to the road and in light of his desire to apply regulations as fairly as he can deduce them to be applied, that in this instance there would not be a requirement for mitigation and the variance should be granted; at such time the remainder is developed it will be an entirely different matter. He then stated subsequent to anything going forth from this day with the Supreme Court ruling we have a new consideration with remainders.

Commissioner Brenneman made a **motion** to grant a variance. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

FINAL PLAT: EAGLE'S CREST VISTAS, AMENDED PLAT OF LOT 1A OF AMENDED PLAT OF LOTS 1 & 2

[10:45:30 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Public Works Director David Prunty, Dan Fischer, Kristi Fischer, Clerk Kile

Hogle entered into record Final Plat FFP 06-3A, Eagle's Crest Vistas, Amended Plat of Lot 1A of Amended Plat of Lots 1 & 2; a 2 lot major subdivision located off of Hwy 93 south of Lakeside. Preliminary plat approval was granted on November 22, 2004, subject to 12 conditions. The SIA addresses water storage requirements.

Commissioner Lauman made a **motion** to approve the SIA for Eagle's Crest Vistas and authorized the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to approve final plat of Eagle's Crest Vistas, Amended Plat of Lot 1A of Amended Plat of Lots 1 & 2. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

MONTHLY MEETING W/ DAVID PRUNTY & GUY FOY/ ROAD DEPT.

[11:06:40 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, Operations Manager Road & Bridge Department Guy Foy, Clerk Kile

General discussion was held relative to the cost share program and the product that would be applied and the idea of splitting the county up into road districts.

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(Continued)

Prunty then reported millings were placed on Braig Road, Trumble Creek Road and Prairie View Road as tests. He then noted a fog seal was placed on Holt Stage Road with a portion of it still needing to be re-built and Badrock Road and Jensen Road they would like to chip seal next year. Prunty then stated their fall grading is almost complete, salt/sand is being hauled to remote pits and maintenance districts have been re-organized.

8:00 a.m. Weed & Parks Board meeting @ Weed & Parks Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 4, 2008.

TUESDAY, NOVEMBER 4, 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 – GENERAL ELECTION DAY

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

WEDNESDAY, NOVEMBER 5, 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.

11:00 a.m. County Attorney meeting @ Co. Atty's Office
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 November 6, 2008.

THURSDAY, NOVEMBER 6, 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/ OLAF ERVIN/ MONTANA MAPPING ASSOCIATES: RECONFIGURE LOTS/ WEST VALLEY VIEWS II

10:00:35 AM

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Olaf Ervin, Clerk Kile

Harris noted preliminary plat approval was granted on April 18, 2005 and an extension has also been granted. The request is to reconfigure the lots to square them off, but it would require them to go back to the Board of Adjustments for a zoning variance.

General discussion was held relative to the added benefits of re-configuring the lots.

Commissioner Lauman made a **motion** to approve the variance upon the condition they receive approval from West Valley Neighborhood, pave the rest of the road and receive a variance to re-configure the lots. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF DEQ 319 APPLICATION FOR BIGFORK STORMWATER PROJECT

10:17:15 AM

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Grant Writer Debbie Pierson, Clerk Kile

Pierson noted for the record the request today is to ask for commission support in applying to DEQ for funds to support construction implementation of Phase I of the Bigfork Stormwater Project. The request is for approximately \$150,000.00.

THURSDAY, NOVEMBER 6, 2008
(Continued)

CONSIDERATION OF ADOPTION OF RESOLUTION: COUNTY LOAN TO SHELL IN 3RD FLOOR OF EARL BENNETT BLDG.

[10:19:52 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Health Dept Director Joe Russell, Finance Comptroller Joe Garza, Finance Technician Lora Aspenlieder, Clerk Kile

Joe Russell explained the transfer of monies for the 3rd floor of the Earl Bennett Building.

Commissioner Lauman made a **motion** to approve Resolution 2170. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 2170

WHEREAS, The Flathead City-County Health Department is constructing a primary care clinic as a third floor addition to the Earl Bennett Building, the existing Health Department Building;

WHEREAS, the clinic construction is approximately 10,000 square feet and this space is less than the 14,000 square feet of potential third floor space;

WHEREAS, the Health Department is not capable of paying the cost of shelling in the remainder of the potential third floor space; and

WHEREAS, the Board of Commissioners unanimously supports the shelling in of the remainder of the potential third floor space; and

WHEREAS, the cost of shelling the remainder of the third will not exceed \$342,000.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that Board of Commissioners will pay the costs associated with shelling in the referenced space and considers that payment to be a loan to the Health Department that will be repaid when the Health Department occupies this space or within 10 years, whichever is sooner.

BE IT FURTHER RESOLVED that the terms of repayment will be negotiated in good faith and not bind the Health Department to unreasonable terms and conditions.

Dated this 6th day of November, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Commissioner Lauman made a **motion** to approve Budget Amendment Resolution 2171. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

BUDGET AMENDMENT RESOLUTION NO. 2171

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

THURSDAY, NOVEMBER 6, 2008
(Continued)

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 17th day of November 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

BUDGET ENTRY			VOUCHER NO.:	
			Entered by:	
Res. 2171				
ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
440110	820	Transfer To		342,000.00
242000		Expenditures	342,000.00	
383000		Transfer In	342,000.00	
172000		Revenue		342,000.00
			684,000.00	684,000.00

CONSIDERATION OF RELEASE OF COLLATERAL: TEN ARROWS RANCH

10:28:10 AM

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to release collateral for Ten Arrows Ranch. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 7, 2008.

FRIDAY, NOVEMBER 7, 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 November 10, 2008.
