
MONDAY, JANUARY 12, 2009

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

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

MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

This meeting was not held.

MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE RE: FMLA POLICY

[9:15:40 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk Kile

Campbell explained she reviewed the counties policy in regards to family medical leave and made the necessary changes in order to comply with federal law.

Commissioner Brenneman made a **motion** to approve the new FMLA Policy. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

Discussion was then held relative to organizing the key players for the deputy pay back law suit. Campbell noted those involved are Judy Rollins, Tammi Skramovsky, Lora Lisowski and Karen Moore.

BOARD APPOINTMENTS: HUNGRY HORSE FIRE DISTRICT AND RSVP

[9:30:44 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to appoint Thomas Baggs to the Hungry Horse Fire District and Ruth McMillan to the RSVP Advisory Board. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: SNAF, LLC GROWTH POLICY MASTER PLAN AMENDMENT

[9:33:15 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Clerk Kile

Hogle noted the intent of the applicant is to tear down the bowling alley and re-develop the corner on the south side of Holt Drive in Bigfork, off Mt. Hwy 35.

Commissioner Brenneman made a **motion** to adopt Resolution 2156 and to authorize the publication of the Notice of Passage or Resolution of Intent and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

Motion made here was to adopt Resolution 2156; it should have been 2184. A corrected motion was made on January 20, 2009 at @ [9:22:36 AM](#).

Commissioner Brenneman made a **motion** to approve the resolution change. Commissioner Dupont **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 2184

WHEREAS, SNAF, LLC, Louise Tidwell, has requested a revision to the Bigfork Area Land Use Plan, an addendum to the Flathead County Growth Policy, and the Designated Land Use Map, on Lots 1-5 of the North Shore Heights Subdivision in Section 36, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, from Commercial and Urban Residential to Village Resort Commercial – VRC, to facilitate the development of the property with a commercial, retail and residential mixed-use project;

WHEREAS, the property involved is located west of Montana Highway 35 on the south side of Holt Drive, Bigfork, Montana and contains approximately 1.76 acres;

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(Continued)

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt the amendment to the Bigfork Area Land Use Plan; and

WHEREAS, the Flathead County Board of Commissioners has reviewed the proposal and determined that the proposed amendment to the Bigfork Area Land Use Plan, an addendum to the Flathead County Growth Policy, and the Designated Land Use Map, should be formally considered.

NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it intends to consider the proposed revision to the Bigfork Area Land Use Plan and the Designated Land Use Map, to change the designation on property near Bigfork, described as Lots 1-5 of the North Shore Heights Subdivision in Section 36 Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, from Commercial and Urban Residential to Village Resort Commercial – VRC.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment and will consider any written comments which are received in the Board's Office prior to February 16, 2009. The Board will consider whether to pass a final resolution adopting the proposed amendment to the Bigfork Area Land Use Plan, and addendum to the Flathead County Growth Policy, after that date.

DATED this 12th day of January, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By/s/James R. Dupont
James R. Dupont, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
FLATHEAD COUNTY GROWTH POLICY
BIGFORK AREA LAND USE PLAN AND DESIGNATED LAND USE MAP

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No.2184) on January 12, 2009, to consider a revision to the Bigfork Area Land Use Plan, an addendum to the Flathead County Growth Policy, and the Designated Land Use Map, as proposed by SNAF, LLC, Louise Tidwell.

The proposed amendment would change the current land use designation on Lots 1-5 of the North Shore Heights Subdivision in Section 36, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, from Commercial and Urban Residential to Village Resort Commercial – VRC, to facilitate the development of the property with a commercial, retail and residential mixed-use project. The property is located west of Montana Highway 35 on the south side of Holt Drive and contains approximately 1.76 acres. Documents related to the proposal are on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, where they may be examined by the public.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Bigfork Area Land Use Plan and the Designated Land Use Map and will consider any written comments which are received in the Board's Office prior to February 16, 2009. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 12th day of January, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on January 15 and January 22, 2009.

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(Continued)

DOCUMENT FOR SIGNATURE: ENCROACHMENT PERMIT/ TRAPLINE ASSOCIATION

[9:37:40 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve the encroachment permit with the understanding there will be a proof of insurance certificate. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

PRELIMINARY PLAT: MEADOWBROOK PARK

[10:00:22 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planner Dianna Broadie, Eric Mulcahy, Dave Brant, Gary Barnaby, Clerk Kile

Broadie entered into record Staff Report FSR 08-14; an application from Dave Brant with technical assistance from Sands Surveying and Carver Engineering for preliminary plat approval of Meadowbrook Park Subdivision. The proposal is for a five lot minor subdivision on a 20 acre tract located west of Kila with lots ranging in size from 1.697 to 8.671 acres in size.

Commissioner Brenneman made a **motion** to adopt Staff Report FSR 08-14 as findings of fact. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

Mulcahy representing the applicant stated they had no problem with the well easement. He then asked that condition 16 be amended to not include Lot 1, and that condition 14 in regards to the bike path they would like removed or put on the south side of the road.

General discussion was held relative to potential further division of Lot 1.

Commissioner Brenneman stated he would not be opposed to further division of Lot 1 with the subsequent division of it then being a major subdivision.

General discussion was also held relative to the feasibility of ever building a bike path in the area.

Commissioner Brenneman asked that the bike path be left on the face of the final plat and stated that he does not see where it would adversely affect the sale price or the use of the lots, and would still allow the county to maintain their efforts to always ask for a bike path when they can. If in fact someone ever wanted to build a bike path in the monumentally difficult terrain it would automatically be put to the opposite side of the road, because it would not be feasible to build it there. If for some reason someone wanted to put a bike path on fillers alongside the road they would have the easement to do so. He then stated he would leave it up to the applicant, in which Dave Brant replied that he did not want the bike path on final plat.

Commissioner Brenneman then noted for the record that there were extenuating circumstances topographically that lead to this decision.

Discussion was then held relative to the easement issue in regards to the existing water system for fire fighting purposes.

Dave Brant stated that presently there is a cistern in the mobile home park with the hardware for Smith Valley Volunteer Fire Department to come in and hook onto and draw down the water to fill the tanker.

Commissioner Brenneman asked if that would remain.

Dave Brant stated it would; however, to date it has never been used. He then added that when they need water they stop at the bridge and retrieve it out of the creek.

Discussion was then held relative to adding an additional condition which states: An easement to the property owners of Meadowbrook Park Subdivision for the purpose of a well and water utility line shall be recorded on the adjacent Ashley Creek Ranch for the existing system serving the site.

Commissioner Brenneman made a **motion** to approve Meadowbrook Park with conditions as amended. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

A. Standard Conditions

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626A. 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 to Rogers Lake 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 road identification sign and stop sign for the traffic on the internal subdivision road shall be installed at the intersection of the internal subdivision road and Rogers Lake Road. [Section 4.7.17 (j)(v), FCSR]

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4. 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]
5. The applicant shall comply with reasonable fire suppression and access requirements of the Smith Valley Fire District. A letter from that office stating that the plat meets the requirements of the Smith Valley Fire District area shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
6. 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]
7. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.24, FCSR]
8. The 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]
9. 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]
10. 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.
11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]
12. 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]
13. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. This plat may or may not show individual well locations dependant upon whether the existing multi-user water system has been chosen as the alternate method of water delivery.[Section 4.4.22 (for major subdivisions) or Section 4.2.15 (for minor subdivisions), FCSR]
14. 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]

B. Project-Specific Conditions

15. The following additional statements shall be placed on the face of the final plat:
 - a. This subdivision is located in an agricultural/silvicultural area and potential nuisances such as noise, dust, odors and irregular hours of operation are commonplace. As such, the right to farm/log on adjoining properties will not be restricted as a result of the development or occupancy of this subdivision. MCA 76-3-608]
 - b. Lot owners are alerted to the presence of 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. [MCA 76-3-608]
 - c. Lot Owners are alerted that this may be an area of big game migration and are encouraged to contact the Montana Department of Fish, Wildlife and Parks for information on wildlife friendly fencing. [MCA 76-3-608]
16. The following statement shall be shown plainly on the face of the plat:

"No further subdivision of lots 2-5 shall occur until zoning is in place and the zoning allows such subdivision."
[MCA 76-3-608]

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17. A no build zone in the low lying areas along Ashley Creek shall be shown on the final plat as illustrated on the preliminary plat. This area shall be shown as "Native Growth Protection Easement and No Build Zone." [MCA 76-3-608] and [Section 4.7.11 FCSR]
18. An easement to the property owners of Meadowbrook Park subdivision for the purpose of a well and water utility line shall be recorded on the adjacent Ashley Creek Ranch for the existing system serving the site.

MEETING W/ MARK PECK RE: ALTERNATIVE REPRESENTATIVE FOR NORTHERN TIER PROJECT

[10:32:19 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Interim Director OES/911 Mark Peck, Fire Services Manager Lincoln Chute, Clerk Kile

Peck noted he would like to appoint Jack Speelman as the alternative representative for Northern Tier who would replace Cindy Mullaney. He then noted Cindy needs to be able to spend more time focusing on planning and emergency operations.

Commissioner Dupont made a **motion** to appoint Jack Speelman to replace Cindy Mullaney as the alternate representative for Northern Tier. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Dupont. Motion carried by quorum.

MEETING W/ MARK PECK RE: INTERAGENCY WILDLAND FIRE PREVENTION COMMITTEE

[10:37:32 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Interim Director OES/911 Mark Peck, Fire Services Manager Lincoln Chute, Clerk Kile

Peck reported discussions have been held with DNRC, the Forest Service and the Park Service in regards to forming a formalized Interagency Wildland Fire Prevention Committee. This committee would coordinate fuel mitigation projects, make recommendations to the planning board and commissioners for any fire issues and write recommendations for the annual operating plan for annual review.

CONTINUATION OF COS REVIEW: BROWN

[10:45:39 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Planner Dianna Broadie, Joe Kauffman, Jo Brown (seated) [10:54:47 AM](#), Clerk Kile

Broadie reviewed the Brown COS Review that was originally denied on September 2, 2008. The proposal is to split a 6.33 acre parcel located in Kila into the following:

Tract 1:	3.04 acres to be transferred to Jo Brown as custodian for Jessie Brown (daughter)
Tract 2:	3.29 acres to be retained by Jo Brown

Broadie noted on:	9/03/02	Jo Brown family transferred a parcel to her mother Leneta Williams
	10/24/02	Boundary line adjustment moved boundaries between parcels
	2/12/03	Leneta Williams sold the parcel to Sandra Christian (5 months after transfer)
	6/23/03	Sandra Christian family transferred a parcel to her son (Dusterhoff)

With the proposed division a fourth parcel would be created and therefore is presumed to be a pattern of development under the County Subdivision Regulations.

Commissioner Brenneman then reviewed the history of the 10.46 acre parcel belonging to Jo Brown.

Chairman Lauman questioned the utility easement in which Joe Kauffman commented that on the legal description that most surveyors put: subject to and together with any existing easements of record. He then added that they don't do any extensive research for easements and that just because the easement doesn't show on the survey it does not exclude omission. He further stated a physical document has to be recorded with the Clerk and Recorder to remove an easement.

Broadie commented when this person came in to talk with her she clearly said she was going to sell the piece of property.

Commissioner Brenneman noted the same statement was made to him.

Commissioner Dupont questioned why it was previously rejected.

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Commissioner Brenneman stated that the only reason they are reviewing the COS again is because it was described to Commissioner Lauman via the phone when he was on a scheduled vacation and Commissioner Hall became ill and was in the hospital. He then added the meeting was conducted without Commissioner Lauman having any documentation in front of him; that it was described to him over the phone at which time a decision was made to deny the transfer. Commissioner Brenneman further added that he felt the applicant deserved a full presentation of the documentation to a full commission. He then added that he stands by his original decision to deny the family transfer in light of the fact there is a pattern of selling the property soon after it is family transferred.

Jo Brown seated [10:54:47 AM](#)

Commissioner Brenneman stated there are numerous ways to subdivide land, one of which is a family transfer, but if the transfer is an exemption to the Subdivision and Platting Act it should not be used for the purpose of evading the Subdivision and Platting Act. He then said it is his opinion in light of how the family transfers have been used in the past in the area specific to your piece of property that this is in fact an attempt to evade the Subdivision and Platting Act and **moved** to deny the request. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

Jo Brown said she thought she was going to be able to speak in regards to the transfer.

Commissioner Brenneman stated Joe Kauffman spoke on her behalf in regards to the only issue in question.

Jo Brown then asked if anyone read her letter and asked if anything she brought up in her letter meant anything in regards to regulations and laws.

Commissioner Brenneman stated he read the letter and understands her point of view; however, he stands by his decision that they did things correctly.

Jo Brown asked for a reason for the denial.

Commissioner Brenneman said the Subdivision and Platting Act says they shall look at all land divisions and decide whether or not they meet the criteria under which they do their review. One of the reasons the commissioners don't review a particular piece of property being subdivided is through a family transfer exemption, which you opted to use. They are then left with the task of trying to determine whether or not that exemption is being used for a bonafide purpose under the law or is being used to evade going through the Subdivision and Platting Act, which gives them the ability to say you have to have roads of a certain width, access for fire dept and emergency vehicles. The commission today made the decision that what you are attempting to do is an evasion of the Subdivision and Platting Act and not a legitimate use of the family transfer.

Jo Brown asked how that decision was reached and how she would be evading.

Commissioner Brenneman stated for the record he based his decision on the pattern that has been done with the property.

General discussion continued in regards to the law.

MEETING W/ ROBERT STEFFES RE: PLOWING OF RIGHT-OF-WAYS IN HUNGRY HORSE

[11:00:49 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Public Works Director David Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Clerk Kile

Robert Steffes respectively asked the commission to start plowing public access roads located in Hungry Horse. He then explained that originally when the subdivision was developed there was a snow removal plan.

Dave Prunty said he has met with Robert Steffes and they have determined what classification the roads fall under as to whether they are private or county roads. He then noted that originally everyone thought they were private roads but they have since determined they are public roads.

Peter Steele explained that originally when the Forest Service sold the land in Hungry Horse it was sold subject to the roads and easement they had; the easements and roads belonged to the US Government and the easement stayed on all the deeds that transferred all the way up until someone did a subdivision called Green Acres Addition. When preliminary plat approval was applied for the request was to make it a county road, but when it came in for final plat approval for whatever reason the commission excluded the roads through the subdivision. The roads are now open to the public but are not county roads.

Dave Prunty stated he has had discussions with Mr. Steffes and informed him that since 1983 the county has not taken on any more roads to plow. He also explained there are other unmaintained county roads in Hungry Horse.

Robert Steffes asked that with the information presented that both for fire and emergency purposes that the roads be plowed.

Chairman Lauman suggested the Road Department and County Attorney's Office meet and come back with a recommendation to the commission.

Commissioner Brenneman added that we do have miles and miles of unmaintained county roads, and unless a compelling argument can be made for plowing this road he would be very hesitant to make an exception to the policy.

MONDAY, JANUARY 12, 2009
(Continued)

FINAL PLAT: CEDAR CREEK NORTH

[11:18:44 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planner Andrew Hagemeyer, Brian Sullivan, Gail Sullivan, Clerk Kile

Hagemeyer reviewed the application submitted by the City of Columbia Falls with technical assistance from F&H Land Surveying for final plat approval of Cedar Creek North; a minor subdivision creating five residential lots located off the North Fork Road approximately three miles north of Columbia Falls. Preliminary plat approval was granted on December 21, 2006, subject to 17 conditions which have been met.

Commissioner Dupont made a **motion** to approve final plat of Cedar Creek North. Commissioner Brenneman **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

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 January 13, 2009.

TUESDAY, JANUARY 13, 2009

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Lauman, Commissioners Brenneman and Dupont 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 January 14, 2009.

WEDNESDAY, JANUARY 14, 2009

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

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

DOCUMENT FOR SIGNATURE: CHANGE ORDER NO. 3/ EVERGREEN BIKE PATH

[9:01:29 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Weed & Parks Director Jed Fisher, Weed & Parks Gordy Jewett, Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Finance Comptroller Joe Garza, Operations Manager Road and Bridge Dept. Guy Foy, Clerk DeReu

Hogle passed out a handout regarding the general synopsis of the costs on the Evergreen CTEP project. As of current, the project costs involve two sides. One side involves the engineering and the oversight of the contractor and the other side involves the construction firm performing the construction work which was established through a bid process. Hogle stated the original contract for engineering was at \$88,000.00 and since then there have been two contract modifications that bring the engineering cost to \$132,000.00. Hogle then discussed Change Order #3 and how it deals with mailbox relocation and stated this change order has yet to be signed. Hogle suggested to the Commissioners possible alternatives to resolving this issue which may include the assistance of other departments. There was further discussion regarding ongoing costs. It was suggested by Hogle and Harris to have the county assist in resolving the mailbox relocation issue versus dealing with the contractors and signing Change Order #3.

Hogle explained to newly elected Commissioner Dupont the history of the Evergreen Bike Path, the counties obligations and community match money. Discussion was held regarding maintenance and plowing of the path and also the safety issues of the children in this non-bussed school zone. Altering precedents and policies to deal with future situations like this one were also discussed.

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(Continued)

Guy Foy discussed the bridge issue that he felt was not the counties obligation but the engineer's obligation. There was continued discussion regarding the standard of the road base on East Evergreen Drive and it was mentioned that each party has an attorney involved.

Fisher commented that the trail program has serious issues. Fisher expressed the importance of recognizing the ongoing problems after bike paths and or trails are built. He listed a few problems including chip sealing; plowing; weed control; and future ongoing expenses. Fisher suggested a percentage of the original contract price needs to go into a fund to deal with the future ongoing issues and expenses. There was further discussion regarding this matter.

There was discussion regarding snow removal on bike paths, the responsibility and or liability.

Chairman Lauman suggested scheduling a meeting next week to further discuss the other issues with Darla Harmon and Superintendent of Schools, Marcia Sheffels.

Chairman Lauman agreed the snow on the bike path needs to be removed this one time prior to a final resolution due to safety reasons.

Hogle brought up the issue of Change Order #3 and stated the mailbox issue needs to be dealt with one way or another. There was continued discussion regarding involving other departments in assisting in the relocation of the mailboxes; checking into breakaway mailboxes provided by the US Postal Service; ongoing daily rental fees for the existing situation of the mailboxes versus signing Change Order #3 which would cost the county \$,1400.00. If Change Order #3 was signed, it would resolve the issue by January 30, 2009, according to Hogle.

Chairman Lauman once again stated that another meeting will be scheduled to further discuss the other issues.

A motion was not made on this date. On January 20, 2009 @ [9:24:36 AM](#) a motion was made to confirm the signing of Change Order #3.

JANUARY 20, 2009

Commissioner Brenneman made a **motion** to approve the signature of Change Order #3. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SNAF, LLC ZONE CHANGE/ BIGFORK ZONING DISTRICT

[9:38:30 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Clerk DeReu

Commissioner Dupont made a **motion** to approve authorization to publish Notice of Public Hearing for SNAF, LLC Zone Change, Bigfork Zoning District. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. 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 request by SNAF, LLC, Louise Tidwell, to change the zoning designation in a portion of the Bigfork Area Zoning District from B-3 (Community Business) and R-3 (One Family Residential) to CVR (Community Village Resort).

The boundaries of the area proposed to be amended from B-3 and R-3 to CVR are the boundaries of Lots 1-5 of the North Shore Heights Subdivision in Section 36, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. The property is located west of Montana Highway 35 on the south side of Holt Drive, Bigfork, Montana and contains approximately 1.76 acres.

The proposed change would change the character of the zoning regulations applicable to the property from districts intended to provide for (i) areas for the development of congregated community shopping areas, to serve the range of a number of neighborhoods of a major segment of the Planning Area, and (ii) adequate lot areas for urban residential development with good thoroughfare access and in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc., to a district to provide for commercial and residential use within the same development, constrained by the need to maintain intimacy and human scale in a village setting with an overall goal of preserving the renewable resources and enhancing the unique qualities and characteristics of rural communities. The proposed change is subject to approval of a proposed change to the Bigfork Area Land Use Plan and Designated Land Use Map and will not be adopted unless that change is approved.

The regulations defining the B-3, R-3 and CVR Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: http://flathead.mt.gov/planning_zoning/downloads.php. Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **2nd day of February, 2009, 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 in the regulations for the described portion of the Bigfork Area Zoning District.

WEDNESDAY, JANUARY 14, 2009
(Continued)

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 January, 2009.

Paula Robinson, Clerk

By/s/D. DeReu
D. DeReu, Deputy

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

Publish on January 17 and January 24, 2009.

CONSIDERATION OF PRINTING BIDS: WEED/ PARKS/ MAINTENANCE

[9:39:07 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Jed Fisher, Deputy DeReu

Commissioner Dupont made a **motion** to approve the print bid from Towne Printer for 6,000 business cards for the Weed, Parks and Recreation Department for \$365.00. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: BUY/SELL AGREEMENT FOR 1105 1ST AVENUE WEST

[9:40:20 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Clerk DeReu

County Attorney Jonathan Smith presented and discussed with the Commissioners the Buy/Sell Agreement regarding property located on 1105 1st Avenue West in Kalispell. Smith stated the closing would be held at Alliance Title on January 29, 2009.

Commissioner Dupont made a **motion** to authorize the signature of the Buy/Sell Agreement and designated Jonathan Smith to sign documents. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER

This meeting was not held.

QUARTERLY MEETING W/ MIKE MEEHAN, SHERIFF

[9:44:18 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Sheriff Mike Meehan, Under Sheriff Pete Wingert, Clerk DeReu

Meehan reported the dispatchers had an avalanche training class last Monday and noted there were no avalanche incidences over the weekend.

Meehan then discussed with the Commissioners the Sheriff Department's Financial Report. Meehan also stated the 911 project is moving right along.

There was discussion regarding the Governing Board made up of elected officials. Meehan is confident these officials are responsible to make tough decisions and spend monies appropriately.

Dupont inquired about the CAD system. There was continued discussion regarding the records management and the importance of having all law enforcement agencies on the same page.

Chairman Lauman inquired about the attendance at the jail. Meehan reported they are maintaining 75 to 80 inmates on a daily basis. There was also discussion regarding the low attendance at the Juvenile Detention Center.

Meehan reported the City of Kalispell eliminated their Animal Warden position. Meehan then noted he was contacted regarding a contract from the City of Kalispell with the county's Animal Wardens to take care of vicious dogs and prisoner's dogs. Meehan stated he would be working with the city regarding the contract. There was continued discussion regarding the importance of the city and county entities working together.

WEDNESDAY, JANUARY 14, 2009
(Continued)

MONTHLY MEETING W/ CINDY MULLANEY, OES AND LINCOLN CHUTE, FIRE SERVICES AREA MANAGER

10:28:58 AM

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present: Assistant Mike Pence, Fire Services Area Manger Lincoln Chute, Interim OES Director Cindy Mullaney, Clerk DeReu

Mullaney reported the recent flood advisories had the public thinking it was rivers and streams when it was mainly meant for standing water on roads and streets. There was continued discussion regarding public service announcements, emergency operation plans and emergency support functions. Mullaney discussed with the Commissioners the Pre-disaster Mitigation Plan that will be resubmitted later in the week.

Mullaney reported the state receives money from the federal government for the emergency management planning grant. The state then passes the money through to the counties. There is a possibility the funds will be sub granted so reimbursement requests will not be required. The funds will be managed in-house based on applications submitted. A meeting will be held in Missoula on February 6, 2009, regarding the applications, reporting and audit requirements. Mullaney stated it would be best if someone from the Clerk and Recorder's Office, a Commissioner and a Deputy from the OES Department attended.

Chairman Lauman inquired about the excess equipment which is mainly stored at the county shop. Mullaney replied most of the equipment has been dispersed and went to multiple areas locally and in an orphanage in another country. Lincoln Chute expressed their goal was to have all the old equipment gone before moving into the new building

Chute reported he has been working with the Community Wild Fire Protection Plan. Chute stated they are conducting a 32 hour advanced class for fire behavior. Chute was pleased that fire chiefs and assistant chiefs were attending the class and he feels these qualified personnel will be extremely beneficial in keeping the firefighters safe. Chute reported he will be traveling to Missoula to take the next level class.

There was discussion regarding upcoming grant proposals for communications and radios. Chute expressed the importance of improving communications especially in outlying areas.

Chute commented that there will need to be in depth discussion regarding the annual operating plan with DNRC, the US Forest Service, Glacier National Park and the county. The discussion will be to set the boundaries on who is paying and how these organizations work together. Chute expressed concerns regarding the huge push of the fire use fires. There was ongoing discussion regarding these matters and concerns.

With this year's abundance of snow, Mullaney reported they received some information relating how to determine if your roof is at risk. This information has been posted on the web page and there is also a link to the Glacier County Avalanche Warning Center. Chute added that they are in the process of getting a Type 3 team up and operational. Chute stated that OES would be able to assist in the logistics for example checking in search and rescue workers. Chute explained this support is critical and will free up people who are trained for the actual search and rescue. There was continued discussion regarding upcoming functional exercises in Essex with Burlington Northern and the Search and Rescue relating to avalanches. There was also a brief discussion regarding earthquake management.

11:00 a.m. County Attorney meeting @ Co. Atty's Office
12:00 p.m. Commissioner Brenneman: MACo Conference Call re: Urban Counties
1:00 p.m. Commissioner Lauman: National Alliance for the Mentally Ill meeting @ The Summit

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 15, 2009. .

THURSDAY, JANUARY 15, 2009

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

9:30 a.m. Commissioner Brenneman: Travel back to Kalispell
2:00 p.m. Commissioner Brenneman: Health Board meeting @ Earl Bennett Bldg.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 16, 2009. .

FRIDAY, JANUARY 16, 2009

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

10:00 a.m. Commissioner Lauman: Audit Committee meeting @ Commissioners' Meeting Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 19, 2009.
