
MONDAY, DECEMBER 21, 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.

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

Eric Wood, 902 1st Avenue West, spoke about the potential re-appointment of Anne Biby to the Airport Authority Board today and asked that she not be reappointed. He stated over the last five years a decrease in flights has been seen at the airport as well as mismanagement of repairs and the desire to out source sustainable jobs to out of state companies, which is not in the best interest of the county. Woods further stated he feels the Airport Authority Board is not acting in the best interest of the county.

Kim Williams, 550 Cherry Lynn Road, also requested that Anne Biby not be re-appointed today to the Airport Authority Board. She then added we need fresh people on the board as we are losing sustainable jobs in the valley which we don't need. Williams also stated she feels the airport has gone down hill maintenance wise, flight wise and financial wise.

Sandra Janney expressed her concern about the potential re-appointment of Anne Biby to the Airport Authority Board. She then said as a citizen of Flathead County she has been concerned for some time at the decline of the airport; not only in the general maintenance but lack of flights that do not seem to be recovering with the economy as other airports are. Janney stated she is also concerned about the board's position on out sourcing full-time sustainable jobs here in the valley and said it is time to have a new perspective and new blood on the board.

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

[9:00:16 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Eagle Transit Director Dave Polansky, Clerk Kile

Atkinson reported bus ridership increased by 900 rides in 2009. He then noted the IA units (information assistance) for seniors went down slightly compared to last year as well as meals delivered. He then spoke about Sweet Expectations grand opening that was held on December 16 at Gateway West Mall.

MEETING W/ DAVE POLANSKY/ EAGLE TRANSIT RE: BUS WRAPS

[9:03:54 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Eagle Transit Director Dave Polansky, Gary Chandler, Clerk Kile

Polansky reported the 18 month bus wrap pilot program contracts have been reviewed by legal.

Commissioner Dupont said he feels Mr. Chandler has gone with everything the attorneys have asked of him.

Commissioner Dupont made a **motion** to approve the contract and authorized the chairman to sign. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

PUBLIC HEARING: TAX INCENTIVE REQUEST/ OKO PROPERTIES

[9:30:10 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

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

Commissioner Brenneman PT opened the public hearing to anyone wishing to speak in favor or opposition of the tax incentive request/OKO Properties.

Doug Shanks, 4785 Snowshoe Trail stated he has worked for Western Building Center since 1975 and is an investor with OKO Properties also. He explained they currently have 20 full time employees and 8 temporary employees and are struggling like every other building industry. Shanks stated they could really use the incentive right now.

No one else rising to speak, Commissioner Brenneman PT closed the public hearing.

Commissioner Dupont commented that Western Building Center has been a benefit to the community of Columbia Falls.

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(Continued)

Commissioner Dupont made a **motion** to approve Resolution 2239. Commissioner Brenneman PT **seconded** the motion.
Aye – Brenneman and Dupont. Motion carried by quorum.

RESOLUTION NO. 2239

WHEREAS, the Board of Commissioners of Flathead County, Montana, passed Resolution No. 476 on April 8, 1983, and Resolution No. 476A on February 21, 1984, allowing tax benefits for new or expanding industry in Flathead County;

WHEREAS, OKO Properties, LLC/Western Building Center of Columbia Falls, Montana, has applied for the tax benefits with regard to the purchase of improvements and equipment added to the current facility located at 1863 13th Street West in Columbia Falls;

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing under the provisions of section 15-24-1402, M.C.A., on the 21st day of December, 2009, concerning the request for tax benefits filed by OKO Properties, LLC/Western Building Center; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, having reviewed the application of OKO Properties, LLC/Western Building Center, and the testimony presented at the public hearing, has concluded that the application for tax reduction benefits meets the requirements of the applicable statutes and resolutions.

NOW, THEREFORE, BE IT RESOLVED that the additional \$2,072,330 worth of new improvements and equipment added to the OKO Properties, LLC/Western Building Center located on 1863 13th Street West, Columbia Falls Montana, shall be granted the tax benefits set forth in Resolution Nos. 475 and 475A and Section 15-24-1402, M.C.A., and the added value will be taxed at fifty percent of its taxable value in the first five years after approval; in each year thereafter, the percentage will be increased by 10 percent until the full taxable value is attained in the tenth year.

DATED this 21st day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Absent
Dale W. Lauman, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

CONSIDERATION OF ADOPTION OF RESOLUTION: FLATHEAD COUNTY ADVERTISING POLICY

[9:45:48 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Dupont made a **motion** to approve Resolution 2240. Commissioner Brenneman PT **seconded** the motion.
Aye – Brenneman and Dupont. Motion carried by quorum.

RESOLUTION NO. 2240

WHEREAS, Flathead County offers the opportunity for commercial advertising on its personal and real property;
and

WHEREAS, Flathead County desires to have control over the content of the advertising;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Commissioners of Flathead County, that the Flathead County Advertising Policy as attached hereto is hereby adopted.

Dated this 21st day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Absent
Dale W. Lauman, Chairman

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

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

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(Continued)

**FLATHEAD COUNTY
ADVERTISING POLICY**

1. The purpose of commercial advertising is to raise revenue to be used to aid in financing Flathead County operations. The display of advertising is solely for this purpose, and Flathead County has a compelling interest in maximizing revenues gained by the sale of commercial advertising.
2. It is not Flathead County's intent or purpose to provide a public forum for the dissemination, debate, and/or discussion of public issues, but rather to make use of property held in a proprietary capacity in order to generate revenue.
3. Flathead County has compelling interests in the orderly and safe administration of Flathead County, avoiding the potential identification of Flathead County with viewpoints of advertisers, and maintaining the high morale of its citizens, are furthered by the avoidance of confrontation with advertisements that would be deemed by a significant segment of the public to be patently offensive or in bad taste, minimizing charges of abuse, and the appearance of favoritism.
4. Flathead County also has a compelling interest in maintaining neutrality in regard to religious, political, and other social public policy issues
5. Flathead County reserves the right to accept or reject advertisements. In general, Flathead County will reject advertisements that:
 - a) It considers false, misleading, or deceptive;
 - b) Contains obscene, profane, or libelous material or language;
 - c) Promotes unlawful, illegal, or prohibited goods, services, or activities under Federal, State, or local laws, statutes, ordinances, rules, or regulations;
 - d) Declares or implies an endorsement of any service, product, or point of view;
 - e) Promotes the sale of tobacco or tobacco-related products;
 - f) Promotes the sale of liquor or distilled spirits;
 - g) Depicts violence or violent behavior;
 - h) Are related to products designed for use in connection with sexual activities;
 - i) Portrays individuals on the basis of race, color, creed, gender, pregnancy, age, religion, ancestry, national origin, marital status, disability (including those related to pregnancy or child birth), sexual orientation, or any other characteristic protected under Federal, State, or local law as inferior, evil, contemptible as a result of the individual's protected characteristic(s);
 - j) Includes commentary, advocacy, or promotion of or on social, political, religious or rhetorical issues, or for or against political candidates, campaigns, or organizations, or advocating a position on any public policy or social issue;
 - k) Are for a business that is not in good standing regarding any local or business tax obligations or do not have all appropriate business licenses or certifications required by Federal, State, or local governments or agencies;
 - l) Are from or for entities that have financial or legal conflicts with Federal, State, or local government;
 - m) Are from or for entities that are not in compliance with Federal EEOC and Title VI regulations and other applicable Federal, State, and local employment regulations; or
 - n) Violates trademark and/or copyright infringement laws and regulations.
6. Flathead County's judgment shall be considered final. Flathead County may accept an advertisement, recommend editing to an advertisement to make it acceptable, or reject an advertisement outright.

This Policy is effective as of this date, the 21st of December, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Absent
Dale W. Lauman, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

MONDAY, DECEMBER 21, 2009
(Continued)

PUBLIC HEARING: GREEN ACRES RESIDENT OWNED COMMUNITY PROJECT/ CDBG

[10:00:31 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Cal Scott, George Everett, Patti Everett, Jon Everett, Ulrich Trantwein, Steve McClain, Isabella McClain, Makayla Dillon, Donald Brager, Diane Miller, Rick Snyder, Scott Norman, Andy Hyde, Katharine Thompson, John Sinrud, Jane Nolan, Mary McCleary, Chad Meyer, Lori Meyer, Clerk Kile

Debbie Pierson reviewed the potential application to be submitted to the CDBG Housing Grant Program for the Green Acres resident owned community project.

Commissioner Brenneman PT opened the public hearing to anyone wishing to speak in favor or opposition of Green Acres resident owned community project/CDBG.

John Sinrud, 1721 Woodland Avenue, Lot 13 stated he was asked by George Everett the owner of the mobile home park to look at a bill that was introduced into the Montana State Legislature and passed that allows for an individual of a mobile home park to receive a tax break from the state if he/she was willing to work with the residents of the mobile home park to come together and purchase it. In doing that he found out they have the opportunity in Flathead County to look for CDBG funds of \$450,000 to help purchase the property. They have been working with Neighbor Works Montana as well as ROC USA who is willing to help them come together for technical assistance and financial support to help purchase the mobile home park in order to have the residents own it. The main issue I have seen in Gallatin County as well as Flathead County is that in Whitefish a mobile home park was turned into a desolate piece of property, because the individual owner removed the mobile home park. There was also a mobile home park in Gallatin county where the developer purchased it and subsequently removed those individuals from the facility and it was anywhere from 100 – 125 mobile homes and the individuals were left to “where do I go”. I know in the development community and me working with them for the past 20 years there are not too many mobile home parks that are created in Montana, because mobile home parks are not maybe looked upon as a great thing within the community. What this opportunity has given us is the ability to allow the individuals in the mobile home park which is roughly 32 units to be able to own a piece of property and to have something as a cooperative and to come together and make sure their mobile home park is going to be maintained for a very long time. They have looked to see if they fit the requirements for Neighbor Works in regards to income and the needs assessments, and 89 percent of the individuals fall under the adjusted median income for Flathead County, so it fits very well for what the mission of the CDBG funding from the state requirements would be, as well as being a great opportunity to help individuals that need a secure place to live for a very long time. A performa has been prepared with the purchase price of \$950,000 with the total finance needed being \$1,031,076. ROC USA would loan the residents \$581,076 at 7.250% and that is based upon a 30 year mortgage that would be paid off in 15 years. The CDBG funds would be \$450,000 and the residents lot rent would end up paying over the year \$581,076. The annual operating expenses were then reviewed with the lot rent being \$275.00 per month and if the CDBG grant is received it would go down to \$248.00 per month and would leave them a debit surplus coverage ratio of \$5,430.00 which would allow them to pay impact fees in order to hook up to city services someday.

John Sinrud then read a letter from Kim Christensen, 1721 Woodland Avenue, Lot #30 who was unable to attend the meeting. Christensen noted Green Acres Trailer Park is a very affordable place to live for herself and her grandson, and believes that if she can make it a tenant owned association it would be even more affordable. If this does not go through she is afraid she will not be able to keep her home or be able to afford to move either. She asked that the project be supported.

George Everett, 1344 Helena Flats Road said he and his wife Patti have owned the park for the past seven years and are considering selling it. He then said HB636 which was passed in the 2009 legislature would allow the people in the mobile home park to possibly own it. Everett stated he approached John Sinrud a resident living there who started the process. He noted that some of the residents have lived there for over 23 years and he feels it would be the right thing to do in giving them the first option in purchasing the park. He further stated if the government is going to provide grants and loans to these big Wall Street bankers that he would hope this mobile home owners association would be in line to receive money.

Cal Scott, representing a nationally awarded non-profit home ownership education counseling organization spoke in favor of the request. He said obviously the commission knows the need for affordable work force housing in the area with 80 percent of the work force being at median income or below. This particular development caters to or helps to assist achieving home ownership and the pride that goes along with owning your own property. Scott said a huge segment of the population in Flathead County cannot afford to spend the median income of \$155,000 in today's market to purchase a property of their own. Scott stated he feels the resident owned facility would be a benefit to our community and spoke in favor of it. He then encouraged the commission to support it as well as look at other options to further increase manufactured housing development as the last bastion of affordable housing that we have for the majority of our workforce in this county.

Steve McClain, 1721 Woodland Avenue, Lot 5 said he is a single dad that was diagnosed with a long term illness with two kids still at home. He said he had to sell his home and ended up at the mobile home park because he could not find affordable housing when he moved here. McClain spoke about worrying about being displaced and would like to have the security of not having to move again with his family.

Mike Pence, County Administrator for Flathead County noted for the record that affordable housing is a high priority in the counties growth policy. He then stated he believes this need is a good fit for Flathead County and spoke in support of the proposal.

Jane Nolan, Community Action Partnership a non-profit agency stated they support affordable housing and have many clients that walk through their doors who have faced evictions when they can't pay their rent through no fault of their own. She further stated they approve this project in order to help families keep a roof over their head and be stable.

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Diane Miller, 1721 Woodland Avenue, Lot 2 said she has lived in Green Acres since 1996 and prior to that had been misplaced several time. She stated to be able to buy a mobile home and stay in the court for the past 16 years has been a blessing as well as a safe place to be.

Chad Meyers, 1721 Woodland Avenue, Lot 26 spoke in favor of the proposal also.

Rick Snyder, 1721 Woodland Avenue, Lot 19 stated he purchased his mobile home approximately one year ago and found out that Green Acres was one of the only mobile home parks that allow older mobile homes to be moved in. Snyder also spoke in favor of the proposal.

Scott Norman, 1721 Woodland Avenue, Lot 25 stated he is a single father of two and feels this is a great neighborhood where they have great neighbors. Norman spoke in favor of the proposal also.

Lori Meyer, 1721 Woodland Avenue, Lot 15 stated she has lived in the mobile home park for nine years and spoke in support of the proposal.

No one else rising to speak, Commissioner Brenneman PT closed the public hearing.

Commissioner Dupont said it has been a wonderful park and has known deputies that live there. He then stated he supported the proposal.

Chairman Brenneman PT said that being a farmer he has been involved in cooperatives and stated he feels they are a good way to get things done. He further said it would be difficult to find a program that would more closely align with both my personal philosophy and what I think the county should be involved in for providing affordable housing.

Commissioner Dupont made a **motion** to authorize the endorsement for the application for the CDBG grant to be used for Green Acres resident owned community. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

BOARD APPOINTMENTS: MISCELLANEOUS

[10:45:02 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Planning & Zoning Office Administrator Mary Sevier, Kim Williams, Sandra Janney, Eric Wood, Lynn Tripp, Bonnie Leakey, Jack Bateman, Ron Thibert, Clerk Kile

Commissioner Dupont made a **motion** to re-appoint Myron Mast to the Egan Slough Planning & Zoning Commission. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to appoint Keith Valentine to the Helena Flats Land Use Advisory Committee. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Brenneman made a **motion** to appoint Bob Parker and Harry Brown to the Riverdale Land Use Advisory Committee. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Brenneman made a **motion** to appoint Dennis Konopatzke to the Whitefish City-County Planning Board. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to re-appoint Kathy Buffington, Rhonda Castner, K. C. Zwisler and Doug Gilbertson to the AOA Advisory Council. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to appoint Brian Tanko to the AOA Advisory Council. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to appoint Curt R. McIntyre to the Airport Authority Board. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Brenneman PT made a **motion** to appoint Cindie Jobe and Marjorie Guest to the Animal Advisory Committee. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to appoint Glen Aasheim, William Burg and Joan Lanfear to the City-County Health Board. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to appoint Renae Ren to the Columbia Falls Cemetery Board. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to re-appoint Anita Hoyer to the Compensation Board. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to re-appoint David Hilde and Charles Lapp to the County Road Advisory Committee. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to appoint Bill Baum to Desert Mountain TV District. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

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Discussion was held relative to delaying consideration of the Fair Board appointments with the large number of applications received.

Commissioner Dupont made a **motion** to delay consideration of the Fair Board appointments until a full board is present. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

Commissioner Brenneman PT made a **motion** to re-appoint James Buechle to the Fairview Cemetery Board. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Brenneman made a **motion** to re-appoint Bill Brass and Thomas Bates to the Fire Service Area Advisory Board. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to re-appoint Lyle Mitchell to the Port Authority Board. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to re-appoint Don Bennett to the Port Authority Board. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Brenneman PT made a **motion** to re-appoint Glen Aasheim, M.D. to the Mosquito Control Board. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to re-appoint Bill Jaynes to Swan Hill TV District. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to re-appoint Richard Barron to the Tax Appeal Board. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to re-appoint Cindie Apsey and Chuck Cassidy to the Transportation Advisory Board. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Brenneman made a **motion** to appoint Elise Robocker to the Weed & Parks Advisory Board. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

COS REVIEW: ALBRIGHT

[11:15:51 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Planner Dianna Broadie, Jamie Reed, Debra Albright, Robert Albright, Clerk Kile

Dianna Broadie reviewed the proposal to divide a 12.223 acre parcel located on the west side of Capistrano N. W. into the following:

| | |
|---------|--|
| Tract 1 | 5.001 acres to be transferred to Debra E. Albright, Wife |
| Tract 2 | 7.222 acres to be transferred to Robert J. Albright |

Commissioner Brenneman questioned the applicant in regards to the plans with the property.

Robert Albright said they intend to keep it in the family and want the option to be able to pass it along to their children in the future.

Commissioner Brenneman questioned Jamie Reed in regards to her involvement in the process.

Jamie Reed stated the applicant first spoke with Tom Sands about deeding a parcel to their children.

Commissioner Brenneman said the reason for the line of questions is because it is inappropriate to use the exemption clause to create a parcel that can then be sold relatively quickly.

Robert Albright said that was not their plan.

Commissioner Brenneman said it has happened over and over again in Flathead County with results that are not always good. He then stated it would be possible if this is approved and it subsequently came up for sale in the near future that the county could pursue legal action against them. Brenneman stated if they want to create a piece of land to sell they should create a subdivision.

Commissioner Dupont questioned how far back the previous transfers went.

Dianna Broadie explained they go back 20 years.

Commissioner Brenneman asked Jamie Reed if in her professional opinion this was an attempt to evade the subdivision and platting act.

Jamie Reed said she didn't believe it was.

Commissioner Dupont made a **motion** to approve the Albright COS. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

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PRELIMINARY PLAT: GLACIER HILLS #4

[11:29:41 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Planning & Zoning Director B J Grieve, Planner Alex Hogle, Eric Mulcahy, Bob Spoklie, Tom Hoover,
Clerk Kile

Hogle entered into record Staff Report FPP 09-03, Glacier Hills #4: an application submitted by Spoklie and Hoover with technical assistance from Eric Mulcahy with Sands Surveying for a six lot major subdivision on 30.51 acres located near Martin City. Lots range in size from 3.5 to 7 acres and would be served by a public water supply and have individual septic systems. Access to all lots would be from a new internal subdivision road which would be a continuation of existing Glacier Hills Drive West.

Discussion was held relative to the emergency egress for Glacier Hills #4.

Hogle reviewed the recommended changes to the conditions by the Planning Board to amend conditions 19, 23 and 24.

Discussion was held relative to ownership of the easement.

Commissioner Dupont made a **motion** to approve Findings of Fact in Staff Report FPP 09-03. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

Commissioner Brenneman noted his concern is with the emergency egress that will be gated. He then state it appears there is significant travel time savings if you go up the emergency egress into the subdivision vs going into Martin City and back down.

Hogle stated he felt the time difference would be possibly four to six minutes.

Commissioner Brenneman said if there is a difference in time then the homeowners will be using the road to go into the subdivision.

Spoklie stated the road would not be paved and using it would be discouraged.

Commissioner Brenneman asked if any construction traffic would be using the emergency access.

Spoklie stated there would be no reason for them to.

Commissioner Brenneman said he can think of at least two subdivisions in which he received numerous complaints about the emergency access being used inappropriately; preliminary plat was given and we were assured by the developer there would not be any construction traffic.

Discussion continued in regards to the emergency access and controlling the use of it.

Hogle said the emergency access includes use to the overall Glacier Hills development.

Mulcahy then explained they did have a problem with the conditions in regards to the nature of the road that is being conditioned as public when all the other roads are private. The suggestion was to strike condition 19 which states:

Glacier Hills Drive West shall be paved to county standards from the subdivision entrance through the extent of the cul-de-sac bordering lot 1-3.

Hogle explained the review criteria used for condition 19 being included are in the subdivision regulations under compliance.

Mulcahy then spoke about his concern with their CC&R's in regards to condition 23 which states:

Maintenance of the emergency egress and the portion of Glacier Hills Drive West within Glacier Hills #4 shall be addressed through a Road User's Agreement compliant with FCSR 4.7.17(e) and Appendix K **or** the CC&R's for Glacier Hills shall be amended to 1) declare Glacier Hills Drive West as 'public' and 2) to expand the maintenance provision to include appropriate specifications regarding routine maintenance items and major improvement items in compliance with FCSR 4.7.17 (e) and Appendix K.

General discussion continued in regards to the road and CC&R's. There was general agreement to change condition 23 to state:

Maintenance of the emergency egress and the portion of Glacier Hills Drive West within Glacier Hills #4 shall be addressed through a Road User's Agreement compliant with FCSR 4.7.17(e) and Appendix K.

Further discussion was held relative to condition 19 which states:

Glacier Hill Drive West shall be identified as a 60 foot public road and utility easement on the final plat.

There was general agreement to remove "public" from condition 19 and remove condition 24 in regards to trash containers and hauling of solid waste.

Commissioner Dupont made a **motion** to approve Glacier Hill #4 FPP 09-03 with conditions as amended. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

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Standard Conditions of Approval

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 4.7.18.g(iv), Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permits from the Flathead County Road and Bridge Department indicating the approaches have been built and received final inspection and final approval prior to final plat. [Section 4.7.18, FCSR]
3. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures. [Section 4.7.15, 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 4.7.28, 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 4.7.27, FCSR]
6. All internal subdivision roads shall be certified by a licensed engineer and constructed and paved, as applicable, in accordance with the Flathead County Minimum Standards for Design and Construction. [Sections 4.7.17, 4.7.19 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 4.7.17(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 4.7.25, 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. [Sections 4.7.14, 4.7.22, 4.7.23 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 4.7.30, 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 4.7.28.c, FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.25, FCSR]
 - c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.24, FCSR]
 - d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.27, 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 4.7.15, FCSR]
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 as 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]

Project Specific Conditions:

17. The applicant shall establish a compliant bus stop in a safe location and provide a letter of approval from the Flathead County Superintendent of Schools prior to final plat.
18. Pursuant to FCSR 4.7.26 the applicant shall pay a cash-in-lieu donation to adequately address the requirement for parkland dedication. The cash donation is appurtenant to the unimproved fair market value of 2.5% of the combined gross area of Lots 2, 3, 4, and 5 and the baseline value of the cash donation shall be determined based upon an appropriate appraisal by a Certified General Appraiser dated no more than six months prior to submittal of the final plat application for the subdivision.
19. Glacier Hills Drive West within the boundaries of Glacier Hills #4 shall be identified as a '60 foot road and utility easement' the final plat.
20. Glacier Hills Drive West shall be paved to county standards from the subdivision entrance through the extent of the cul-de-sac bordering Lots 1-3. [Sections 4.7.17, 4.7.19 FCSR]
21. The emergency egress gate shall be open-able without special tools by residents within Glacier Hills #4 and emergency service providers.
22. For an electronic gate installed near the entrance to Glacier Hills Drive, emergency service providers shall be able to activate the mechanism with a method acceptable to the Fire District. In the case a gate is established, a letter of approval from the Martin City Fire Chief shall be submitted prior to final plat which indicates the gate mechanism is adequately operable for emergency service provider needs.
23. Maintenance of the emergency egress and the portion of Glacier Hills Drive West within Glacier Hills #4 shall be addressed through a Road User's Agreement compliant with FCSR 4.7.17(e) and Appendix K.
24. The following statement shall appear on the face of the final plat:

MONDAY, DECEMBER 21, 2009
(Continued)

25. "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. **All residences shall use bear-proof trash containers and use contract haul for solid waste.** 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."
26. All wetland areas and the proposed 30 foot vegetative buffer identified on the preliminary plat shall be shown as a 'No Build Zone' on the face of the final plat.
27. The following statement shall appear on the face of the final plat:
"All lots within Glacier Hills #4 may be subject to seasonal high ground water which may result in ponding/shallow surface flooding and flooding of basements. Construction of any basement on Lot 6 is prohibited and residences on Lots 1-5 may be constructed with 'daylight basements' only".
28. Pursuant to FCSR 4.7.29(g) the following statements are required to be placed on the final plat:
 - i. This subdivision is located in the Wildland Urban Interface wildfire priority area where wildfires can and do occur.
 - ii. Only Class A and Class B fire-rated roofing materials are allowed.
 - iii. Firewise defensible space standards shall be incorporated around all primary structures and improvements.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 22, 2009.

TUESDAY, DECEMBER 22, 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.

12:00 p.m. Commissioner Brenneman: CDC meeting @ Three Rivers Bank
5:00 p.m. Commissioner Lauman: Refuse Board meeting @ Solid Waste District Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 23, 2009.

WEDNESDAY, DECEMBER 23, 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.

MEETING W /B.J. GRIEVE /PLANNING & ZONING OFFICE RE: HARVEST VIEW SIA & SIA UPDATE REPORT

[9:00:57 AM](#)

Members present:

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

Others present:

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

Grieve reviewed the status of the SIA for Harvest View Subdivision which expired. He then explained the developer is working on the water system yet the next action the county can take is to utilize the cash and have a contractor complete the necessary improvements.

Chairman Lauman stated he felt a deadline should be given to the developer to complete the improvements before hiring someone to finish them. It was agreed to set the deadline of April 1, 2010.

Grieve then reported there are currently six outstanding SIA's with five of them expiring next year. He then noted 13 preliminary plat approvals were granted in 2006 that have not received final plat approval but have been granted an extension and will expire in 2010. It was clarified that SIA's for preliminary plats approved before August 1, 2007 can buy 18 months and those after August 1, 2007 are for 12 month.

AUTHORIZATION TO PUBLISH RFQ: ENGINEER'S FINAL DESIGN & IMPLEMENTATION/ BIGFORK STORMWATER PROJECT

[9:15:55 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Commissioner Dupont made a **motion** to authorize the publication of the RFQ for the Bigfork Stormwater Project and authorized the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

WEDNESDAY, DECEMBER 23, 2009
(Continued)

REQUEST FOR QUALIFICATIONS
FOR ENGINEERING SERVICES

The Flathead County Board of Commissioners is soliciting Statement of Qualifications for engineering services to assist the County with the preparation of final design engineering for the Bigfork Stormwater Upgrade Project, located in the Village of Bigfork. The objective of the project is to provide an upgraded system to control stormwater flooding, and provide treatment for the effluent before entering Bigfork Bay.

Detailed Request for Qualifications, including a description of the services to be provided by respondents, the minimum content of responses, and the factors to be used to evaluate the responses, can be obtained by referencing the Flathead County web page at <http://flathead.mt.gov/commissioners>. Select the Bigfork Stormwater Project RFQ link, or contact Debbie Pierson, Flathead County Commissioners Office, 800 South Main, Kalispell, MT, 59901, (406) 758-2467; dpierson@flathead.mt.gov All responses must be **received no later than 5:00 p.m. on Wednesday, January 13, 2009**.

Publish on December 28, 2009 and January 4, 2010.

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 December 28, 2009 and January 4, 2010.

CONSIDERATION OF HR TRANSMITTAL: TELECOMMUNICATIONS & TECH SUPPORT/ I.T.

[9:16:18 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, I.T. Director Vicki Saxby, Clerk Kile

Vicki Saxby reported they would like to restructure their department by eliminating an OA II position and hire a full time Tech Support person in order to have phone coverage all day. She noted Joe Russell with the Health Department has offered to help support the position with them billing his office.

Pence explained this is adding a ½ FTE which typically would not be recommended, but is being based on a need and support from the Board of Health.

Commissioner Brenneman made a **motion** to approve a ½ FTE position for I.T as described. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the classification change and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF CONDITIONAL AMENDMENT TO REQUEST FOR ACCESS TO COUNTY NETWORK FOR TYLER TECH/ I.T.

[9:21:20 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, I.T. Director Vicki Saxby, Clerk Kile

Saxby reported they have a form they have outside contractor's sign before they are given a login-in to the county network that states they agree with our policy. She then explained Tyler Technologies had concern with a paragraph on the form and additional language was added to the form for their agreement.

Commissioner Dupont made a **motion** to approve the amendment to the network access agreement. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: ADG CONTRACT FOR BUS BARN/ EAGLE TRANSIT

[10:00:44 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Eagle Transit Director Dave Polansky, Clerk Kile

Polansky reviewed the changes to the Bus Barn which included changes to the bus wash door.

WEDNESDAY, DECEMBER 23, 2009
(Continued)

Commissioner Dupont made a **motion** to approve the document for signature for the Eagle Transit Bus Barn and authorized the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: MDOT AMENDMENT CONTRACT #104547/ EAGLE TRANSIT

[10:04:43 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Public Works Director Dave Polansky, Clerk Kile

Commissioner Dupont made a **motion** to approve the document for signature and authorized the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

AUTHORIZATION TO PUBLISH RFQ: FACILITATOR SERVICES/ WASTEWATER MANAGEMENT WORKING GROUP

[10:07:42 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 publication of the RFQ and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

REQUEST FOR QUALIFICATIONS

The Flathead County Board of Commissioners is requesting interested persons/firms to submit their qualifications for providing facilitator services to Flathead County. Such qualification statements are to be submitted, in writing, to the Flathead County Board of Commissioners at 800 South Main, Kalispell, Montana, 59901 and must be received no later than 5 P.M. on January 11, 2010. All responses will be reviewed by a selection committee appointed by the Board of Commissioners and those persons/firms chosen for further discussions or more detailed submittals will be so notified by written letter from the office of the Flathead County Board of Commissioners.

SCOPE OF WORK:

The person/firm selected will provide facilitator services necessary to facilitate a working group comprised of elected municipal and county officials, public waste water district board members, citizen members appointed by the Flathead Basin Commission and membership from the Confederated Salish and Kootenai Tribal Council to develop a basin-wide plan that clearly identifies our existing sewage treatment resources and establishes fiscally sound and effective public policy around sewage treatment to protect our water quality resources into the future.

The following identifies some of these challenges, that, when addressed; may serve to enhance the services in the Flathead, in turn, protecting our valuable water resources:

1. Lack of clear sewer service planning areas.
2. Lack of coordination between sewer service entities.
3. Lack of coordination between planning boards and elected officials regarding proposed developments.
4. Compliance with the pending Flathead Lake TMDL and the ramification on all pollution and discharge elimination system permits.
5. Lack of understanding on the contribution of on-site sewage treatment systems to the Flathead Lake TMDL

It is expected that the project will run for two years with monthly meetings. The facilitator will coordinate a series of goal setting sessions and provide meeting leadership to ensure sessions remain on task.

A project description will be available at www.flatheadhealth.org or flathead.mt.gov/commissioner or picked up at the Flathead County Commissioners Office, 800 South Main, Kalispell.

WEDNESDAY, DECEMBER 23, 2009
(Continued)

CRITERIA OF SELECTION:

Selection of a person/firm for the provision of these services will be based upon the following criteria and each must be addressed within the qualifications response submitted in order to be eligible for consideration.

1. Location of the office of the person/firm where the work will be conducted.
2. Related experience of the person/firm on similar projects
3. Qualifications of the proposed professional personnel who will be assigned to the project.
4. Capabilities to meet time and project budget requirements.
 - 4A. Provide a comparison of similar project budgets and final construction bid results.
 - 4B. Provide change order information for each project listed in 4A. less owner scope changes.
5. Present and projected workloads of the person/firm.
6. Recent or current work for Flathead County.
7. Please provide references in the written form indicating name, address and telephone number of owners for similar projects completed.

Please provide six Statements of Qualifications. Questions may be referred to:

Joseph W. Russell, Health Officer, Flathead City-County Health Department at (406) 751-8101 or Flathead County Commissioner Joe Brenneman at (406) 758-5508 or (406) 314-0075 or jbrenneman@flathead.mt.gov

Weighted evaluation criteria will be available upon request.

Dated this 23rd day of December, 2009

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on December 28, 2009, and January 4, 2010.

PUBLIC HEARING: ROAD ABANDONMENT #476 (LOT 5, BLOCK 11, LAKE PARK ADDITION)

[10:15:31 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Chairman Lauman opened the public hearing to anyone wishing to speak in favor or opposition of Road Abandonment #476.

No one rising to speak, Chairman Lauman closed the public hearing.

Commissioner Brenneman made a **motion** to approve Road Abandonment #476. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: GRANT AUTHORIZATION FOR CDBG APPLICATION FOR GREEN ACRES RESIDENT OWNED COMMUNITY PROJECT

[10:19:30 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, Grant Writer Debbie Pierson, Clerk Kile

Deb Pierson explained a resolution for application based on the public hearing held on December 21, 2009 needs to be signed if the decision to proceed forward is made to turn Green Acres Mobile Home Park into a resident owned facility.

Commissioner Brenneman made a **motion** to adopt Resolution 2241. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

WEDNESDAY, DECEMBER 23, 2009
(Continued)

RESOLUTION 2241
TO AUTHORIZE THE SUBMISSION OF THE CDBG APPLICATION

WHEREAS, Flathead County is applying to the Montana Department of Commerce for Community Development Block Grant (CDBG) funds to support the Green Acres Cooperative in creating a Resident Owned Community (ROC) with support from NeighborWorks, Montana. CDBG funds will be utilized toward the purchase of Green Acres Court in Kalispell, Montana;

WHEREAS, Flathead County has conducted one or more public hearings in conformance with CDBG requirements to obtain the views of citizens on community development and housing needs, and on the proposed activities. A community needs assessment was held March 12, 2009 to discuss overall community needs. A public hearing was held with Flathead County Commissioners, December 21, 2009 to take public comment specific to the Green Acres project;

WHEREAS, Flathead County agrees to conform with the regulations, statues, terms and conditions described in the CDBG Certifications for Application and

That the Flathead County Board of Commissioners are authorized to submit this application to the Montana Department of Commerce, on behalf of Flathead County and that they authorize Mike Pence, Flathead County Administrator to act on behalf of Flathead County to provide such additional information as may be required.

Dated this 23rd day of December, 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

PUBLIC HEARING: SOLOMON PEYTON, LLC ZONE CHANGE/ EVERGREEN ZONING DISTRICT

10:29:27 AM

Members present:

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

Others present:

Assistant Mike Pence, Assistant Planning & Zoning Director B J Grieve, Erica Wirtala, Barton Morse, Debbie Street, Clerk Kile

Grieve reviewed the zone change request received from Solomon/ Peyton, LLC with technical assistance from Sands Surveying to change the zoning designation in a portion of the Evergreen and Vicinity Zoning District from AG-80 to B-2, I-1 and R-2. The 116.87 acres are located on the southwest corner of the intersection of Trumble Creek Road and Rose Crossing northeast of Kalispell. Grieve then reviewed a comment received from a neighboring property owner in regards to buffering concerns. It was noted for the record the zone change is being reviewed based on criteria currently found in the zoning regulations. The state criteria for zoning amendments under MCA were recently amended and the guidance received from the County Attorney's Office was to continue using the criteria until they are updated to reflect the amended criteria under statute. The 2009 legislature also updated requirements for posting notices for zone changes and notice was posted on the subject property as well as in five separate locations.

Chairman Lauman opened the public hearing to anyone wishing to speak in favor or opposition of the Solomon Peyton, LLC Zone Change/ Evergreen Zoning District.

Debbie Street, 1400 Rose Crossing read the following letter:

My name is Debbie Street and I speak for both myself and my father Robin Street. My father is the largest adjoining landowner adjacent to the Trumbull Creek Crossing 160 acre proposed zone change. His land directly overlooks almost the entire 160 acres, and I am an adjoining land owner as well.

To be clear we are not protesting the zone change, however, we feel a buffer should be incorporated around the commercial area. This buffer will help protect our views and the values of the surrounding lands.

Accordingly, we would like to submit the following language to be incorporated at the time of preliminary plat submission:

"Applicant shall install vegetative buffer for the entire length of the four lots, consisting of six foot tall pine trees spaced at 30 feet, along with a row of deciduous trees spaced at 50 feet apart. Both rows to be within 50 feet of the west, north and south boundaries of properties, and shall incorporate earth berms of three feet minimum height along entire boundary upon which trees will be planted. Said buffer shall be irrigated and shall incorporate a minimum of 75 percent of said boundaries."

Please feel free to contact us with any questions or concerns.

Debbie Street
1400 Rose Crossing
Kalispell, Mt 59901

Robin Street
1414 Rose Crossing
Kalispell, Mt 59901

WEDNESDAY, DECEMBER 23, 2009
(Continued)

Erica Wirtala, Sands Surveying representing the applicant Solomon/ Peyton said when they first came through with the master plan amendment (Two Rivers Project) the commercial area had been designated going in an east/ west direction along Rose Crossing; they felt it would be more marketable if it ran north/ south along Trumble Creek. She stated Mr. Lovejoy had been approached by a manufacturing company and they would require a LI designation, so they switched a residential designation and added 20 acres of industrial for economic development. Wirtala noted the intersection of Trumble Creek and Hwy. 2 does not truly exist at this point with there being just a direct access.

Barton Morse, 140 Twin Pines Drive stated he agreed with the previous comments. He then said he would like to see the bicycle trails across the highway connected into. Morse noted if city sewer services are extended out there he would like to be hooked into that.

No one else rising to speak, Chairman Lauman closed the public hearing.

Commissioner Brenneman made a **motion** to adopt Resolution 797FC and authorized the publication of the Notice of Passage of Resolution of Intent and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 797 FC

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 23rd day of December, 2009, to consider a request by Bob Lovejoy for Solomon/Peyton, LLC, to change the zoning designation in a portion of the Evergreen and Vicinity Zoning District from AG-80 (Agricultural) to B-2 (General Business), I-1 (Light Industrial) and R-2 (One-Family Limited Residential);

WHEREAS, notice of that hearing was posted for at least 45 days prior to the public hearing and published on December 9 and December 16, 2009, pursuant to Section 76-2-205(1), M.C.A.;

WHEREAS, the Board of Commissioners received public comment on the proposed zoning change; and

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Evergreen and Vicinity Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning for a portion of the area in the Evergreen and Vicinity Zoning District from AG-80 to B-2, I-1 and R-2, as described on Exhibit A hereto. The described areas are located in Assessor's Tract 5 in Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County Montana, and shown as Tract 1 of Certificate of Survey No. 16455. The property is located on the southwest corner of the intersection of Trumble Creek Road and Rose Crossing northeast of Kalispell, containing approximately 116.87 acres, as shown on Exhibit B.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Evergreen and Vicinity Zoning District to be changed, the general character of the proposed change in regulations for the area, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Evergreen and Vicinity Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Evergreen and Vicinity Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the owners of real property who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED that if forty per cent (40%) of the owners of real property within the Evergreen and Vicinity Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 23rd day of December, 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

WEDNESDAY, DECEMBER 23, 2009
(Continued)

EXHIBIT "A"

TRACTS OF LAND, SITUATED, LYING AND BEING IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 29 NORTH, RANGE 21 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

AREA 1: from AG-80 to B-2

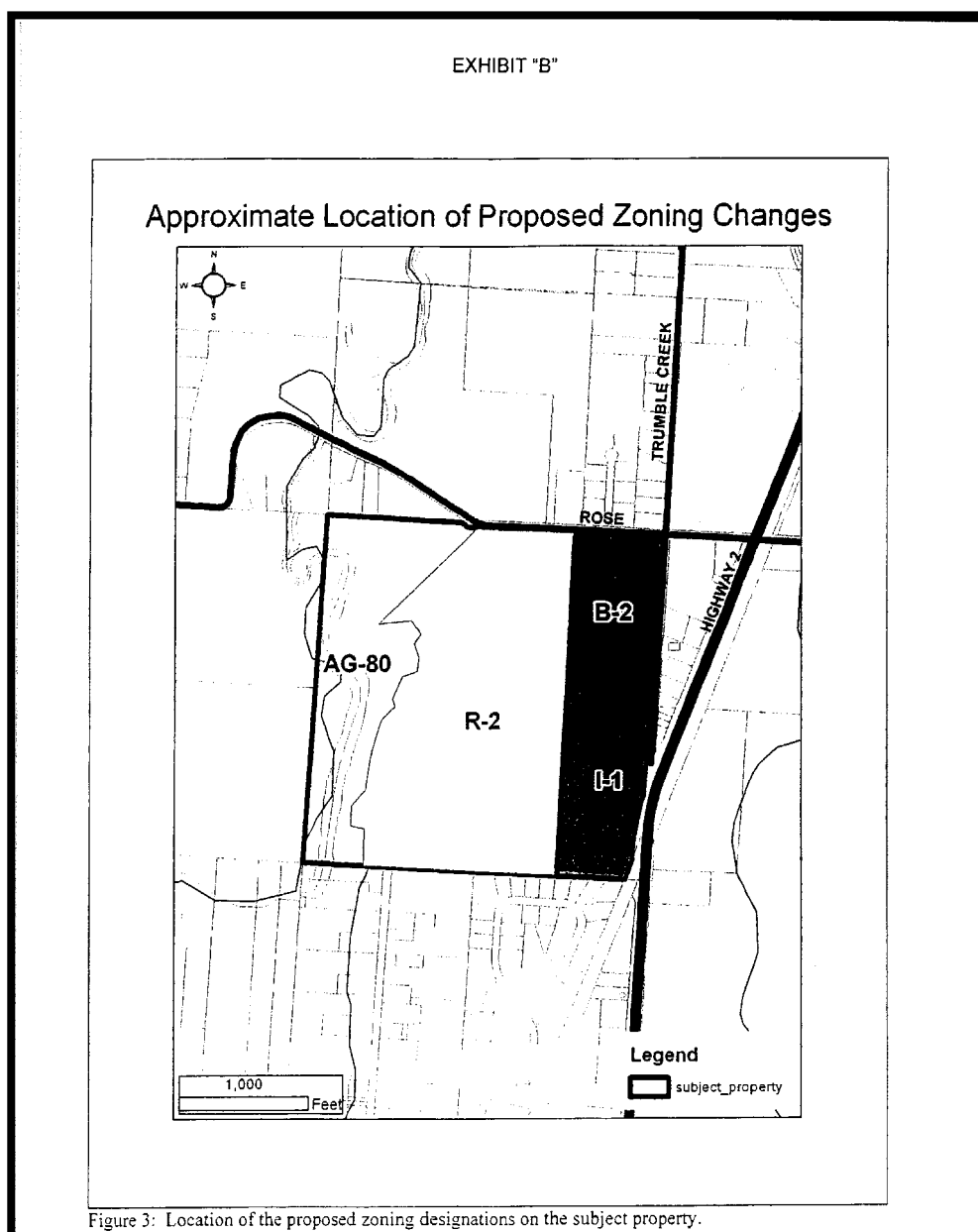
BEGINNING at the northeast corner of the Northwest Quarter of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, which is a found brass cap on the centerline of a 60 foot county road known as Trumble Creek Road; Thence along said centerline S00°01'24"W 1266.88 feet; Thence leaving said centerline 589°47'56"W 687.75 feet; Thence N00°01'24"E 1266.88 feet to the north boundary of said NW1/4 and the centerline of a 60 foot county road known as Rose Crossing; Thence along said boundary and said centerline N89°47'56"E 687.75 feet to the point of beginning and containing 20.002 ACRES; Subject to and together with 60 foot county roads as shown hereon; Subject to and together with all appurtenant easements of record.

AREA 2: from AG-80 to I-1

Commencing at the northeast corner of the Northwest Quarter of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, which is a found brass cap on the centerline of a 60 foot county road known as Trumble Creek Road; Thence along said centerline S00°01'24"W 1266.88 feet to THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: Thence continuing S00°01'24"W 476.11 feet to the westerly R/W of U.S. Highway No. 2; Thence leaving said centerline and along said R/W S19°30'04"W 78.13 feet to a found iron pin and the P.C. of a 1542.39 foot radius curve, concave southeasterly, having a central angle of 23°21'48"; Thence along an arc length of 628.93 feet to a found iron pin; Thence S06°04'08"E 100.42 feet to a found iron pin; Thence S18°25'42"W 122.16 feet to a found iron pin on the south boundary of said NW1/4; Thence leaving said R/W and along said boundary S89°35'26"W 549.07 feet; Thence leaving said boundary N00°01'24"E 1385.80 feet; Thence N89°47'56"E 687.75 feet to the point of beginning and containing 20.002 ACRES; Subject to and together with a 60 foot county road as shown hereon; Subject to and together with all appurtenant easements of record.

AREA 3: from AG-80 to R-2

BEGINNING at the southeast corner of the Southwest Quarter of the Northwest Quarter of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, which is a found iron pin; Thence along the south boundary of said SW1/4NW1/4 S89°35'44"W 753.19 feet; Thence leaving said boundary N04°56'18"W 254.09 feet; Thence N87°00'21"W 75.76 feet; Thence N10°58'32"W 143.89 feet; Thence N40°35'44"E 130.05 feet; Thence N04°59'22"W 147.84 feet; Thence N09°31'22"E 209.90 feet; Thence N25°36'47"E 153.76 feet; Thence N77°23'30"E 70.41 feet; Thence N20°24'28"E 77.20 feet; Thence N27°09'05"W 56.03 feet; Thence N15°09'33"E 166.16 feet; Thence N75°08'02"E 65.78 feet; Thence N17°22'55"E 93.84 feet; Thence N24°58' 14"W 115.16 feet; Thence N29°16'46"E 89.83 feet; Thence N29°15' 16"W 141.22 feet; Thence S67°21'40"W 218.70 feet to the easterly R/W of a 250 foot B.P.A. transmission easement; Thence along said R/W N26°04'20"E 1161.30 feet to the north boundary of the Northwest Quarter of said Section 28; Thence along said boundary N89°47'56"E 897.54 feet; Thence leaving said boundary S00°01'24"W 2652.68 feet to the south boundary of said NW1/4; Thence along said boundary S89°35'26"W 631.30 feet to the point of beginning and containing 76.869 ACRES; Subject to and together with all appurtenant easements of record.



WEDNESDAY, DECEMBER 23, 2009
(Continued)

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
EVERGREEN AND VICINITY ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 797 FC) on December 23, 2009, to change the zoning designation in a portion of the Evergreen and Vicinity Zoning District from AG-80 (Agricultural) to B-2 (General Business), I-1 (Light Industrial) and R-2 (One-Family Limited Residential).

The boundaries of the areas proposed to be amended from AG-80 to B-2, I-1 and R-2 are described on Exhibit A hereto and are in Assessor's Tract 5 in Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County Montana, shown as Tract 1 of Certificate of Survey No. 16455. The property is located on the southwest corner of the intersection of Trumble Creek Road and Rose Crossing northeast of Kalispell, containing approximately 116.87 acres, as shown on Exhibit B.

The proposed changes would change the character of the zoning regulations applicable to the property from those designed to protect and preserve agricultural land for the performance of a wide range of agricultural functions and to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development; i) to a 20+ acre area intended to provide for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities and by businesses serving the general needs of the tourist and traveler; ii) to a 20+ acre area allowing light industrial uses that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke, etc.) which extend beyond the lot lines, including light manufacturing, processing, fabrication and assembling of products or material, warehousing and storage and transportation facilities; and iii) to a 76+ acre area providing for large tract development in a suburban area beyond sanitary sewer and/or water lines.

The regulations defining the AG-80, B-2, I-1 and R-2 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 amendment are also on file for public inspection at the Office of the Clerk and Recorder and at the Flathead County Planning and Zoning Office.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Evergreen and Vicinity Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 23rd day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on December 28, 2009 and January 4, 2010.

EXHIBIT "A"

TRACTS OF LAND, SITUATED, LYING AND BEING IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 29 NORTH, RANGE 21 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

AREA 1: from AG-80 to B-2

BEGINNING at the northeast corner of the Northwest Quarter of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, which is a found brass cap on the centerline of a 60 foot county road known as Trumble Creek Road; Thence along said centerline S00°01'24"W 1266.88 feet; Thence leaving said centerline 589°47'56"W 687.75 feet; Thence N00°01'24"E 1266.88 feet to the north boundary of said NW1/4 and the centerline of a 60 foot county road known as Rose Crossing; Thence along said boundary and said centerline N89°47'56"E 687.75 feet to the point of beginning and containing 20.002 ACRES; Subject to and together with 60 foot county roads as shown hereon; Subject to and together with all appurtenant easements of record.

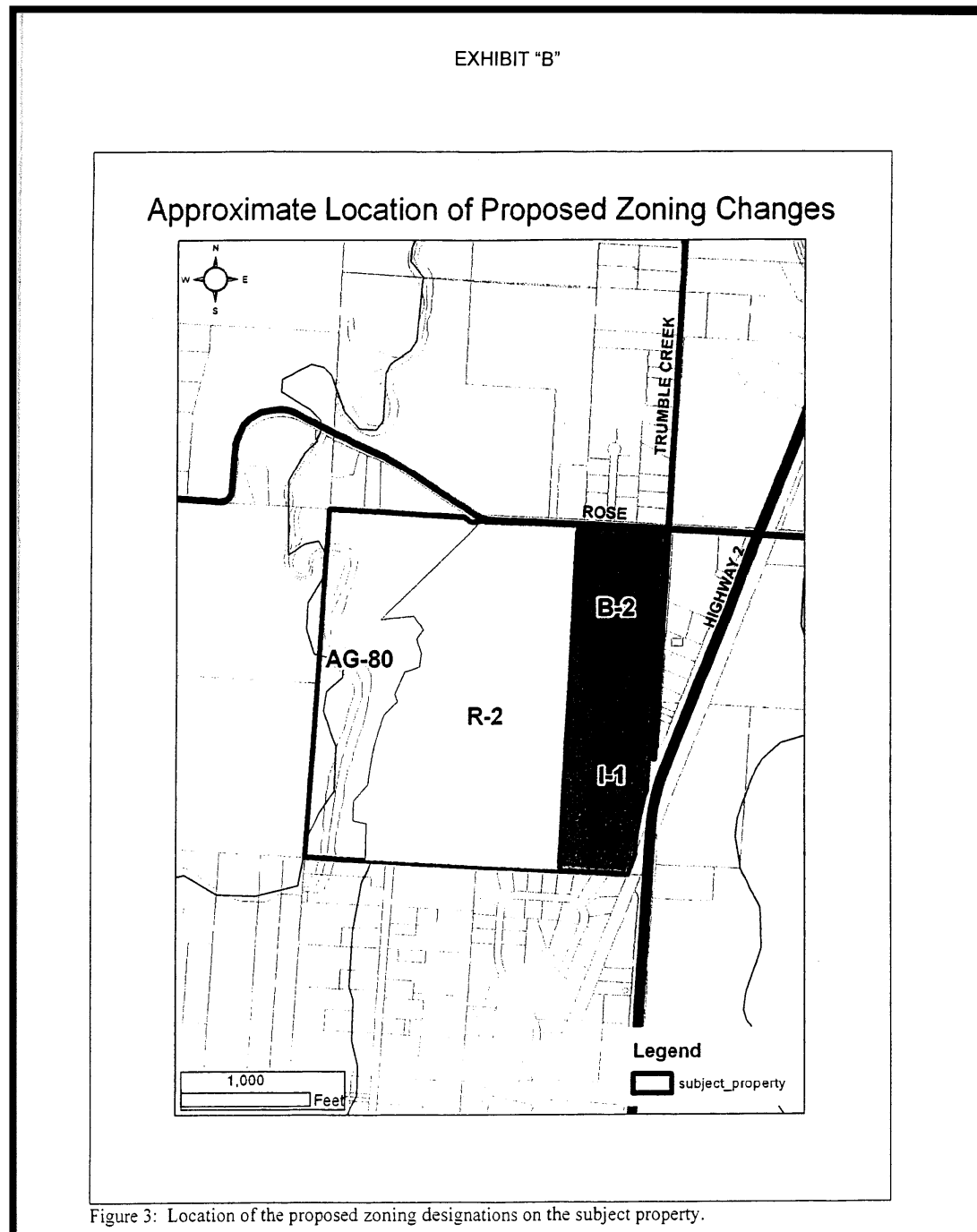
AREA 2: from AG-80 to I-1

Commencing at the northeast corner of the Northwest Quarter of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, which is a found brass cap on the centerline of a 60 foot county road known as Trumble Creek Road; Thence along said centerline S00°01'24"W 1266.88 feet to THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: Thence continuing S00°01'24"W 476.11 feet to the westerly R/W of U.S. Highway No. 2; Thence leaving said centerline and along said R/W S19°30'04"W 78.13 feet to a found iron pin and the P.C. of a 1542.39 foot radius curve, concave southeasterly, having a central angle of 23°21'48"; Thence along an arc length of 628.93 feet to a found iron pin; Thence S06°04'08"E 100.42 feet to a found iron pin; Thence S18°25'42"W 122.16 feet to a found iron pin on the south boundary of said NW1/4; Thence leaving said R/W and along said boundary S89°35'26"W 549.07 feet; Thence leaving said boundary N00°01'24"E 1385.80 feet; Thence N89°47'56"E 687.75 feet to the point of beginning and containing 20.002 ACRES; Subject to and together with a 60 foot county road as shown hereon; Subject to and together with all appurtenant easements of record.

WEDNESDAY, DECEMBER 23, 2009
(Continued)

AREA 3: from AG-80 to R-2

BEGINNING at the southeast corner of the Southwest Quarter of the Northwest Quarter of Section 28, Township 29 North, Range 21 West, P.M., M., Flathead County, Montana, which is a found iron pin; Thence along the south boundary of said SW1/4NW1/4 S89°35'44"W 753.19 feet; Thence leaving said boundary N04°56'18"W 254.09 feet; Thence N87°00'21"W 75.76 feet; Thence N10°58'32"W 143.89 feet; Thence N40°35'44"E 130.05 feet; Thence N04°59'22"W 147.84 feet; Thence N09°31'22"E 209.90 feet; Thence N25°36'47"E 153.76 feet; Thence N77°23'30"E 70.41 feet; Thence N20°24'28"E 77.20 feet; Thence N27°09'05"W 56.03 feet; Thence N15°09'33"E 166.16 feet; Thence N75°08'02"E 65.78 feet; Thence N17°22'55"E 93.84 feet; Thence N24°58' 14"W 115.16 feet; Thence N29°16'46"E 89.83 feet; Thence N29°15' 16"W 141.22 feet; Thence S67°21'40"W 218.70 feet to the easterly R/W of a 250 foot B.P.A. transmission easement; Thence along said R/W N26°04'20"E 1161.30 feet to the north boundary of the Northwest Quarter of said Section 28; Thence along said boundary N89°47'56"E 897.54 feet; Thence leaving said boundary S00°01'24"W 2652.68 feet to the south boundary of said NW1/4; Thence along said boundary S89°35'26"W 631.30 feet to the point of beginning and containing 76.869 ACRES; Subject to and together with all appurtenant easements of record.



DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #10-07-3-01-068-0 & #10-07-3-01-047-0

[10:45:59 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 DPHHS contracts and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT.

[10:47:03 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 print bid from Great Northern Printing for 500 business cards for \$24.95. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**WEDNESDAY, DECEMBER 23, 2009
(Continued)**

Commissioner Dupont made a **motion** to approve the print bid from North Star Printing for 5 RX prescription books for \$84.00. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

11:00 a.m. County Attorney meeting @ Co. Atty's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 24, 2009.

THURSDAY, DECEMBER 24, 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.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 25, 2009.

FRIDAY, DECEMBER 25, 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.

COUNTY OFFICES CLOSED - CHRISTMAS DAY

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 28, 2009.
