
MONDAY, MAY 14, 2012

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Lauman, Commissioner Scott and Holmquist, 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.

PUBLIC HEARING: VARIOUS TEXT AMENDMENTS/ FLATHEAD COUNTY SUBDIVISION REGULATIONS

9:30:00 AM

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Planning and Zoning Director B. J. Grieve, Planner Alex Hogle, Clerk Kile

Hogle reviewed the proposed various text amendments to Flathead County Subdivision Regulations.

Chairman Lauman opened the public hearing to anyone wishing to speak in regards to proposed amendments to Flathead County Subdivision Regulations.

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

Commissioner Holmquist made a **motion** to approve Resolution 2077C. Commissioner Scott **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

RESOLUTION NO. 2077C

WHEREAS, the Board of Commissioners of Flathead County, Montana, has the authority under Section 76-3-501, MCA, to adopt subdivision regulations in conformance with the requirements of the Montana Subdivision and Platting Act;

WHEREAS, the Board of Commissioners, adopted new subdivision regulations in July of 2007 and revised those regulations in December 2008 and December 2010;

WHEREAS, the Flathead County Planning Board conducted a Public Hearing on March 14, 2012 and unanimously recommended the approval of the proposed revisions to the subdivision regulations;

WHEREAS, in accordance with Section 76-3-503, MCA, the Board of Commissioners, following publication of legal notice on April 17 and April 24, 2012, held a public hearing on May 14, 2012, to consider the proposed revisions to the subdivision regulations; and

WHEREAS, the Board of Commissioners has considered the proposed revisions to the subdivision regulations, the public testimony given at the hearings and the submitted written comments.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, that the proposed revisions of the Flathead County Subdivision Regulations are hereby adopted and that the revisions to the Subdivision Regulations attached hereto shall take effect on June 1, 2012.

DATED this 14th day of May, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Member

By/s/Calvin L. Scott
Calvin L. Scott, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Revisions to the
Flathead County Subdivision Regulations

Section 4.1.11(a) is replaced as follows:

- a. The Commission may, at the request of the subdivider, extend its approval for a mutually agreed-upon period of time, and such an extension must be in writing and dated and signed by the members of the Commission and the subdivider or subdivider's agent. The Commission may issue more than one extension. The subdivider must give written notice to the Planning and Zoning Office requesting an extension at least 30 working days prior to the end of the three-year period. The planning director has discretion to waive the minimum 30 working day requirement;

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(Continued)

Section 4.1.13 is replaced as follows:

4.1.13 Subdivision Application and Final Plat Submittal

The subdivision final plat submitted for approval must substantially conform to the preliminary plat as previously approved by the Commission or the Flathead County Planning Director for an Administrative Approval of Preliminary Plat (per Section 4.2.3) and must incorporate all required modifications and comply with all conditions imposed at the time of preliminary plat approval.

- a. The subdivision final plat, application and all supplementary documents must be submitted to the Planning and Zoning Office at least 45 working days prior to the expiration of preliminary plat approval, or an approved extension of time. Final plat certificates shall be consistent with samples included in Appendix E (Contents of Final Plat) and Appendix G (Sample Forms). The planning director has the discretion to waive the 45 working days time period.
- b. The subdivision final plat including all supplementary documents shall be submitted with the following:
 - i. A complete final plat application and fee;
 - ii. The final plat and accompanying documents must comply with the Montana Uniform Standards for Final Subdivision Plats and Appendix E (Contents of Final Plat Application) and Appendix G (Sample Forms);
 - iii. A written explanation of how each of the conditions of the preliminary plat approval has been satisfied;

Section 4.2.2(b)(ii) is replaced as follows:

- ii. If the planning director determines the changes are material, the subdivider may schedule a new pre-application meeting and submit a new application and fifty percent of the original fees. The original application fee shall not be refunded or transferred to the new application.

Section 4.2.3 is replaced as follows:

4.2.3 First Minor Subdivision Administrative Approval of Preliminary Plat

Pursuant to 76-3-609(2)(f) MCA, the applicant may request an expedited review of a First Minor Subdivision via Administrative Approval of the Preliminary Plat. Administrative Approval of the Preliminary Plat may be granted only when review of the proposed subdivision identifies no adverse impacts to the review criteria outlined in 76-3-608(3) MCA which would require mitigation through conditions of approval.

- a. The applicant must request the Administrative Approval in writing and provide a Preliminary Plat accompanied by a completed First Minor Subdivision Impact Criteria Report (Appendix D) and materials required by Appendix B, as applicable, to address the criteria below. Upon receipt of the written request for administrative approval, the Flathead County Planning Director or designee shall complete the element and sufficiency review pursuant to Section 4.1.3 and either grant approval or deny the request within 10 working days from the date the application was determined to be sufficient. The Flathead County Planning Director or designee may grant Administrative Approval of the First Minor Subdivision preliminary plat if the following criteria are satisfied:
 1. The First Minor Subdivision contains three (3) or fewer parcels.
 2. The property has been zoned in accordance with MCA 76-2 (Part 2)
 3. The proposed First Minor Subdivision complies with the Flathead County Subdivision Regulations and the Flathead County Zoning Regulations.
 4. No subdivision variance is needed in order to comply with the Flathead County Subdivision Regulations and the Flathead County Zoning Regulations. No subdivision variance may be requested or approved through this Administrative Approval of Preliminary Plat process.
 5. All lots have suitable access from existing public or private right-of-way/easement conforming to Flathead County Subdivision Regulations. If access is provided by an existing private road easement, the applicant shall provide proof said easement.
 6. Each lot shall have a building site and driveway location compliant with the provisions outlined in Section 4.7.7.
 7. There are no hazards as identified in Section 4.7.4 present onsite which constitute land unsuitable for subdivision, and which would require mitigation through conditions of preliminary plat approval. Topographic surveys are only required if the average cross slope of the developable portion of the property (house, garage, and driveway) exceed 25%.
 8. Each lot can support on-site sewer and water services or can be served by public sewer and water. (For on-site sewer and water facilities, the applicant shall provide the water and sanitation information as described in 76-3-622)
 9. No significant effects are anticipated on agriculture, agricultural user facilities, local services, natural environment, wildlife, wildlife habitat, and public health and safety.
- b. With a written Administrative Preliminary Plat Approval, the applicant may proceed to final plat following the procedures outlined in Sections 4.1.13 – 4.1.16 of these Regulations. The Flathead County Planning Director or designee shall prepare findings of fact regarding the basis of the administrative approval of the preliminary plat and compliance of the final plat with the Flathead County Subdivision Regulations as a component of the Final Plat Review and recommendation to the Commission.

Section 4.4.2(d)(i) and (ii) are replaced as follows:

- i. The first phase final subdivision plat must be approved and filed within three years of preliminary phased plat approval unless the preliminary plat approval has been granted an extension pursuant to Section 4.1.11(a). On final plat approval of the first phase, final plats for each successive phase must be filed within three years of the previous final plat approval. Failure to meet this time frame will cause the remainder of the preliminary plat to become void, and no additional final phased plats shall be accepted;

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(Continued)**

- ii. Pursuant to Section 4.1.11(a) an extension of preliminary plat approval for any phase may be requested by the subdivider;

Section 4.7.7(c) is replaced as follows:

- c. Each lot shall abut onto a subdivision or local road and have legal and physical vehicle access. Direct access onto a collector or arterial road is not permitted unless no other reasonable alternative exists or the proposed subdivision is otherwise qualified for administrative review pursuant to Section 4.2.3(a). Existing encroachment permits do not preclude requiring alternative locations for access to individual lots;

Section 4.7.19 is replaced as follows:

4.7.19 Walkways and Pedestrian/Bicycle Paths and Easements

Easements may be required in order to provide pedestrian connectivity and public access to service centers and common public facilities such as schools, parks, playgrounds, streams and lakes, or when necessary to provide for pedestrian safety.

- a. Walkway (sidewalk) easements at least 10 feet wide may be required adjacent to public roads when such roads abut subdivision boundaries and the subdivision is located in close proximity to service centers and/or common public facilities. The minimum width of the walkway shall be four feet if a boulevard separates the walkway from the road and five feet if the walkway abuts the road;
- b. Easements at least 15 feet wide for pedestrian/bicycle paths shall be required adjacent to public arterial and collector roads where such roads abut the subdivision boundaries when the specific location is identified as a proposed arterial or connector trail route in the Flathead County Trails Plan. The minimum paved width for a pedestrian/ bicycle path shall be eight feet;
- c. All walkway and pedestrian/bicycle path improvements shall be constructed to the most current American Association of State Highway Transportation Officials (AASHTO) or Americans With Disabilities Act (ADA) standards, and maintained by a Property Owners Association.

Appendix B, Part 2(e) is replaced as follows:

- e. The planning director may waive the topography requirement if the subdivider can demonstrate that the elevation difference over the entire subdivision is less than 20 feet and the subdivision does not contain areas mapped as 100-year floodplain.

Appendix C, Section 1(b)(ii) is replaced as follows:

- ii. If determined from subsection (b)(i) above that any area within the proposed subdivision is within four feet of the surface, the high water table shall be measured from tests taken during the period of the highest groundwater elevations, generally from March 15 through June 30, during average precipitation years and reported in the environmental assessment;

Appendix D, (d)(iii) is replaced as follows:

- iii. Proposed first minor subdivisions on land with a high water table four feet or less from the surface), wetlands, or groundwater recharge areas are presumed to have an impact on the natural environment.

OPEN BIDS: GRAVEL CRUSHING/ ROAD DEPT.

[10:00:42 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Public Works Director Dave Prunty, David Steely, Marc Blanden, Michelle Djon, Clerk Kile

Bids received with bid bonds enclosed from:

Nelcon, Inc.	\$637,500	\$ 32,000	Total Bid \$669,500
Schellinger Construction Co., Inc.	\$262,500	\$128,000	\$390,500
LHC, Inc.	\$280,500	\$208,000	\$488,500

Commissioner Holmquist made a **motion** to take the bids under consideration. Commissioner Scott **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

CONSIDERATION OF PRELIMINARY PLAT EXTENSION AGREEMENT: GLACIER RANCH, PHASE 3

[10:03:43 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Peter Steele, Planner Alex Hogle, Marc Liechti, Clerk Kile

Hogle reported on April 13, 2012 a request for a second extension was received for Phase 3 of Glacier Ranch Subdivision. He noted Phase 2 received final plat approval on May 14, 2009 and Phase 3 would have expired on May 14, 2011, however, last year a one-year extension was granted.

Commissioner Holmquist made a **motion** to approve the preliminary plat extension agreement for Glacier Ranch, Phase 3 to May 14, 2013. Commissioner Scott **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

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(Continued)

TAKE ACTION: THE TREE FARM AT WHITEFISH PUD & PRELIMINARY PLAT

[10:05:28 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Alex Hogle, Clerk Kile

Hogle stated preliminary plat of the Tree Farm at Whitefish was based upon approval of a PUD. He explained according to zoning regulations PUD progress is to be tracked and monitored. In November 2011 correspondence was sent to Mr. Bowdish regarding the PUD, which provided him 90 days per regulations to respond. Hogle said verbal communication with Mr. Bowdish has been held and he has chosen not to request an extension for the PUD, therefore the PUD effectively expired on March 7, 2012. He further explained preliminary plat will expire on August 1, 2012 and it has been confirmed by Mr. Bowdish that he does not want to request an extension. He noted zoning of the property will revert back to the underlying zoning of SAG 5.

Commissioner Scott made a **motion** to declare The Tree Farm at Whitefish a dead file. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: OPEN LOST PRAIRIE ROAD & PLEASANT VALLEY ROAD TO TRUCK TRAFFIC

[10:09:06 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Commissioner Holmquist made a **motion** to approve Resolution 2328A. Commissioner Scott **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

RESOLUTION NO. 2328A

WHEREAS, the Board of Commissioners of Flathead County is responsible for and has general supervision over county roads within Flathead County;

WHEREAS, Lost Prairie Road and Pleasant Valley Road deteriorated under spring conditions to the point where the road base would be destroyed by truck traffic;

WHEREAS, on April 6, 2012, the Board of Commissioners passed Resolution 2328 which temporarily closed Lost Prairie Road and Pleasant Valley Road to truck traffic; and

WHEREAS, both roads have now dried out considerably and it has been determined that neither road will further deteriorate under truck traffic.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Commissioners of Flathead County that, effective immediately, Lost Prairie Road and Pleasant Valley Road are open to truck traffic.

DATED this 14th day of May, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Member

ATTEST:
Paula Robinson, Clerk

By/s/Calvin L. Scott
Calvin L. Scott, Member

By/s/Diana Kile
Diana Kile, Deputy

AUTHORIZATION TO PUBLISH CALL FOR BIDS: CONSTRUCTION OF RSID #153 (MONEGAN ROAD)

[10:11:54 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Commissioner Scott made a **motion** to authorize publication of the call for bids request for construction of Monegan Road (RSID #153). Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

INVITATION TO BID

Separate sealed bids for construction of **Monegan Road RSID # 153** will be received by Flathead County Commissioners located at 800 South Main Street, Room 302, Kalispell, MT, 59901 until **10:45 a.m.** local time on **June 4, 2012**, and then publicly opened and read aloud immediately thereafter.

The project consists of: reconstruction and paving of 2.34 miles of County road.

The contract documents consisting of Drawings and Project Manual may be examined or obtained at the office of WMW Engineering in accordance with Article 2 of Instructions to Bidders. Required deposit is \$100.00 per set, which is not refundable.

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Other contract documents not provided are the latest edition of the Montana Public Works Standard Specifications, Flathead County "Minimum Standards for Design and Construction adopted October 2009 and any and/or all laws and regulations.

In addition, the Drawings and Project Manual may also be examined at the following locations:

Kalispell Copy Center, 2303 Hwy 2 East, Kalispell, MT 59901
Missoula Copy Center, 2304 McDonald Ave., Missoula, MT 59801
Helena Copy Center, 1530 Cedar Street, Suite C, Helena, MT 59601
Great Falls Builders Exchange, 202 2nd Ave. South, Great Falls, MT 59405

There will be a Pre-Bid Conference at the office of WMW Engineering at 11:00 o'clock a.m. local time on May 30, 2012. Interested Contractors are encouraged to attend.

Contractor and any of the Contractor's subcontractors bidding or doing work on this project will be required to be registered with the Montana Department of Labor and Industry (DLI). Forms for registration are available from the Department of Labor and Industry, P.O. Box 8011, 1805 Prospect, Helena, Montana 59604-8011. Information on registration can be obtained by calling 1-406-444-7734. All laborers and mechanics employed by Contractor or subcontractors in performance of the construction work shall be paid wages at rates as may be required by the laws of Flathead (County) and the State of Montana. The Contractor must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin.

Each bid or proposal must be accompanied by a Certified Check, Cashier's Check, or Bid Bond payable to Flathead County, in an amount not less than ten percent (10%) of the total amount of the bid. Successful Bidder(s) shall furnish an approved Performance Bond and a Labor and Materials Payment Bond, each in the amount of one hundred percent (100%) of the contract amount.

Insurance as required shall be provided by the successful Bidder(s) and a certificate of that insurance shall be provided.

Award of the project will be contingent upon receiving funding and aware concurrence from a bonding agent.

No bid may be withdrawn after the scheduled time for the public opening of bids for 60 days.

The right is reserved to reject any or all proposals received, to waive informalities, to postpone the award of the contract for a period of not to exceed sixty (60) days, and to accept the lowest responsive and responsible bid which is in the best interest of the Owner.

Flathead County is an Equal Opportunity Employer.

Dated this 14th day of April, 2012.

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 May 20 and May 27, 2012.

OPEN BIDS: SALE OF BONDS/ RSID #152 (BERNE ROAD)

10:15:30 AM

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Public Works Director Dave Prunty, Clerk Kile

Bid received with bid bond check enclosed from Frank Stock for RSID #152 (Berne Road) at 4.75% par from Bitterroot Valley Bank for \$49,310.00.

Fugina noted May 21, 2012 bonds will be issued.

Commissioner Scott made a **motion** to adopt Resolution 2288C to award the sale of bonds for RSID #152. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

RESOLUTION NO. 2288C

RESOLUTION RELATING TO \$49,310.00 RURAL SPECIAL IMPROVEMENT DISTRICT BONDS (RURAL SPECIAL IMPROVEMENT DISTRICT NO. 152); AWARDING THE SALE THEREOF AND APPROVING CERTAIN MATTERS WITH RESPECT THERETO

BE IT RESOLVED by the Board of Commissioners (the "Board") of Flathead County, Montana (the "County"), as follows:

1. This Board on April 25, 2012, adopted Resolution No. 2288B providing for the public sale of \$49,310.00 Rural Special Improvement District Bonds (Rural Special Improvement District No. 152) (the "Bonds") to finance the costs of certain local improvements to be undertaken in or for the benefit of Rural Special Improvement District No. 152. Notice of the sale has been duly published in accordance with Montana Code Annotated, Sections 7-12-2172, 7-7-4252 and 17-5-106. Pursuant to the notice of sale, one sealed bid for the purchase of the Bonds was received at or before the time specified for receipt of bids. The bid has been opened and publicly read and considered, and the purchase price, interest rates and true interest cost under the terms of each bid have been determined.

2. The bid of Bitterroot Valley Bank, of Lolo, Montana, (the "Purchaser"), attached as Exhibit A, to purchase the Bonds of the County, is hereby determined to comply with the notice of sale, and to be the lowest, most reasonable bid for the purchase of the Bonds. The bid of the Purchaser is hereby accepted by the Board and the sale of the Bonds is hereby awarded to the Purchaser. The bid security of the Purchaser shall be retained pending delivery of the payment for the Bonds and the bid security of all other bidders shall be promptly returned.

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3. The Chair and the County Clerk and Recorder are hereby authorized and directed to execute on behalf of the County a contract for the sale of the Bonds with the Purchaser.

4. This Board shall prescribe the form and security for the Bonds in a subsequent resolution.

PASSED AND ADOPTED by the Board of County Commissioners of Flathead County, Montana, this 14th day of May, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Member

By/s/Calvin L. Scott
Calvin L. Scott

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

<p>County Commissioners Flathead County Flathead County Court House 800 South Main Street Kalispell, MT 59903</p> <p>Dear Commissioners,</p> <p>This letter is written to submit a bid for the \$49,310.00 Rural Special Improvement Bonds for District No. 152, Berne Road. The Bitterroot Valley Bank is willing to purchase the bonds at a yield of 4.75% at par. Enclosed is a bid check for \$986.00 as required in Notice of Bond Sale.</p> <p>If the bank is the successful bidder, settlement for the bonds should be worked out with Haley Bradley of Bitterroot Valley Bank, PO Box 9, Lolo, MT 59847-0009, Phone 406-273-2400. Haley's cell phone is 406-529-3949.</p> <p>If the bank is not the successful bidder please return the bid check to Haley Bradley at the bank and it would be appreciated if you would send a note naming the successful bidder and the rate.</p> <p>I would also appreciate receiving a note on the results of the sale. Enclosed is an address stamped envelope for this purpose.</p> <p>Thank you for letting the bank bid on this bond sale.</p> <p style="text-align: right;">Sincerely,  Frank S. Stock Agent for Bitterroot Valley Bank</p>	<p>Frank S. Stock PO Box 1001 Polson, MT 59860 May 7, 2012</p>
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PUBLIC MEETING: GREEN VALLEY RANCH, ZIP-LINE MAJOR LAND USE PERMIT/ CANYON AREA LAND USE REGULATORY SYSTEM

10:30:57 AM

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Peter Steele, Deputy County Attorney Tara Fugina, Planning & Zoning Director B. J. Grieve, Planner Bailey Minnich, Denny Gignoux, Cris Coughlin, Randy Gayner, Clerk Kile

Minnich reviewed FCMU 11-02; a major land use application submitted by Green Valley Ranch, LLC to allow the expansion greater than 25 percent of an existing commercial activity area that involves more than one acre to allow for the development of a zip line and ropes course tour. It was noted the subject property is located on the east side of Highway 2 and has current access off of Desert Lodge Road. The applicants are Josh Steele with Green Valley Ranch and Cris Coughlin and the landowners are Green Valley Ranch, LLC. Minnich stated for the record Betty Joe Steel is the legal manager for the LLC, and it has been confirmed by their attorney that she is legally allowable to make the application and proceed with it. She noted the northern five parcels of the subject property is zoned Middle Canyon and the southern three properties are unzoned. The proposed zip line and ropes course would utilize much of the existing trails network incorporating a series of decks and platforms to access the zip line as well as a formalized staging area for parking and access. The applicant has also proposed additional developments to be completed in future phases; including potentially permanent restroom facilities, outdoor pavilion, storage sheds and an office. The zoning administrators interpretation written in December, 2011 acknowledges that the existing commercial dude ranch activity does encompass all tracks owned by Green Valley Ranch, LLC including Middle Canyon and unzoned; therefore the proposed use expansion requires a major land use permit application to expand the commercial area for the majority of the property on which the zip line is proposed. The actual use area will not change or expand significantly as the ropes course will occur on the same tracts of land and along many of the existing trails. The history of the review procedures by Middle Canyon Land Use Advisory Committee and the Planning Board were reviewed. She explained the Planning Board recommended approval of the major land use permit with added condition 13. It was also adopted by the Major Land Use Committee with added condition 13. Minnich noted three representatives spoke at the public hearing, two spoke in favor and one spoke against the proposal. Planning Board added two additional findings of fact and recommended approval to the commission based on 16 findings of fact and 13 conditions.

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(Continued)**

Commissioner Scott made a **motion** to approve the major land use permit. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

MEETING W/ MIKE CUMMINS/ FLATHEAD VALLEY CHEMICAL DEPENDENCY RE: ALCOHOL SERVICE PLAN UPDATE

[10:47:24 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Executive Director of FV CDC Mike Cummins, Clerk Kile

Mike Cummins, Executive Director for Flathead Valley Chemical Dependency Clinic explained their service provides outpatient services and prevention services as a non-profit organization for addictions. He noted they also run an eight bed women's recovery home. Cummins said the State of Montana allocates county alcohol tax dollars to the county from the sales of alcohol, and the commissioners have the prerogative to designate where the funds go. It was noted service is refused to no one who is a resident desiring assistance; they also service Sanders and Lincoln County. The county alcohol tax dollars designated to them is around \$84,000 annually, and the federal funding at the moment is around \$302,000.

The commission unanimously agreed the alcohol program is a value to the community.

DOCUMENT FOR SIGNATURE: BRESNAN LICENSE AGREEMENT/ MT. AENEAS & FLATHEAD COUNTY

[10:45:32 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Sheriff Chuck Curry, Patrol Commander Calvin Beringer, Deputy County Attorney Tara Fugina, Clerk Kile

Curry noted this agreement is at the request of Bresnan to allow Flathead County access to their building for a one dollar fee.

Commissioner Holmquist made a **motion** to approve signature of the document for signature/ Bresnan License Agreement, Mt. Aeneas and Flathead County. Commissioner Scott **seconded** the motion.

Chairman Lauman noted former Commissioner James Dupont worked very hard on this issue and stated he regretted he was not able to see this happen.

Aye - Lauman, Scott and Holmquist. Motion carried unanimously.

11:00 a.m. 911 Administrative Board meeting re: OES job description @ Courthouse 3rd Floor

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 15, 2012.

TUESDAY, MAY 15, 2012

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

[10:15:31 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Peter Steele, Planning & Zoning Director B. J. Grieve, Weed/ Parks and Rec. Director Jed Fisher, Harvey Sterner, Clerk Kile

Chairman Lauman opened public comment on matters within the Commissions' Jurisdiction.

Harvey Sterner, 284 Dairy Drive met with the commission and summarized discussions held with the Department of Transportation, Glacier High School and the homeowners association pertaining to a bike path along West Reserve. He explained a bike path could be built in the 30-foot wide piece of common area that was set aside by the developers for utilities. Sterner explained the homeowners gave the state the okay to build the path down the right of way, yet before they will the state will require a entity to have a maintenance plan in effect prior to building it.

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

CONSIDERATION OF AMENDMENT TO CTEP ADMINISTRATIVE POLICIES/ PLANNING & ZONING OFFICE

[10:21:14 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Deputy County Attorney Peter Steele, Weed/ Parks and Rec. Director Jed Fisher, Planning & Zoning Director B. J. Grieve, Clerk Kile

Grieve explained the challenges applicants are faced with regarding the current CTEP Policy Document approved by the commission. Of particular concern, he noted is the requirement for the applicants to present a preliminary engineering report. He reviewed the proposed recommendation, which would state instead that a preliminary design report could be submitted with the application. He noted if their project is selected to move forward as a CTEP application then a preliminary engineering report would have to be submitted.

Commissioner Scott made a **motion** to approve amending the CTEP Administrative Policies. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

**TUESDAY, MAY 15, 2012
(Continued)**

MEETING W/ JED FISHER/ WEED & PARKS RE: TRAILS AND TRAIL MAINTENANCE

[10:30:27 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Weed/ Parks & Maintenance Director Jed Fisher, Planning & Zoning Director B. J. Grieve, Deputy County Attorney Peter Steele, Deputy County Attorney Tara Fugina, Harvey Sterner, Jim Watson, Tom Esch, Clerk Kile

Fisher met with the commission and explained he has met with Ed Toavs with the Department of Transportation who said they are prepared to move forward with the trail on West Reserve and pay for it, however, they need to know there will be an entity to take care of the maintenance of the trail once built. He asked when budget deliberations are started next week that consideration be made in exploring ways and means regarding trail maintenance. Fisher presented photos to the commission of the Whitefish Stage Trail where tree roots have come up and completely ruined the trail.

CONSIDERATION OF DOCUMENT FOR SIGNATURE: COMMUNITY FOREST GRANT/ PARK DEPT.

[10:45:13 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Peter Steele, Deputy County Attorney Tara Fugina, Planning & Zoning Director B. J. Grieve, Weed/ Parks & Maintenance Director Jed Fisher, Jim Watson, Tom Esch, Clerk Kile

Esch stated the Parks Board met and made a recommendation that the Community Forest Grant application be applied for. He explained it is a partnership between Foy's to Blacktail Trails and the Parks Department to continue to acquire land near Herron Park. Esch acknowledged the grant is competitive and stated there is no guarantee we will receive it.

Commissioner Holmquist made a **motion** to approve the Community Forest Grant document. Commissioner Scott **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

BOARD APPOINTMENT

[10:47:15 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Library Director Kim Crowley, Library Board Member Jane Lopp, Library Board Member Connie Leistiko, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Holmquist made a **motion** to re-appoint Connie Leistiko to the Library Board. Commissioner Scott **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

CONSIDERATION OF H.R. TRANSMITTAL: LEAD CIVIL DEPUTY COUNTY ATTORNEY

[10:49:27 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, County Attorney Ed Corrigan, Deputy County Attorney Tara Fugina, Deputy County Attorney Peter Steele, Clerk Kile

Corrigan gave a brief explanation in his decision to not hire a replacement a couple years ago when Deputy County Attorney Jonathan Smith retired. He stated he would like to promote Tara Fugina to that position now. In the position, she would serve as the chief litigator and act in a supervisory capacity over two other civil deputies. The salary would be increased to \$66,000 a year that would be comparable to the lead prosecutor.

Commissioner Scott made a **motion** to approve the H. R. Transmittal. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

CONSIDERATION OF DNRC APPOINTED FIRE WARDENS: FLATHEAD COUNTY

[10:52:22 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Clerk Kile

Commissioner Scott made a **motion** to approve the DNRC appointed Fire Wardens list for Flathead County. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 16, 2012.

WEDNESDAY, MAY 16, 2012

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

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 May 17, 2012.

THURSDAY, MAY 17, 2012

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

- 8:30 a.m. Audit Committee meeting @ Courthouse 3rd Floor Conference Room**
- 12:00 p.m. Commissioner Holmquist: Committee for a Better Bigfork meeting @ Methodist Church**
- 1:00 p.m. Commissioner Holmquist: Health Board meeting @ Earl Bennett Bldg.**
- 6:30 p.m. Fair Board meeting @ Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 18, 2012.

FRIDAY, MAY 18, 2012

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Lauman, Commissioner Scott and Holmquist, 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 May 21, 2012.
