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**MONDAY, JUNE 20, 2005**

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

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

**PRELIMINARY PLAT: GREAT NORTHERN HILLS**

9:06:45 AM

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Planner Traci Sears-Tull, Brian Sullivan, Bill Daken

Sears-Tull reviewed the application submitted by Belton Mercantile Inc for preliminary plat approval of Great Northern Hills Subdivision, a minor subdivision that will create five residential lots with a remainder. The subdivision is located northeast of Columbia Falls on Blankenship Road. The property is located in the Middle Canyon Zoning District. There are 11 conditions of approval. Lots 3 and 4 have overhead lines and the developer would like to tap into those lines for those to parcels only. Commissioner Brenneman asked the developer if they would have a problem with the addition of a bike path easement. The developer indicated that they did not.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-05-39 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Grant Northern Hills Subdivision with the amendment to the 11 conditions as follows condition 4 and condition 5 b referencing underground power lines and the addition of a condition requiring a 15 foot bike path easement on lots 1, 2, and 3. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

***CONDITIONS***

1. All areas disturbed during development of the subdivision shall be revegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), Flathead County Subdivision Regulations (FCSR)]
2. The developer shall obtain approach permits for each lot from Flathead County Road Department to access parcels from Blankenship Road.
3. The lots within the subdivision shall be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality for individual sewer and water facilities and storm water management. [Sections 3.14(A) and 3.15(A), FCSR].
4. Electrical and telephone utilities shall be extended underground to abut and be available to each lot in accordance with Flathead County Subdivision Regulations, except for lots 1, 2, & 3 which will utilize existing overhead lines. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 and 3.18, FCSR]
5. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a) All addresses shall be visible from the road, and at the driveway entrance or on the house. [3.20(D), FCSR]
  - b) All utilities shall be placed underground, except for lots 1, 2, & 3 which will utilize existing overhead lines. [3.17(A), FCSR]
  - c) Only Class A and Class B fire resistant roofing materials are allowed. Wood shake shingles, treated or otherwise, are prohibited.
  - d) Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations.
  - e) Lot owners are advised that they are moving into an area frequented by large and potentially dangerous wild animals. As such, lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks and obtain information on living with wildlife.
  - f) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]
  - g) 

Waiver of Protest  
Participation in Special Improvement District

\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.

6. The developer shall contact the local postmaster to confirm area mail delivery and establish an appropriate location for mailbox placement in accordance with Flathead County Subdivision Regulations [Section 3.22, FCSR].
7. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
8. Except as modified above, the subdivision shall comply with Chapter 3 of the Flathead County Subdivision Regulations. [Chapter 3, FCSR]
9. The applicant shall comply with the Canyon Area Land Use Regulatory System (CALURS), Resolution No. 1049A, Adopted December 29, 1994
10. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
11. *A 15' bicycle path easement shall be dedicated on the subject property, lots 1, 2 & 3, that abut the south side of Blankenship Road. [Section 3.11(A), FCSR]*
12. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

**BOARD APPOINTMENT: HUNGRY HORSE VOLUNTEER FIRE DISTRICT**

[9:21:27 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to appoint the recommended applicants Clint Nelson Jr, Seth Sandlin, and Jenny Lentz. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF PRINTING BIDS: ANIMAL CONTROL**

[9:22:04 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the Print Bid submitted by The Towne Printer for 5,000 #1 Complain forms for Animal Control in the amount of \$199.60. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: EMPLOYEE CONTRACTS**

[9:23:02 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Norm Calvert

Commissioner Brenneman made a **motion** to approve the two year employee contracts for Bobbie Kelly and Norm Calvert. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF EXTENSION REQUEST: SIA / THE GLADES AT BIG MOUNTAIN**

[9:27:09 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the one year extension for The Glades at Big Mountain. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**BUDGET REVIEW: AOA**

[9:28:15 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser, Susan Nicosia, Wes Hula, Cheryl Talley, Jim Atkinson

Discussion was held relative to the 2005-2006 budget for AOA.

**BUDGET REVIEW: SOLID WASTE DISTRICT**

[10:04:46 AM](#)  
Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser, Susan Nicosia, David Prunty

Discussion was held relative to the 2005-2006 budget for the Solid Waste District.

**BUDGET REVIEW: HUMAN RESOURCE OFFICE**

[10:58:28 AM](#)  
Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser, Susan Nicosia, Raeann Campbell, Tammy Skramovsky

Discussion was held relative to the 2005-2006 budget for the Human Resource Office.

**DOCUMENT FOR SIGNATURE: FLEX PLAN AMENDMENT**

[11:08:01 AM](#)  
Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser, Raeann Campbell, Tammy Skramovsky, Jonathan Smith, Char Terry, Wendy Marquardt, Jan Leddy

Commissioner Brenneman made a **motion** to stay with the current flex 12 month plan. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Discussion was held relative to the commissioner recommending that the flex plan amendment, allowing for a retiree who is covered under the Health Benefit Plan for the Employees of Flathead County and who has returned to work for the County for 960 hours or less per year, under the provisions of Section 19-3-1106(1), M.C.A., will also be eligible to participate in the Flexible Benefits Plan for Employees of Flathead County and Affiliates even though employed for less than 20 hours per week, be referred back to Allegiance.

**EXIT INTERVIEW W/ DENNING, DOWNEY & ASSOCIATES**

[11:22:27 AM](#)  
Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser, Susan Nicosia, Gary Como, Denise Michel, Karen Marr, Jonathan Smith, Bob Denning, Deb Deist, Colleen Baars, Jan Hardesty, Norm Calvert, Adele Krantz, Karen Okamoto

Discussion was held relative to the yearly audit done by Denning, Downey & Associates.

**11:30 Commissioner Hall to attend Forest Service meeting at McKenzie River Pizza**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 16, 2005.

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**TUESDAY, JUNE 21, 2005**

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

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

**BUDGET REVIEW: SHERIFF'S OFFICE & JUVENILE DETENTION CENTER**

[9:07:25 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Susan Nicosia, Mike Meehan, Tom Snyder, Deb Deist, John Weaver, Sheriff Jim Dupont

Discussion was held relative to the 2005-2006 budget for the Sheriff's Office and Juvenile Detention Center.

**BUDGET REVIEW: ROAD DEPARTMENT**

[10:14:19 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Susan Nicosia, Guy Foy, Charlie Johnson

Discussion was held relative to the 2005-2006 budget for the Road Department.

**BUDGET REVIEW: COUNTY ATTORNEY'S OFFICE**

[11:04:40 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Susan Nicosia, Vicki Eggum, Ed Corrigan

Discussion was held relative to the 2005-2006 budget for the County Attorney's Office.

**MEETING W/ CHARLIE JOHNSON RE: ROAD MAINTENANCE**

[11:17:09 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Charlie Johnson

Discussion was held relative to roads in the county that the county does not own that are being maintained by the county.

**PRELIMINARY PLAT: PARKER SQUARE**

[11:56:20 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Planner Johna Morrison, Roy Hutchin, Larry O'Brien, Carmen O'Brien, Dawn Marquardt, Debbie Shoemaker

Morrison reviewed the application submitted by Larry & Carmen O'Brien for preliminary plat approval of Parker Square Subdivision, creating three commercial lots. The subdivision is located approximately three miles south of Kalispell off of Highway 93 S, on the west side of the highway. The site is unzoned. There are 16 conditions of approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-05-36 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the amended preliminary plat of Parker Square Subdivision including the requested variance. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

## CONDITIONS

1. A variance shall to the road right of way requirements shall be granted based on the attached findings of fact in staff report FSR-05-36. [Section 7.1(D), Flathead County Subdivision Regulations]
2. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [Section 3.12(J), FCSR]
3. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department, and the Montana Department of Environmental Quality prior to final plat. [Sections 3.12, 3.14(A) and 3.15(A), FCSR]
4. The developer shall obtain and show proof of necessary approach permits from the Montana Department of Transportation. [Section 3.8(A), FCSR]
5. All drainage system and facilities required for any surface runoff shall be designed by a licensed professional engineer. [Section 3.12, FCSR]
6. An approved road users agreement or a property owners association shall be formed which will require each property owner to bear their pro-rata share for road maintenance. [Section 3.9(J)(3), FCSR]
7. The internal subdivision loop road shall be constructed with a 42-foot right-of-way, a 20-foot travel surface, and 55-foot radius cul-de-sac in accordance with Section 3.9 of the Flathead County Subdivision Regulations. One hundred and fifty feet of the road shall be paved. [Section 3.9, FCSR]
8. All road construction and road improvements must comply with Section 3.9 of the Flathead County Subdivision Regulations and shall be designed, inspected, approved, and signed off by a licensed engineer. [Section 3.9, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
  - A. All addresses shall be visible from the frontage road [Section 3.20(D), FCSR]
  - B. All utilities shall be extended underground [3.17(A) Flathead County Subdivision Regulations]
  - C. Lot owners are responsible for the eradication and control of noxious weeds upon their property. [7-22-2116 M.C.A., Section 3.12(J), Flathead County Subdivision Regulations]
10. Electrical and telephone utilities shall be extended underground to abut and be available to each lot. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 and 3.18, FCSR]
11. The developer shall contact the local postmaster to confirm area mail delivery and establish an appropriate location for mailbox placement in accordance with Flathead County Subdivision Regulations. [Section 3.22, FCSR]
12. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. [Section 3.9(I)(7), FCSR]
13. The addresses and road names shall appear on the final plat. [Appendix C, Section B(19), FCSR]
14. The following statement shall appear on the face of the final plat: [Resolution #503M]

(Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.
15. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
16. Preliminary plat approval is valid for three years [Section 2.4, FCSR]

## **BUDGET AMENDMENT: OES**

[11:51:24 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Tina Frownfelter, Gary Como

Commissioner Brenneman made a **motion** to approve Resolution 1848. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION  
RESOLUTION NO. 1848**

**WHEREAS**, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2004-2005, are required, and;

**WHEREAS**, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2004-2005; and

**BE IT FURTHER RESOLVED**, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 21<sup>st</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
Robert W. Watne, Member

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Kimberly Moser  
Kimberly Moser, Deputy

**COUNTY OF FLATHEAD**  
**GENERAL JOURNAL VOUCHER**  
**BUDGET AMENDMENT**  
**RESOLUTION # 1848**

DATE ISSUED:  
DATE OF RECORD:

VOUCHER NO.: **0506-30**

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2398-0221-342045	BNSF-Derailment	1	\$ 17,806.00	
2398-172000	Revenue Control	2		\$ 17,806.00
2398-0221-420600-110	Salaries	3		\$ 7,755.00
2398-0221-420600-141	Unemployment	4		\$ 9.00
2398-0221-420600-142	Workers Comp	5		\$ 203.00
2398-0221-420600-143	Health Ins	6		\$ 224.00
2398-0221-420600-144	FICA	7		\$ 520.00
2398-0221-420600-145	PERS	8		\$ 25.00
2398-0221-420600-147	Medicare	9		\$ 122.00
2398-0221-420600-220	Operating Supplies	10		\$ 3,690.00
2398-0221-420600-229	Other Operating Supplies	11		\$ 116.00
2398-0221-420600-312	Freight Charges	12		\$ 611.00
2398-0221-420600-378	Travel	13	\$ 600.00	
2398-0221-420600-398	Contracted Services	14		\$ 5,131.00
2398-242000	Expense Control	15	\$ 17,806.00	
		16		
		17		
	To allocate funds received & anticipated funds due . To	18		
	bring budget lines in alignment	19		
	with anticipated expenditures	20		
		21		
		22		
		23		

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		34		
		35		
	Total		\$ 36,212.00	\$ 36,212.00

Explanation:

by: Gary L Como,  
Finance

Approved by: Commissioners by Resolution

**CONSIDERATION OF APPOINTMENT: SUPERINTENDENT OF SCHOOLS**

[11:49:35 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to appoint Marsha Shefloe Sheffels to complete the term of Donna Maddox Superintendent of Schools. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 16, 2005.

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**WEDNESDAY, JUNE 22, 2005**

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

**Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction,**

[8:58:37 AM](#)

Gary Krueger spoke as a representative of a group of agricultural land owners in the West Valley area. He stated that they are currently trying to work with the current West Valley neighborhood plan. He stated that if they are unable to work with the current plan they would like to be removed from the plan and create their own plan. He presented the commissioner with a map showing the boundaries of the plan and showed the neighbors who are interested in creating a separate new plan.

Bruce Tutvedt spoke in regards to Jerry Nix, and the lack of trust by the planning board in him. He stated that they need representatives to offset the comments made by Jerry Nix. He stated that Gary Krueger would be a good person for the Board of Adjustments.

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

**MEETING W/ EVERGREEN BUSINESS & PROPERTY OWNERS ASSOCIATION**

[9:08:49 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Kerry Finley, Denise Cofer, Pam Holmquist, Bret Birk

Discussion was held relative to Kerry Finley spoke in regards to possible points of negotiations with the City of Kalispell on sewer issues. She stated that there association did not contribute to the ad in the paper from the American Dream group. She stated that the Evergreen community would like to explore the idea of incorporating.

Pam Holmquist wanted to add that Evergreen is already the largest customer that Kalispell has as far as sewage. She stated that if they agreed to this it would add even more customers to Kalispell.

Bret Birk stated that he and Tom Sands spoke to Jim Patrick in regard to the Cottonwood Estates.

Commissioner Brenneman asked why a property close to the proposed Cottonwood Estates need to build up there land and why the Cottonwood Estates does not have the need to build up.

**PRELIMINARY PLAT: BLAINE CREEK ESTATES**

[9:34:00 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Planner Johna Morrison, Rick Breckenridge, Wally Massie, Kiley Clark, Jeff Harris

Morrison reviewed the application submitted by Kenneth Kramer for preliminary plat approval of Blaine Creek Estates Subdivision, a minor subdivision that will create five residential lots. The subdivision is located southeast of Kalispell, off of Mennonite Church Road. The property is unzoned. There are 17 conditions of approval.

Commissioner Brenneman questioned the lack of a condition on the no build zone.

Commissioner Hall questioned whether it could be conditioned that the road be dust treated during construction times.

Rick Breckenridge stated that his client would not be opposed to a dust abatement condition, he also addressed the concerns on the approach permits, and the previous preliminary plat that was approved.

Commissioner Watne made a **motion** to adopt Staff Report FSR-05-40 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the preliminary plat of Blaine Creek Estates subject to 19 conditions including the addition of a condition stating that the no build zone indicated on the preliminary plat shall be on the face of the final plat, and the addition that the developer shall apply dust abatement on Mennonite Church Road during construction of the lots. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**CONDITIONS**

1. A variance to Section 3.9, table 3, be approved during preliminary plat for road length exceeding 1000 feet.
2. All areas disturbed during development of the subdivision shall be revegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), Flathead County Subdivision Regulations]
3. The developer shall obtain and show proof of necessary approach permits from the Flathead County Road Department. [Section 3.8(A), FCSR]
4. The lots within the subdivision shall be reviewed for water and sewage by the Flathead City-County Health Department at the time of development. A disclaimer must be stated on the face of the final plat stating that this plat has not been reviewed or approved for individual water or sewer facilities or for building site placement. [Sections 3.14(A) and 3.15(B), FCSR]
5. All drainage system and facilities required for any surface runoff shall be designed by a licensed professional engineer. [Section 3.12, FCSR]
6. Electrical and telephone utilities shall be extended underground to abut and be available to each lot. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 and 3.18, FCSR]
7. The following statements shall be placed on the face of the final plat applicable to all lots:
  - h) All addresses shall be visible from the road, either at the driveway entrance or on the house. [3.20(D), FCSR]
  - i) All utilities shall be placed underground. [3.17(A), FCSR]
  - j) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]
  - k) All areas disturbed during development of structures and driveways shall be revegetated in accordance with a plan approved by the County Weed Department. All lot owners are responsible for the eradication and control of noxious weeds upon their property.[3.12(J),FCSR]
  - l) This subdivision is located in an agricultural area and that such potential nuisance such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm on adjoining properties shall not be restricted as a result of the development or occupancy of this subdivision.[county policy]
  - m) The Property Owners Association shall be responsible for maintenance of roads and common areas. Roads shall be maintained, including necessary repairs and snow removal, to insure safe all-weather travel for two-way traffic. [3.9(J)3.
  - n) Any work in or near the streambed of Blaine creek may require a permit from the Flathead Conservation District. (DNRC permitting process).
  - o) Any work in or near the floodplain may require a floodplain development permit from Flathead County Planning and Zoning. (Flathead County Floodplain Regulations).
  - p) Lot owners are reminded of the presence of large and potentially dangerous wildlife in the area. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact. (Montana Fish, Wildlife, and parks).
8. The developer shall contact the local postmaster to confirm area mail delivery and establish an appropriate location for mailbox placement in accordance with Flathead County Subdivision Regulations. [Section 3.22, FCSR]
9. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. [Section 3.9(I)(7), FCSR]
10. The addresses and road names shall appear on the final plat. [Appendix C, Section B(19), FCSR]
11. The developer shall dedicate a 10 foot easement for a walk/bike path. The easement shall be placed along the southern lot line along Mennonite Church Road and shall be on the face of the final plat.[3.11,FCSR]
12. When this final plat is filed for FSR #05-40, the developer hereby vacates preliminary plat FPP #04-14 and surrenders all rights to act upon that preliminary approval.
13. Except as modified above, the subdivision shall comply with all Design Standards of the Flathead County Subdivision Regulations. [Chapter 3, FCSR]

14. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
15. All required improvements shall be completed in place or an improvement guarantee in accordance with [Chapter 8 of the Flathead County Subdivision Regulations] shall be provided by the subdivider, prior to final approval by the Flathead County Commissioners.
16. The following statement shall appear on the face of the final plat: [Resolution #503M]  
  
(Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.
17. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)#6, FCSR]
- 18. The no build zone, as defined on the preliminary plat, will be placed on the face of the final plat.**
- 19. The developer shall apply dust abatement on Mennonite Church Road from Highway 35 to the subdivision while construction is occurring on these lots.**

#### **BOARD APPOINTMENTS: LIBRARY & INSURANCE COMMITTEE**

[10:05:09 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Watne made a **motion** to appoint David Hilde to the Library Board. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to appoint Jan Leddy, and Susanne O'Connor to the Insurance Committee. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

#### **CONTRACT FOR SIGNATURE: HIPAA CONTRACT**

[10:08:20 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Watne made a **motion** to approve the HIPAA contract for the Board of Health and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

#### **FINAL PLAT: JEWEL BASIN RANCH**

[10:09:24 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Richard Goacher, Eric Mulcahy, Johna Morrison, Jeff Harris

Morrison reviewed the application submitted by Goacher & Associates for final plat approval of Jewel Basin Ranch, which will create five residential lots off Foothills Road just east of Echo Lake in Bigfork. The property is unzoned. Preliminary plat approval was granted on September 21, 2004 subject to 12 conditions. All conditions, except conditions four requiring DEQ approval, have been met or otherwise addressed. Staff recommends approval.

Commissioner Watne made a **motion** to approve the Subdivision Improvement Agreement addressing condition 5. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the final plat of Jewel Basin Ranch Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

#### **PRELIMINARY PLAT: GLACIER HILLS #3**

[10:19:21 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Peggy Goodrich, Charlotte Swanson, Eric Mulcahy, Bob Spoklie, Dolores Mangel, Thomas Hoover

Goodrich reviewed the application submitted by Spoklie & Hoover for preliminary plat approval of Glacier Hills III Subdivision, a major subdivision that will create twenty residential lots. The subdivision is proposed on 96.496 acres and will be served by individual water & sewage systems. The property is unzoned. There are 13 conditions of approval. Staff recommends approval.

Commissioner Hall questioned the assessed value of the parkland dedication.

Bob Spoklie stated that this was the value two years ago, and since then they have cleaned the property up considerably.

Commissioner Brenneman stated that an appraisal is need for the property.

Commissioner Brenneman made a **motion** to require an appraisal for the parkland assessment. Motion fails for lack of a second.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-05-23 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the preliminary plat of Glacier Hills III Subdivision subject to 13 conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**Conditions:**

1. All areas disturbed during development of the subdivision shall be revegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), Flathead County Subdivision Regulations. (FCSR)]
2. The private, internal, subdivision road shall have a 60-foot right of way and a 20-foot paved driving surface. All road work shall be inspected and signed off by an engineer, licensed in the state of Montana, stating the road meets the standards of the Flathead County Subdivision Regulations. [Section 3.9 FCSR]
3. The developer shall pave the section of 5<sup>th</sup> Street in Martin City between Central Avenue and the subdivision entrance.
4. The developer shall place stop signs and road identification signs within the subdivision, in accordance with Section 3.9(I)8 of the Flathead County Subdivision Regulations. [Section 3.9 (I)8, FCSR]
5. A Common Road Maintenance Agreement shall be created that will require each property owner to bear their pro-rata share for road maintenance of the internal subdivision road. [Section 3.9 (J)3, FCSR]
6. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
7. Electrical and telephone utilities shall be extended underground, unless already in place, as necessary to abut and be available to each lot, in accordance with Flathead County Subdivision Regulations. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 & 3.18 FCSR]
8. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All addresses shall be visible from the road, and at the driveway entrance or on the house. [3.20(D), FCSR]
  - b. All utilities shall be placed underground. [3.17(A), FCSR]
  - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]
  - d. Defensible space will be provided around structures in accordance with Appendix G of the Flathead County Subdivision Regulations. Lot owners may contact the Martin City Fire District to obtain information on Fire-Wise building and to arrange a Fire-Wise inspection. [Section 3.21 FCSR]
  - e. Only Class "A" and "B" roofing materials may be allowed on structures within this subdivision. [Section 3.21 FCSR]
  - f. Lot owners are advised that they are moving into an area that is frequented by wild animals. As such, lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on living with wildlife. Dogs must be contained by a physical or electronic/invisible fence or kept on leashes at all times. Homeowner's need to be aware of bear attractants: keep pet foods, barbeque grills, and garbage indoors, in a secure shed, or in a bear proof container; feed birds only in the winter; pick fruit as soon as it becomes ripe; do not create compost piles; and wait to put garbage containers out until the morning of pickup. [Agency Comment, FWP]

g. Waiver of Protest  
Participation in Special Improvement District

\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the

real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.

9. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality for individual sewer and water facilities and storm water management. [Sections 3.14(A) and 3.15(A), FCSR]
10. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. (Section 3.22)
11. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
12. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
13. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

### **PRELIMINARY PLAT: STAGE ROAD RIVER ESTATES PHASE II**

[10:48:21 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Peggy Goodrich, Dawn Marquardt, Bill Dakin

Goodrich reviewed the application submitted by Thomas & Kerianne Robertson for preliminary plat approval of Stage Road River Estates Phase II, a major subdivision that will create 3 residential lots. The subdivision is proposed on 17.86 acres and will be served by individual wells and individual septic systems. The property is unzoned. There are 12 conditions of approval. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-05-15 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the preliminary plat of Stage Road River Estates Phase II subject to 12 conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

#### **Conditions:**

1. All areas disturbed during development of the subdivision shall be revegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), Flathead County Subdivision Regulations (FCSR)]
2. Electrical and telephone utilities shall be extended underground to abut and be available to each lot in accordance with Flathead County Subdivision Regulations (see Sections 3.17 and 3.18). Utility plans shall be approved by the applicable utility companies. [Sections 3.17 and 3.18, FCSR]
3. Lot owners shall be required to join the existing road users association for River Estates Drive and shall be responsible for sharing the costs of road maintenance, snow removal, and county property taxes.
4. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations [Section 3.22, FCSR].
5. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality for individual sewer and water facilities and storm water management. [Sections 3.14(A) and 3.15(A), FCSR]
6. The following statements shall be placed on the face of the final plat \_\_\_\_\_ applicable to all lots:
  - a) All house numbers will be visible from the road, either at the driveway entrance or on the house. [3.20(D), FCSR]
  - b) All utilities shall be placed underground. [3.17(A), FCSR]
  - c) Lot owners are bound by the soil disturbance and weed management plan entered into by the developer with the Flathead County Weed/Parks/Recreation & Building Maintenance Department. [3.12(J), FCSR]
  - d) This subdivision is located in an agricultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm on adjoining properties shall not be restricted as a result of the development or occupancy of this subdivision.
  - e) \_\_\_\_\_ Waiver of Protest  
Participation in Special Improvement District

\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers,

and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.

7. All required improvements shall be completed in place or a Subdivision Improvement Guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the County Commissioners. [Chapter 8, FCSR]
8. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
9. The developer shall submit a letter from the Badrock Fire Department stating all conditions for fire suppression have been met. [Section 3.20, FCSR]
10. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
11. Preliminary plat approval is valid for three years. [Section 2.5(D)(6), FCSR]
12. *The developer shall dedicate a 15-foot bike/walk path easement on Lots 9 and 11, west of the right-of-way of Columbia Falls Stage Road.*

### **RAC PROJECT SECTIONS**

[10:55:25 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Denise Oermann, Cathy Barbouletos

Discussion was held relative to the funding received by the county from the forest service. Denise Oermann and Cathy Barbouletos reviewed the current members of the RAC. They also reviewed the projects that the RAC currently has on their project list. They stated that the projects have to improve the access to National Forest Lands. The commissioners were presented with a list of the projects that will be implemented next year.

### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING AND CONSIDERATION OF RESOLUTION OF INTENT AND NOTICE OF PASSAGE: MOSQUITO DISTRICT**

[11:22:20 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Jonathan Smith, Jed Fisher

Discussion was held relative to the need for a county mosquito district. Jonathan Smith stated that a Mosquito District board must be formed.

Commissioner Watne made a **motion** to adopt Resolution 1849. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

#### RESOLUTION NO. 1849

WHEREAS, the Board of Commissioners of Flathead County, Montana, is authorized by Section 7-22-2403 to initiate proceedings for the creation of mosquito control district by the adoption of a resolution of intent;

WHEREAS, the movement into Montana in recent years of the West Nile Virus (a virus carried by mosquitoes) has significantly increased the risk of serious disease in both humans and animals; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, deems it advisable to consider the creation of a county-wide mosquito control district in order to be able to address the growing threat from mosquitoes on a broader basis, and, further, deems it advisable to consider whether the Kalispell and Somers Mosquito Control Districts should be dissolved with the property included in those districts becoming part of the county-wide district.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 7-22-2403, M.C.A., hereby adopts this resolution of intent to consider the creation of a county-wide mosquito district to be known as the Flathead County Mosquito Control District, and to dissolve the Kalispell and Somers Districts.

BE IT FURTHER RESOLVED that the boundaries of the proposed mosquito control district are the boundaries of Flathead County.

BE IT FURTHER RESOLVED that a public hearing will be held on the 11 day of July, 2005, at 9:00 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana and that at the public hearing, any qualified elector or owner of property lying within the boundaries of the proposed district may appear before the Commissioners at the time of the hearing and show cause why the district should not be created or may file a written objection to the creation of the district at any time before the date of the hearing.

BE IT FURTHER RESOLVED, that notice of the said public hearing shall be published in accordance with Section 7-1-2121, M.C.A., and be mailed to each nonresident property owner and purchaser under contract for deed, in the manner provided by Section 7-1-2122, M.C.A.

DATED this 22<sup>nd</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By/s/Robert W. Watne  
Robert W. Watne, Member

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

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser

Deputy

Commissioner Watne made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

NOTICE OF PASSAGE OF RESOLUTION OF INTENT AND  
NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 7-22-2403, M.C.A., that it has adopted a resolution of intent to consider the creation of a county-wide mosquito district, to be known as the Flathead County Mosquito Control District, and to dissolve the Kalispell Mosquito Control District and the Somers Mosquito Control District, and will hold a public hearing concerning the creation of the Flathead County Mosquito Control District and the dissolution of the Kalispell and Somers Districts.

The boundaries of the proposed mosquito control district shall be the boundaries of Flathead County.

Adoption of the proposed mosquito control district would allow for a county-wide mill levy and county-wide mosquito control efforts to address the growing threat from mosquitoes as the movement into Montana, in recent years, of the West Nile Virus (a virus carried by mosquitoes) has significantly increased the risk of serious disease in both humans and animals.

The public hearing will be held on the 11<sup>th</sup> day of July, 2005, at 11:00 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana. At the public hearing, the Board of Commissioners will afford any qualified elector or owner of property lying within the boundaries of the proposed district to appear and show cause why the district should not be created, and the Kalispell and Somers Districts dissolved, and will consider any written objections to the proposed creation and dissolutions filed before the date of the hearing.

DATED this 22 day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
By Paula Robinson, Clerk

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

By /s/Kimberly Moser

Deputy

Publish on June 27 and July 5, 2005.

**CONSIDERATION OF ADOPTION OF RESOLUTION: AFFILIATION OF NW BUSINESS CENTER WITH JOBS NOW, INC**

[11:18:48 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Gary Winship, Jonathan Smith

Commissioner Brenneman made a **motion** to adopt Resolution 1850. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1850

WHEREAS, Flathead County entered into Agreements in June, 2001, with Northwest Human Resources, Inc., dba Northwest Business Center, in connection the Montana Community Development Block Grant Economic Development (CDBG) Program under which Northwest Business Center administers the CDBG Program on behalf of Flathead County;

WHEREAS, the administration undertaken by Northwest Business Center includes administering the Flathead County Community Development Revolving Loan Fund, designed to stimulate economic development by assisting the private sector in order to create or retain jobs for low and moderate income persons;

WHEREAS, Northwest Business Center is also a subrecipient of Flathead County for receipt of grant funds in the Montana Community Development Black Grant Economic Development (CDBG) Program;

WHEREAS, at the time of entering into the agreements, Northwest Business Center was under the authority of Northwest Human Resources, Inc.;

WHEREAS, effective July 1, 2005, Northwest Business Center will be affiliated with Jobs Now, Inc.; and

WHEREAS, the Board of Commissioners of Flathead County agrees that the affiliation between the Northwest Business Center and Jobs Now, Inc., should be recognized by the Board.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the affiliation of the Northwest Business Center and Jobs Now, Inc., is hereby recognized and approved, that the two agreements involving the Northwest Business Center shall remain in effect and shall not be affected by the affiliation of the Northwest Business Center with Jobs Now, Inc.

Dated this 22<sup>nd</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By /s/Robert W. Watne  
Robert W. Watne, Member

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

ATTEST:  
Paula Robinson, Clerk

By /s/Kimberly Moser  
Deputy

**DOCUMENT FOR SIGNATURE: FIRING RANGE APPLICATION / O'CONNELL**

[11:33:13 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Watne made a **motion** to approve the Firing Range Application and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**9:30 a.m. Commissioner Brenneman to attend LEPC Executive Committee meeting at the Justice Center**  
**11:00 a.m. County attorney meeting at the County Attorney's Office.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 23, 2005.

\*\*\*\*\*

**THURSDAY, JUNE 23, 2005**

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

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

**CONTINUATION OF PUBLIC HEARING: TAX INCENTIVE/PLUM CREEK (WATER CLARIFICATION)**

[8:46:16 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Marilee Hoppner, Chris Hader, Jack Hinman

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition

Jack Hinman stated that this improvement is not a profit producing improvement. He asked the commissioner to approve the tax incentive.

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

Commissioner Brenneman stated that this project does fit in the requirements set by the present resolution allowing for tax incentives. He stated that if the resolution that allows for tax incentives is not the way they would like it, than the original resolution needs to be changed.

Commissioner Brenneman made a **motion** to adopt Resolution 1819. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. **Opposed** – Hall. Motion carried by quorum.

RESOLUTION NO. 1819

WHEREAS, the Board of Commissioners of Flathead County, Montana, passed Resolution No. 476 on April 8, 1983, Resolution No. 476A on February 21, 1984, and Resolution 476B on May 4, 2005, allowing tax benefits for new or expanding industry in Flathead County;

WHEREAS, Plum Creek Timber Company, MDF Division of Columbia Falls, Montana, has applied for the tax benefits for the installation of a new 600,000-gallon water clarification basin located at its MSF Plant at 265 Meadow Lake Blvd., Columbia Falls, Montana, in Section 7, Township 30 North, Range 20 West, P.M.M.;

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 25th day of April, 2005, concerning the request for tax benefits filed by Plum Creek Timber Company, MDF Division;

WHEREAS, the Board of Commissioners of Flathead County, Montana, toured the Plum Creek Timber Company facilities after that public hearing and gathered more information concerning the effects of granting the tax reduction benefits;

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a second public hearing under the provisions of section 15-24-1402, M.C.A., on the 23rd day of June, 2005, concerning the request for tax benefits filed by Plum Creek Timber Company, MDF Division; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, having reviewed the application of Plum Creek Timber Company, MDF Division, the information gathered after the initial public hearing and the testimony presented at both public hearings, 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 installation of the new 600,000-gallon water clarification basin located at its MSF Plant, at 265 Meadow Lake Blvd., Columbia Falls, Montana, shall be granted the tax benefits for new or expanding industry set forth in Resolution No. 476A and Section 15-24-1402, M.C.A.

DATED this 23<sup>rd</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By/s/Robert W. Watne  
Robert W. Watne, Member

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

ATTEST:  
Paula Robinson, Clerk

By /s/Kimberly Moser  
Deputy

**CONSIDERATION OF ADOPTION OF RESOLUTION: RESCIND EMERGENCY RESOLUTION #1847**

[8:45:18 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Watne made a **motion** to adopt Resolution 1847A. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Resolution No. 1847 A  
Rescission of Flathead County Emergency Declaration

WHEREAS, above average rainfall in early June caused ground saturation and flash flooding on small creeks in Flathead County, resulting in damage to roadways, culverts and bridges within Flathead County;

WHEREAS, the Board of Commissioners of Flathead County, Montana, recognized that the potential for economic and financial impact to county residents because of the costs of repair of the damages to roadways, culverts and bridges in Flathead County was great and, therefore, adopted Resolution No. 1847, pursuant to Section 10-3-402, M.C.A., on June 8, 2005, declaring an emergency, in order to be able to manage any flooding or potential flooding in Flathead County and in order that funding for repairs to roadways, culverts and bridges for damages caused by ground saturation and flash flooding might be made available as an emergency measure; and

WHEREAS, rainfall has recently abated to the point that the emergency declaration is no longer necessary.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, that the emergency declaration adopted on June 8, 2005, is hereby rescinded.

BE IT FURTHER RESOLVED that copies of this resolution will be filed with the Flathead County Clerk and Recorder, and the Montana Disaster and Emergency Services in Helena.

PASSED AND ADOPTED by the Flathead County Board of County Commissioners this 23<sup>rd</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By/s/Robert W. Watne

Robert W. Watne, Member

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

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser  
Deputy

**PUBLIC HEARING: GRAVEL PITS TEXT AMENDMENT / FLATHEAD COUNTY ZONING REGULATIONS**

[9:01:35 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Johna Morrison, Kirsten Holland, Jeff Harris, Jonathan Smith, Peggy Goodrich, Clara LaChappelle, Bill Breen, Clarice Ryan, Rose Marie Nielsen, Gina Klempel, Brett Fisher, Bruce Tutvedt, Scott Osler, Julie M Byrnes, Peter J Byrnes, Angie Clark, Chris Willis, Kenneth Kruger, Michael Fraser, Butch Woolard, Barb Sauer, Bob Sauer, Carol Marino, Steve Vandehey, Irene Vandehey, Ginny Coyle, Susan Schwager, Ben Donahue, Jerry nix, Terry Krogstad, Marty Brewer, Kathy Nielsen, Gary Krueger, Alan Butler, Pam Butler

Morrison reviewed Staff Report #FZTA-05-01. This request is designed to visit various Sections of the Flathead County zoning Regulation as to a recent ruling from the County Attorneys office stating gravel pits can only be regulated in areas that are residential. Section 76-2-209 of the Montana code annotated stated that county zoning cannot interfere with complete use, recovery and development of mineral resources including processing on site, washing, crushing, screening and batching. This law only allows regulation in area zoned as residential. This ruling was backed up by an appeals ruling at the Board of Adjustments on February 16, 2005. The case has than gone onto the courts on February 2, 2005. It is Flathead County's opinion at this time to "tighten up" the definitions of SAG and AG zoned to further clarify that a conditional use for extractive industries is needed, as these zones are residential.

Jonathan Smith stated that the County Attorneys office had a little bit of a different recommendation, mainly due to the passage of time and statutes that have been approved since the original recommendation had been made. He presented the commissioners with a possible amendment to the Staff Report.

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition

Jerry Nix requested a copy of the proposed changes presented by the County Attorney's office.

Bruce Tutvedt stated that the Board of Adjustments tabled the matter due to their want of a map to show where the gravel pits will be prohibited. He stated that gravel pits are needed. He stated that if the commissioners choose to clarify these AG areas as residential the actual agricultural uses will be in jeopardy.

Commissioner Hall asked Bruce Tutvedt if he was proposing a moratorium on gravel pits until the issue could be resolved.

Bruce Tutvedt stated that he was not stating that.

Ben Donahue stated that as a resident of Stillwater Estates he has dealt with some of the same issues. He stated that gravel pits are needed, but that the valley is not going to continue to grow. He stated that if we don't zone and plan better this is not going to be a nice area anymore. He stated that he is in favor of tightening this down and planning better for the future.

Bill Breen spoke in favor of the proposed text amendment. He stated that this has been a subject of endless debate and that the proposed text amendment would go a long way in putting the issue to rest. He stated that as a member of the West Valley Steering committee he knows that they are against industrial uses in their area. He stated that in their opinion gravel extraction should not have been listed as a commercial use. He asked the commissioners to approve this text amendment. He stated that he was surprised that the proposed changes were not made public. He believes that the changes need more time to be studied.

Jerry Nix stated that the reason that this issue was blown up was by the industry pushing that the county had no authority to regulate gravel pits. He stated that Jonathan Smith has opened the matter up to attorneys again. He stated that they fought for the commissioners to have the authority to condition gravel pits. He stated that the whole purpose of the text amendment was to put the authority with the county and the Board of Adjustments. He asked the commissioner to approve the original changes and not the county attorney changes.

Commissioner Brenneman stated that it looked to him like the language provided by Jonathan Smith allowed for more authority by the board of adjustments.

Jerry Nix stated that the language under section 10 is attorney language that can be opened up for litigation.

Mike Fraser stated that he supported Bruce Tutvedt's comments on gravel in the Flathead Valley. He stated that without the gravel you can not support the growth in the valley. He stated that the problem is between the gravel pits and residential development. He stated that the goals and the policy of the master plan want to preserve the open space of the valley. He believes that what ever is done should support those goals and policies. He stated he is speaking against any change in the language. He believes that the current language is appropriate to allow for agricultural uses. He believes that by encouraging these changes we are going to maximize conflict.

Kathy Nielsen stated she is not a newcomer to the Flathead Valley. She stated that the West Valley area is now a residential area. She stated that it became residential to due farmers selling there land to people who wanted to move out there so she does not believe that they have any right to be upset about residential intrusion.

Chris Willis spoke in regards to the West Valley plan. He stated the plan was to keep industry out. He stated that we all need to agree that we need to act and act now before there is uncontrolled litigation. He asked the commissioner to preserve the last area left in the valley that can be strictly residential. He stated that conditional use requirements did not work for the West Valley area. He stated that the West Valley plan did not work.

Susan Schwager stated that it is okay to have industrial and residential, but lets keep it separate.

Clarice Ryan stated that she is looking at this at two view points. She stated that a lot of the complaints about gravel pits are the dust and the noise, and that these are effects of AG. She stated that a gravel pit is just another way of utilizing AG land. She stated that keeping it Ag land and allowing for gravel pits is one way to keep Ag uses. She stated that the more you push the gravel pits farther and farther out the area that are appealing are near the river, where people want to live. She stated that the conflict is within each person. She stated that it is not the objectionable to live near a gravel pit. She stated that wonderful neighborhoods could replace the gravel pit in the future. She stated that the farther out you push the gravel pits it will put more of a strain on the highways. She stated that we have to be more tolerant and accept the need for growth.

Terry Krogstad addressed the gravel pits that are along the river corridor, and that they belong there since that is where the gravel is. He stated that there is a tremendous amount of land that is getting exposed and water that is being exposed. He stated that the land is going to be reclaimed someday, but the land is going to be a lot lower. He stated that he is concerned about the number of pits that are in the aquifer. He believes that the issue needs to be raised on the environmental impact cause by the gravel pits. He asked the commissioner to request that DEQ do a study of what is happening in Evergreen. He stated that areas outside the valley floor where there is gravel needs to be explored.

Carol Marino stated that she wanted to address the traffic issues caused by gravel pits. She stated that the West Valley plan clearly restricted commercial and industrial uses. She stated that the roads in West Valley are not safe for, or intended for this major use. She stated that tax payers will be responsible for repairing the road not the gravel pits. She quoted back statistics from a traffic report from MDOT on traffic accidents. She stated that the traffic congestion in this area will only increase. She stated that she does have reports from MDOT for the last ten years. She asked the commissioner to recognize and designate the West Valley area as residential. She asked the commissioners to designate another area in the valley as industrial and restrict residential in that area.

Clara LaChappelle stated that she believes the commissioners hold the property rights such as clean air, and clean water in there hands. She stated that this is a residential neighborhood. She stated that it is not an area for gravel pits. She asked the commissioners to resolve the situation. She stated that studies need to be done.

Angie Clark stated that the gravel pits part of this is a small part of this. She stated that asphalt plants are harmful. She stated that she is making packet on the effects of asphalt plants. She stated that she did not build next to a gravel pit to complain now. She stated that projections she has heard state that there is 50 years of gravel left in the West Valley.

Commissioner Hall asked how many active plants are in the area.

Angie Clark stated that she heard one Hundred. She stated that the area needs to be zoned as agricultural and residential. She stated that the West Valley plan says no industrial. She stated that the water issues have not been addressed at all. She stated that there are over 7000 residents in West Valley. She stated that asphalt plants have the same potential hazards as Libby had with asbestos. She stated that the original West Valley plan was not to allow large gravel pits. She asked if gravel pits and asphalt plants are more important than the people and their homes.

Brett Fisher stated that the gravel industry is a demand based industry. He stated people are coming to the Flathead and it can not be stopped. He stated that this text amendment would be great in other areas. He stated that the only thing that can be done is to mitigate impact. He stated that a lot of time and effort goes in to reclaiming the land. He does not foresee the growth in the valley slowing down. He stated that Rod Sandeval would be the source to contact on active pit numbers. He stated that the Flathead Valley does not have the huge tracts of farming land like it used to. He stated that it will not be long in the county before the valley will not have the large gravel pits like we do now. He stated that the gravel pits are needed. He stated that the cost of fuel from moving the gravel pits farther out will be passed on to the tax payers. He stated that the pits when reclaimed will be preserved as areas of open space

Steve Vandehey stated that the only thing that the commissioners are looking at today is the text amendment. He believes that the commissioner should only look at the original text, and that it is not fair for the new language to come forth without the public having a chance to review it. He stated that there is plenty of gravel in the existing pits. He stated that the text amendment as originally asked for will give the commissioners the authority that they asked for. He asked the commissioners to approve the original text.

Scott Osler stated that he is not a newcomer to this area. He stated that he is not against active industry. He stated that he lives on an active gravel pit. He stated that nothing was done to mitigate any of the noise coming from the crusher. He stated that the noise forced them to leave there homes to get away from the noise. He asked why the gravel pits owners don't use some of the money to compensate the neighbors of gravel pits. He stated that the newcomers are the new owners of the gravel pits who do not listen to the neighbors. He stated that he is not anti growth but maybe the growth needs to be slowed down. He asked the commissioner to consider the work by the legislature, and to take it into account when they make their decision.

Rose Nielsen stated that we need to look down the road as to what will happen to the reclaimed land. She stated that the area will be turned into a huge subdivision.

Ginny Coyle stated that Rose is probably right. She asked if there is ever reclamation what will the zoning be in the area? She stated that she would like, when the new growth policy is done, impact studies are done. She does believe that West Valley should be rezoned with a residential overlay. She stated that the current growth policy is eighteen years old and should have been updated sooner. She feels that residential is not what the West Valley plan intended. She stated that she believes that the commissioner have the ability to hold some of these things off until such time as studies are done on the impacts.

Gary Krueger stated that there are a block of neighbors in West Valley that are not ready to be called residential. She stated that you have to adjust on how to be a farmer. He stated that a way to keep their farms is to handle, or sell gravel. He asked that the commissioners allow them to stay as they are.

Peter Byrnes stated that he is primarily concerned that the aquifer system in the Flathead Valley is unknown. He stated that as far as he knows there is not detailed study of the valley aquifer system. He stated that without knowing this information

approving industry that require huge amount of water is taking an unacceptable risk. He stated that it does not matter to him how long the residents have been here, there rights need to be allowed. He stated that the junction of Highway 93 and reserve needs to be rebuilt.

Jonathan Smith stated that people can bring suggestions or comments forward at public hearings and that is all he has done in bringing forward his recommended changes. He stated that the issue in front of them is not past gravel pit applications, it is only on the proposed text amendment. He stated that there are areas that the legislation allows to prohibit gravel pits, and these areas are residential. He stated his proposal would prohibit in residential, but for the other zones it would allows the Board of Adjustments to attempt to properly condition or prohibit the gravel pits.

Angie Clark asked how they can have much faith in the Board of Adjustments. She stated that this allows everything to be placed on the Board of Adjustments.

Jonathan Smith stated that the Board of Adjustments is charged by the statute to deal with these types of issues. He stated that there are limits to what the Board of Adjustments can do, they have to abide by the regulations.

Clara LaChappelle stated that areas have been closed due to endangered animals. She stated that the lost creek is contaminated and she asked that the commissioners stop this.

Jerry Nix stated that the proposal brought by Jonathan Smith has clarified what they are trying to do. He suggested a change to the verbiage submitted by Jonathan Smith.

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

Commissioner Watne made a **motion** to continue the meeting until Wednesday June 29 at 11:00 a.m. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 24, 2005.

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#### **FRIDAY, JUNE 24, 2005**

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

**12:00 p.m. Commissioner Brenneman to attend Mental Health Council meeting at Stillwater Therapeutic Services, Kalispell**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 27, 2005.