
MONDAY, MARCH 13, 2006

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

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

MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

[9:07:19 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jay Scott, Laurel Raymond, Paula Robinson, Charlie Johnson

Discussion was held relative to the home builders show, the progress of setting up for the fair, events that have already been set up for next year, the repair of the fire alarm system, a recent article in the Missoulian on possibly ending horse racing in Missoula, the cost and availability of insurance for jockeys, and the progress of the internal audit. Jay Scott stated that if the fair board was going to make a recommendation he believes that it would be to not have the horse racing. He also stated that the fair board was waiting for the commissioners to make a decision. The commissioners requested that the fair board hold a special meeting to discuss just the matter of horse racing and then bring a decision to the county commissioners. Jay then stated the events that they could possibly have in place of the horse racing.

MEETING W/ TOM GORTON RE: CRESTON & MENNONITE ROAD

[9:26:35 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Tom Gorton, Noel Gorton, Charlie Johnson

Discussion was held relative to the upcoming RSID meeting in the commissioners meeting room, the percentage of protestors needed to kill a possible project, and how properties are assessed and exactly for what. Tom Gorton then questioned why these neighborhoods are being singled out with additional tax when they have already been paying taxes for road maintenance for years. Mike Pence explained that RSID's are voted in by the neighbors and not by the commissioners. Tom Gorton questioned why the commissioners could not tax every car that drives on the county roads in the valley to pay for these roads that need to be taken care of. Tom then spoke on the gravel trucks that are currently driving on the roads over the weight limit and brought up the question of why they could not control this somehow. He then questioned the purpose of paving Lost Prairie before some of these other roads.

MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE

[10:02:09 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Karole Sommerfield, Steve Siegelin

Discussion was held relative to a possible new extension agent position description. Karole then discussed the cost to the county to create this new extension agent position.

CONSIDERATION OF HR TRANSMITTAL FORM: OA III / CLERK OF DISTRICT COURT

[10:18:42 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Peg Allison, Raeann Campbell, Diana Monroe, Vicki Gallo, Becky Eslick, Dave Prunty

Discussion was held relative to reclassifying three OA II positions into OA III positions.

Commissioner Hall made a **motion** to approve the HR Transmittal forms for the three OA II positions in District Court. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

AUTHORIZATION TO PUBLISH REQUEST FOR QUALIFICATIONS: RSID ENGINEER

[10:35:42 AM](#)

Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Raeann Campbell, Vicki Gallo, Becky Eslick

Commissioner Brenneman made a **motion** to approve the request for qualifications and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

REQUEST FOR QUALIFICATIONS

The Flathead County Board of Commissioners is requesting interested engineers or firms to submit their qualifications for providing engineering services to Flathead County for a period of two years. Such qualification statements are to be submitted, in writing, to the Flathead County Board of Commissioners at 800 South Main, Kalispell, Montana 59901, and must be received no later than 5:00 p.m. on April 14, 2006. All responses will be reviewed by the Board of Commissioners and those firms chosen for further discussions or more detailed submittals will be so notified by written letter from the Office of the Flathead County Board of Commissioners.

SCOPE OF WORK:

The person/firm selected will provide engineering services necessary for the writing, implementation, design and construction of Rural Special Improvement Districts (RSID's) when engaged to do so by Flathead County or by citizens who wish to pursue a project by use of an RSID. It is anticipated that payment for engineering services will be made from the proceeds of RSID bonds; if the process concludes without the sale of bonds, engineering services will be through agreement with the County or agreement with the citizens who engaged the engineer.

CRITERIA OF SELECTION:

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

1. Qualifications of the proposed professional personnel who will be assigned to the project.
2. Capability to meet time and project budget requirements.
3. Location of the office of the person/firm.
4. Present and projected workloads of the person/firm.
5. Related experience on RSID's and SID's.
6. Recent and current work for Flathead County.

Dated this 13th day of March, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paul Robinson, Clerk

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

By /s/Kimberly Moser
Deputy

Publish on March 16th and March 23rd, 2006.

CONSIDERATION OF HR TRANSMITTAL FORM: CONTAINER SITE EDUCATOR / SOLID WASTE DIST

[10:29:31 AM](#)

Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Raeann Campbell, Dave Prunty, Vicki Gallo, Beck Eslick

Commissioner Brenneman made a **motion** to approve the container site educator position for the Solid Waste District. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONTINUATION OF CONSIDERATION OF LEAVE REQUEST

[10:41:00 AM](#)

Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Raeann Campbell, Vicki Gallo, Becky Eslick

Raeann Campbell and Vicki Gallo reviewed the request made by Becky Eslick to use more than seven days of sick time to care for a sick family member.

Commissioner Hall made a **motion** to approve using one additional week of sick leave for a family members illness for Rebecca Eslick. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. **Opposed** – Brenneman. Motion carried by quorum.

TAKE ACTION: HARBIN SUBDIVISION

[10:39:29 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

The commissioners read into the minutes that the Harbin Subdivision preliminary plat approval has died for lack of action.

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT

[10:39:53 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the bid submitted by The Towne Printer in the amount of \$95.94 for 1,000 immunization reminder postcards. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the bid submitted by Great Northern Printing in the amount of \$19.95 for business cards, \$57.90 for WIC appointment cards, and \$732.89 for Your Septic System Pamphlets. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF PROCLAMATION: CHILD ABUSE PREVENTION & AWARENESS MONTH

[10:55:58 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to proclaim the month of April as Child Abuse Prevention & Awareness Month and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SCHAFER TAX INCENTIVE REQUEST

[10:57:02 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Sections 15-24-1502 and 76-15-103, M.C.A., that it will hold a public hearing to consider the application of Ronald G. and Judith A. Schafer, of Columbia Falls, Montana, seeking the application of tax reducing benefits for remodeling the building located at 706 Nucleus Avenue, Columbia Falls, consisting of upgraded plumbing, electric and heating systems, installation of new windows and doors, application of new texturing, both interior and exterior, and a new addition including two new restrooms. If the application is granted, the increased value will be taxed at twenty percent of its taxable value in the first year after approval; in each year thereafter, the percentage will be increased by 20 percent until the full taxable value is attained in the fifth year.

The public hearing will be held on the **3rd day of April, 2006, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Montana, Courthouse, West Annex, 800 South Main Street, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the application for tax reduction of Ronald G. and Judith A. Schafer.

DATED this 13th day of March, 2006.

Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

Publish on March 16 and March 30, 2006.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: BACK ROOM / NITE OWL TAX INCENTIVE REQUEST

[10:59:03 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Sections 15-24-1501 and 76-15-103, M.C.A., that it will hold a public hearing to consider the application of JJS, LLC (Back Room Restaurant Inc.), located at 522 Ninth Street West in Columbia Falls, Montana, seeking the application of tax reducing benefits to the new addition adding kitchens and restrooms to the current structure. If the application is granted, the increased value will be taxed at twenty percent of its taxable value in the first year after approval; in each year thereafter, the percentage will be increased by 20 percent until the full taxable value is attained in the fifth year.

The public hearing will be held on the **3rd day of April, 2006, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Montana, Courthouse, West Annex, 800 South Main Street, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the application for tax reduction of the Back Room Restaurant Inc.

DATED this 13th day of March, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

Publish on March 16 and March 30, 2006.

MEETING W/ REBECCA SHAW / PLANNING & ZONING OFFICE RE: BIKE PATH UPDATE

[11:00:06 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Rebecca Shaw, Charlie Johnson, Jed Fisher, Marc Liechti

Discussion was held relative to the draft instruction book that has been prepared by the planning department to provide to applicants of CTEP funds.

Commissioner Watne stated that he would like to add something about schools to the prioritization criteria. Commissioner Hall voiced his concerns of having the trails reverted back to the county for long term maintenance. Discussion was held relative to how the maintenance of the trails could be paid for. Jed Fisher addressed his concern of the county being legally responsible for the trails just by accepting the CTEP funds. Commissioner Brenneman requested that the yearly fee to be paid to the Weed, Parks & Maintenance department should be based upon the length of the trail.

Discussion was then held relative to the Lakeside bike path cost quotes.

CONSIDERATION OF BALLOT MEASURE: NEW ROADLESS RULE AUTHORITY

[11:36:23 AM](#)

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Jeff Harris, Clarice Ryan, Pam Holmquist, Travis Holmquist

Discussion was held relative to different option that the Long Range Planning Task Force has come up with on the New Roadless Rule Authority. The commissioner discussed possibly adding a ballot measure to be put to election.

Commissioner Hall made a **motion** to look at this again on Monday of next week. Commissioner Brenneman **seconded** the motion. Motion fails for lack of a vote.

Commissioner Hall made a **motion** to table the meeting until Wednesday March 15, 2006. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. **Present** – Brenneman. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION: EMINENT DOMAIN

[11:49:40 AM](#)

Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Clarice Ryan, Pam Holmquist, Travis Holmquist

Commissioner Brenneman made a **motion** to adopt Resolution 1922. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1922

WHEREAS, the recent United States Supreme Court ruling concerning eminent domain recognized that governmental authority to take private property for public use is very broad; and

WHEREAS, the Board of Commissioners recognizes the importance of private property to the American way of life and the pursuit of happiness.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the rights of property owners are guaranteed by the United States and Montana Constitutions, as well as statutes passed by the Montana Legislature, and that it is the policy of Flathead County, its officers and employees, to recognize, preserve and protect these rights.

Dated this 13th day of March, 2006

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Deputy

DECLARE SURPLUS PROPERTY & SIGN BUY/SELL AGREEMENT: PROPERTY NEAR ANGEL'S POINT

[11:50:59 AM](#)

Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Pam Holmquist, Travis Holmquist

Discussion was held relative to Jonathan Smith the Buy/Sell agreement and surplus property.

Commissioner Brenneman made a **motion** to declare the property near Angels Point as surplus property and approve the Buy/Sell Agreement. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: TRANSFER PROPERTY TO EVERGREEN WATER & SEWER

[11:54:29 AM](#)

Members present:
Chairman Robert W. Watne

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Pam Holmquist, Travis Holmquist

Discussion was held relative to the granting of this designated piece of property to the Evergreen Water and Sewer District.

Commissioner Hall made a **motion** to adopt resolution 1892A. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. **Opposed** – Brenneman. Motion carried by quorum.

RESOLUTION NO. 1892 A

WHEREAS, the Flathead County Water & Sewer District No. 1 – Evergreen (“District”) has adopted Resolution No. 2004-04, requesting that the Flathead County Board of Commissioners adopt a resolution to approve the transfer of land located off Willow Glen Drive, to the District for the construction by the District of a sewage treatment plant facility on said parcel of land;

WHEREAS, the District is prepared to utilize its funds to conduct a feasibility study of said parcel of land to determine whether it is suitable for the location of a sewage treatment plant facility thereon;

WHEREAS, the Board of Commissioners adopted Resolution No. 1892 on October 17, 2005, agreeing that, upon agreement as to the boundaries of the parcel, Flathead County will commence the process necessary to convey, and if that process concludes successfully, will convey an option to purchase a parcel to the Flathead County Water & Sewer District No. 1 – Evergreen, with conditions set forth below; and

WHEREAS, the parties have agreed upon the description of the parcel for which an option shall be granted and an easement for access to that parcel, as shown on Exhibit A hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Section 7-8-101, M.C.A., that it intends to transfer an option to purchase the following described property to the Flathead County Water & Sewer District No. 1 – Evergreen, for a payment equal to one-half of the market value thereof, as determined by receipt of an opinion of value from a disinterested real estate broker agreed upon by the parties, the following described parcel:

A ten acre parcel located in Section 21, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, more particularly described as follows:

BEGINNING at the southwest corner of the Southwest Quarter of the Southwest Quarter of Section 21, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, which is a found aluminum cap on the centerline of a 60 foot declared county road known as Willow Glen Drive; Thence along the west boundary of said SW ¼ SW ¼ and along said centerline N00°02'49"W 40.00 feet; Thence leaving said centerline S89°58'54"E 1171.67 feet; Thence N66°47'15"E 154.56 feet; Thence S89°59'21"E 332.20 feet; Thence NORTH 742.27 feet; Thence EAST 605.12 feet to the approximate low water mark of the right bank of the Flathead River; Thence along said low water mark the following four (4) courses: S15°56'55"W 293.87 feet; S00°31'17"E 176.18 feet; S12°43'22"E 180.17 feet; S20°03'20"E 157.46 feet; Thence leaving said low water mark N89°59'21"W 943.64 feet; Thence S00°04'21"E 60.97 feet; Thence N89°58'54"W 1321.98 feet to the POINT OF BEGINNING and containing 11.623 ACRES, more or less; Subject to and together with all appurtenant easements of record.

BE IT FURTHER RESOLVED that the option to be granted will contain the express condition that the property can be used by the District only for a sewage treatment plant facility and that the property will be conveyed to the District at such time as funding for the construction of a sewage treatment plant facility is secured and, if such funding is not secured within a ten-year period from the date of the filing of the Option, the Option shall expire and title shall remain in Flathead County

BE IT FURTHER RESOLVED that notice of the passage of this resolution of intention shall be published as required by Section 7-1-2121, M.C.A., and the public shall be invited to comment on the proposal to grant the above-described option to purchase property to the Flathead County Water & Sewer District No. 1 – Evergreen, upon the terms and conditions as set forth above.

BE IT FURTHER RESOLVED that the Board of Commissioners will review all comments received by April 17, 2006, and will consider whether to pass a final resolution approving the transfer of property to the Flathead County Water & Sewer District No. 1 – Evergreen after that date.

Dated this 13th day of March, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

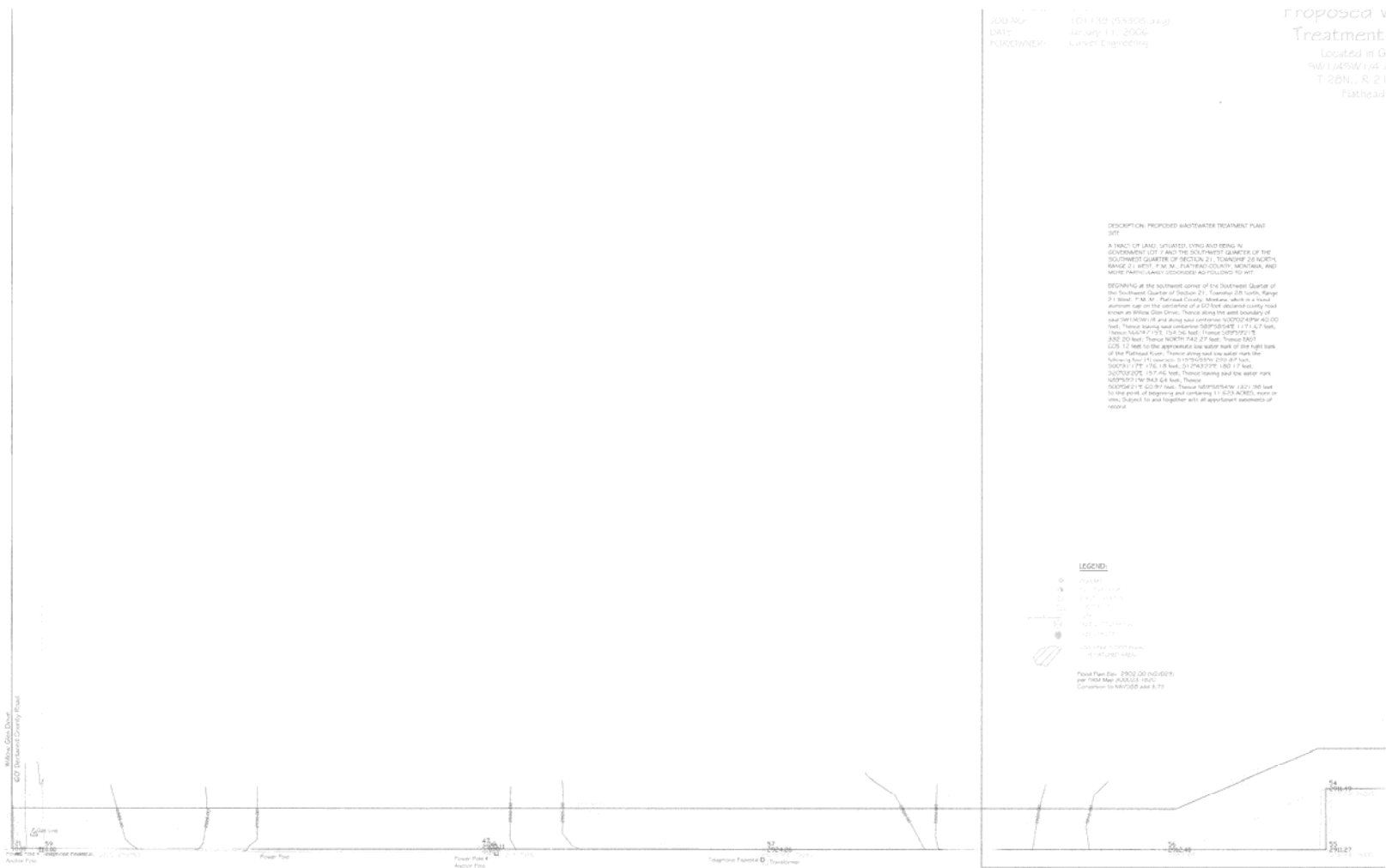
By /s/Gary D. Hall
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy



Commissioner Hall made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hal. **Opposed** - Brenneman. Motion carried by quorum.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 7-8-101, M.C.A., that it passed a resolution of intent (Resolution No. 1892 A) on March 13, 2006, to transfer an option to purchase the following property to the Flathead County Water & Sewer District No. 1 – Evergreen, for one-half of the market value, because it is not necessary for the conduct of County business and in order that the District may construct a sewage treatment plant facility on said parcel of land.

The property to be transferred is described as follows;

A ten acre parcel located in Section 21, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, more particularly described as follows:

BEGINNING at the southwest corner of the Southwest Quarter of the Southwest Quarter of Section 21, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, which is a found aluminum cap on the centerline of a 60 foot declared county road known as Willow Glen Drive; Thence along the west boundary of said SW 1/4 SW 1/4 and along said centerline N00°02'49"W 40.00 feet; Thence

leaving said centerline S89°58'54"E 1171.67 feet; Thence N66°47'15"E 154.56 feet; Thence S89°59'21"E 332.20 feet; Thence NORTH 742.27 feet; Thence EAST 605.12 feet to the approximate low water mark of the right bank of the Flathead River; Thence along said low water mark the following four (4) courses: S15°56'55"W 293.87 feet; S00°31'17"E 176.18 feet; S12°43'22"E 180.17 feet; S20°03'20"E 157.46 feet; Thence leaving said low water mark N89°59'21"W 943.64 feet; Thence S00°04'21"E 60.97 feet; Thence N89°58'54"W 1321.98 feet to the POINT OF BEGINNING and containing 11.623 ACRES, more or less; Subject to and together with all appurtenant easements of record.

Further information concerning the proposed transfer may be received from, and written comments may be sent to, the Board of Commissioners, Flathead County, Montana, 800 South Main, Kalispell, Montana 59901, telephone 758-5503. The Board of Commissioners will review all comments received by April 17, 2006, and will consider whether to pass a final resolution approving the transfer of property to the Flathead County Water & Sewer District No. 1 – Evergreen after that date.

DATED this 13th day of March, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

By/s/Robert W. Watne

Robert W. Watne, Chairman

By/s/Kimberly Moser

Deputy

Publish on March 17th and March 24th, 2006.

CONTINUATION OF PUBLIC HEARING: MODIFICATION OF RESOLUTION 509D (EVASION OF SUBDIVISION & PLATTING ACT @ FAIRGROUNDS EXPO BUILDING

[6:34:21 PM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Jeff Harris gave a brief presentation on some of the intended changes in the family transfer resolution. He began by reviewing why they were here including recommending a reasonable method to prevent evasion or abuse, not to prohibit family transfer, discuss updating the county resolution 509D, and encourage public input and comment regarding family transfers. He stated that they were not here to prohibit family transfers. He stated that many ways how property can be divided including, subdivision, Boundary line Adjustments, Family Transfers, Land use exclusively for agriculture, and court ordered land divisions. He then reviewed the statutory authority governing family transfers, and stated that it is pretty exclusive specifically quoting that the statute stated that unless the method of disposition is adopted for the purpose of evading this chapter. He also reviewed how other counties in Montana are handling family transfers including Gallatin County, Lake County, and Yellowstone County. He also reviewed the data and statistics for this county in lots created by subdivisions and family transfers from the year 2000 through 2005. He then reviewed the ownership of family transfer lots for Flathead County from 2000 through 2004 which includes the total family transfer lots the number of lots still owned by family members, the amount sold and the percent sold. He went on to the number of lots created in the Flathead by Family Transfer from 2000 through 2005. He stated that the county is doing more family transfers than the county

Kirsten Holland reviewed an example Section Map showing family transfer in a certain area of the county. She reviewed the section, Township and range system. She went into subdivisions that have been created by family transfers.

Jeff Harris reviewed the family transfer concerns including abuse of family transfer exemption, the lack of review for emergency services, functional lot layout, road/access, utilities and Solid Waste, the deferred public services cost to county residents, since 2000 the average 28% of total lots created each year via family transfer, 63% of family transfer lots sold from 2000 to 2004, and that the Resolution 509 had not been updates since 1994. Jeff then went through some of the recommended changes to Resolution 509D including the grantee to maintain ownership for three years, an exception for hardships, process and review fee increase from \$35 to \$100, the \$25 resubmittal fee, the amended land owner statement, and the editorial to reflect existing organization. Jeff then went into the justification of the recommended family transfer fee. He then reviewed what the recommended changes do not do, including that they do not prohibit family transfer, do not effect land divisions, and do not amend the current process for setting up family transfers.

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

Dale Lauman thanked the commissioners for rescheduling the meeting. He then spoke in favor of fair family transfers but stated that he did have concerns of the three year rule do to hardships that families may have. He also stated that the exceptional circumstances rule could take to much time and may be a little invasive of privacy. He stated that he supported property rights and a ways and means of fair family transfers. He recommended a committee to come up with the language.

Fred Hodgeboom stated that as a property he owner he is here to comment on whether or not this is reasonable. He spoke in opposition of the resolution based on the fact that some of the provisions looked pretty suspicious to him including that if you have less than twenty acres you can only do 2 and if over twenty you can only do three no matter how many acres over twenty. He stated that to him this is the government telling them that they do not have the right to do this anymore. He then spoke on the hardship clause and that the commissioners do not have the ability to determine this. He asked what kind of personal information would they have to disclose in a public quorum, and that this is an evasion of privacy. He then spoke on the three years before selling clause.

Commissioner Hall stated that the purpose of the public hearing is that they would like to hear ideas and alternatives other than what has been suggested.

Fred Hamell spoke against the commissioner circumventing the law passed in 1996. He stated that a lot of the people selling there land have to do it to pay for there taxes.

Brian Peck stated that his comments are not directed to people doing legitimate family transfer. He stated that for those truly wishing to transfer property to their family should not have a problem with the three year period and that the exemption clause is completely reasonable. He stated that it should be remembered that people are affecting the property rights of everyone around them.

Rich LaChance spoke in opposition to the resolution. He stated that this resolution presumes them all to be guilty. He addressed the submittals that would be required to prove a hardship stating that they are invasive, and asked what criteria they are using to come up with these. He also questioned the commissioner's ability to do the evaluation. He recommended that the commissioners forget about the hardship but just require that the grantor own the property for a specific amount of time and take the limits off of the grantee.

Dan Diamond stated that he had four children and hoped to distribute their property through legitimate family transfers. He stated that unfortunately the road he lives on now has subdivisions that were created without review. He described how these subdivisions were created. He stated that he has property right as well and these developers had infringed on those property rights.

Russ Crowder stated that the county is not concerned with the number of lots but the evasion of subdivision. He stated that family transfers are very important to the people of the Flathead Valley. He stated that they did not see one case of evasion of the family transfer laws. He stated that statute gives that responsibility to the county attorney office and that these supposed violations are speculation only. He then stated that they should start fresh and tell the county attorney that if they think that there is evasion than they need to do what they are required to do by law and prosecute the violator. He stated that these changes are onerous.

Dawn Marquardt stated that the family transfer exemption has been a part of the law and that it has been attempted many times to change or remove the family transfer exemption from the law. She stated that the commissioners are now trying to do what the legislation would not do. She reviewed a court decision on a law suit in which county rules are attempting to evade law. She asked how putting a limit on the sale of the property determines the intent of the grantor. She then asked how they came up with the three year time limit. She also stated that if the abuses are so numerous than the county attorney's office should take someone to court.

Ward McCarty stated that he watched family from out of state come in and buy twenty acres and did a family transfer from eight or ten lots and sold them as a subdivision. He suggested that in the unzoned areas family transfers can not go below a ten acre minimum.

Gene Hickey stated that he planned to never give away or divide his property and that it is none of his business if his neighbors want to sell or give a lot away. He stated that most of the people that are for these changes are the people that do not have any property to do anything with. He stated that these people that do not want someone living next to them should buy that land when it comes up for sale. He then reviewed that a lot of these farmers are selling to just hang on to the main part of their property. He also asked how they can raise the fees when the county gains tax money for each of these created lots.

Judy Ouswitz stated that she makes her living farming and she lives across the street from a subdivision that was created through family transfer. She spoke on the family transfer being transferred solely for the purpose of selling the lots. She stated that if a time frame had been in place before it could be sold would help watch out for the abuse of the family transfer law and that three years should be the minimum.

Dale Williams stated that he saw many people around who felt nothing about limiting what the people around them do with their property. He stated that the value of property comes not from proof of deed but the value of resale. He stated that the commissioners are circumventing the law. He stated that what they are proposing is in strict opposition of the Montana Constitution. He also stated that prior commissioners had no problem reviewing the family transfer that came forward. He stated that this is a lawsuit waiting to happen. He also stated that further restrictions do not lie with the county to add.

Myron Wilson spoke in regards to the abuses and evasion of the transfer exemption. He stated that every single person who applies for a family transfer exemption is attempting to evade subdivision review because that is what it is there for. He stated that the statute provides for the evasion of the subdivision review for family transfers. He stated that the county is planning for his property.

Verdell Jackson spoke on ideas. He stated he has twenty two acres and in order to pay for the taxes he had to farm it. He stated that when he was elected to legislature he learned that a lot of people are trying to get rid of the ag exemption. He then reviewed an attempt that he had made to sell a friend an acre of his property. He stated that because it took over three years to get this done the standards changed and he was told that he had to sign a piece of paper to say that he would never subdivide his property again. He stated that they need a plan with standards.

Rick Breckenridge spoke on some history of subdivisions. He stated that the only promise left by the state legislature is now being attacked by the county commission. He then reviewed the public hearing laws and that those applying will have to reveal their private information to anyone in the public. He also reviewed the sale portion of the statute. He stated that there way out is to have the county attorney's office bring lawsuits against those who are evading the law.

Richard Stevens stated that he used to own property in the Flathead but now due to the government he now owns nothing. He stated that it is select prosecution and they are taking the peoples property rights.

Michael Caraille stated that he did not stand up and speak when other people and industries were targeted but now he is being targeted. He asked who would stand up for him now.

Rex Morris stated that he has a really hard time with what is being proposed. He stated that when any piece of property is segmented it is their property and no where on that deed does it have any one else's name, and that it is his property right. He stated that this would be an evasion of his personal privacy. He stated that his solution is to require that those with out of state addresses prove that they will live for three years on that property.

Kristine Brown spoke in opposition to 509E because the changes do not adhere to the 2002 laws. She opposes the one hundred dollar fee and the seventy day waiting period. She then spoke on that the three year waiting period serves no purpose. She asked the commissioner if they would prefer that everyone goes through subdivision and therefore create even more lots. She recommended putting a time frame on the amount of time you own the property before you can do a family transfer. She

then asked how the law was created that prohibits a person who receives property through family transfer from transferring the property back to the grantor.

Shirley Anderson stated that no laws have been broken which is why this portion of the law needs to be changed. She stated that it should not be the farmers against everyone else. She stated that they have done a family transfer but no way would she do more do to the condition of the road and water in this valley and this is why they need this change. She stated that she very strongly believed that this should be changed.

Bruce Boon asked who in the audience was for the proposed changes. He stated that if this were a democracy this would not pass. He asked if they wanted the commissioners to be their master.

Marvin Rosenberg stated that they were in a situation a few years ago where a property next to him did four family transfers and then a minor subdivision and he will eventually have a slew and there is nothing he can do about it. He stated that at that time they went before the commissioners and were told that there was nothing that they could do, so those saying that the law allows it are not correct. He stated that the best way to handle family transfers is to require that they own the property for a certain amount of time before they can do a family transfer. He stated that the surveyors are probably the biggest cause of the evasion of the family transfer laws.

Rick Comenda stated that he plans on using the family transfer exemption in the future for his children. He stated that the three year time limit would have no affect on him, but that he feels that statute says that the proposed amendment is a violation of the law and his property rights. He informed that audience that the commissioners work for them and not them working for the commissioners. He stated that the constitution party is against these changes. He stated that organizations like American Dream, The constitution party, and the people demand that the commissioner uphold the constitution.

Bob Spoklie stated that some of his land is worthless but that they intend on keeping it to give to his family. He stated that the commissioners have a tough call but that they are against the family transfer because it creates more traffic by their front door. He stated that the most under funded agency in Montana is county road. He suggested that the county starts a gas tax of its own to help the county take care of their roads. He also suggested that the county follow what the legislature allows for impact fees. He also stated that they need to put the occasional sale back in place.

David Reynolds stated that he had listened to a lot of different view and that it does appear that there is a problem within the county. He stated that if they elect to use the family transfer and then sell the property within a period of time than they will probably see stricter rules in the state of Montana and not just within the county.

Michael Golembeski stated that the Helena Flats Neighborhood Advisory Committee does support the three year time limit. He spoke on a meeting he had with the commissioners when he questioned where the follow through is. He stated that he had pointed out that his neighbor was selling his property through a straw person. He stated that they are understaffed and that they need to support what they are writing. He stated that he believed everyone would respect the law if the county did what they are supposed to do.

Denise Cofer asked the commissioners and Jeff Harris where the three years comes from. She stated that if they are going to take away her rights to transfer her property than also take away her rights to pay taxes. She urged the commissioners to not pass the resolution.

Geri Ann Robins quoted a comment that was received by a county employee when Verdell Jackson was attempting to sell a one acre piece of property in regards to placing a note on the face of the plat stating that the larger parcel would not be further divided. She stated that she has some grave concerns on the proposal.

Scott Santa stated that the heart of the problem is the state law for formal subdivision. He stated that if they had full subdivision review on everything they would create tracks that make sense, would have good road, and less dust. He stated that one of the biggest problems with family transfer is the width of the access roads. He suggested having criteria on the road width when doing a family transfer.

[8:11:35 PM](#)

Pat Brant stated that if there are people who are evading this law then they should be prosecuted. He stated that the chart shown by the planning department is a bit misleading. He spoke on a petition he did to change one letter on a street name that was incorrect due to a typographical error.

Gene Dziza spoke on an example of a subdivision that a person did through the use of family transfers. He stated that this is a good approach but that there made need to be some tweaking. He stated that there is always going to be abuse and that they have all had rights taken away by the people who do abuse the exemption.

David Allan stated that the constitution does give them certain rights. He spoke on the scenic corridor that was created in Somers. He spoke on a subdivision that was approved near him on the problems that he has with those subdivisions. He stated that he is against this change and that there are laws that govern this already that the county attorney can use without restricting their property rights.

Richard Hayder stated that he is for family transfers but not for the abuses. He stated that he does believe that there is a solution that new landowners must own the property five years, and be a resident during those five years, before they can do a family transfer. He also stated that a grantor should not be allowed to be a corporation but an individual.

Mel Sheerer stated that he would hope to some day give property to his children. He stated that it disturbs him that the commissioners and there staff can decide what is best for them. He stated that the abusers are not a reason to punish the rest. He stated that he faults the county for not doing there administrative duty. He stated that the commissioner must impose the guidelines. He spoke on comments that he had heard during the last meeting. He stated that a decision of this magnitude should go to the voters.

Tad Rosenberry stated that the big picture is that he pays the mortgage on his property and nobody else can tell him what to do with it. He stated that it is wrong to take the property rights away.

Marsha Mellems spoke in opposition to the proposed changes. She stated that they should leave legislation up to the legislature, and that they should go after the abusers.

Jim Huff stated that he is opposed to the proposed change. He stated that the hardship part is setting the commissioners up as judge and jury and is disappointed that the concept even came up. He then read a statement by Ava Walter who is opposed to the proposed changes. She wrote that she is insulted by the type of politics being played by the county commissioners. She wrote that in 1996 they created a minor subdivision through family transfer and had to meet all of the requirements of a minor subdivision. She also wrote on what she would have had to do if these changes were in affect at that time including making her financial records available to the public.

Sharon DeMeester stated that they were here because they live in a country that adheres to the law. She stated that they need to listen to everyone and try to be fair. She stated that they are not trying to take the property rights away but to protect the property rights of everyone. She spoke on the recent subdivision that she created. She stated that this is planning for the future. She stated that she is in support of coming up with a plan.

Kathleen Sudan stated that she had an opportunity to read through the letters. She stated that these letter all had the same words in them was that they are against the loopholes. She stated that she has been doing her own pole on the people speaking tonight and that they are voting five to one against the proposed changes. She asked the commissioners to vote against the changes.

Diana Sande stated that she did not want her property rights taken but that she also understands that they can not keep punching in wells, and asked how much sewer the land could take before it starts draining into the aquifer. She stated that they have to work on the long term and what is best for everyone.

Zach Bradley spoke in opposition to the proposed changes. He suggested that the grantor should own the property for a minimum of three years and be a resident during that time and all taxes must be up to date. No maximum number of parcels versus remaining parcels and that the fees need to go up. He reviewed his recommended fee changes. He also suggested not having a \$25 resubmittal fee, and that they need to enforce the current 509 resolution, form a committee revised of Flathead County citizens to review the hardship claims and not the commissioners. He asked the commissioners to not pass 509E and enforce the 509D. He also suggested upping the number of county commissioners to five.

[8:39:42 PM](#)

Mark Crowley stated that family transfers are specifically exempt from review which means that the county does not get to look at road sizes and septic approval. He reviewed problems with the lack of review on family transfers including road issues, flood plain issues, and emergency service issues. He urged the commissioners to pass the proposed changes.

Jerry Vanzant asked if they really had the authority to do this. He stated that he was sure that the intent of the law was not to allow abuses to the law. He stated that if they do have people circumventing the law then they should prosecute those people. He then stated that if the law is inadequate then put it back to the legislature.

Ted Dykstra Jr stated that what happens in the valley means a lot to him. He stated that one of the issues that he thinks is important is enforcement. He stated that if there are obvious abuses and the county staff can not handle it than they need to get more staff. He stated that he does not believe that just because there are problems does not mean they need to change the law.

Chris DeMeester agreed with the previous speaker. He stated that they do need to spend more time enforcing the laws. He stated that he does realize that is expensive. He proposed that if people are found violating they need to pay restitution to the state for that which would help fund the enforcement. He then stated that he feels that the county should not be judging people.

Jim Sappington stated that he had worked with the county in the past on setting up regulations and requirements. He stated that the county needs to inform them of the criteria before they start the process not in the middle. He stated that it became apparent that at that time the planning department wanted to be controllers of people's property.

Ryan Fulford stated that he does believe in property right but they need to reach a balance. He stated that the number of people in the room against the changes does not necessarily show the vote of the people, and stated that he would be in support of a vote brought to the people.

Tim Gelt stated that he would be very concerned that anything he does to his property would affect his neighbors and so would want what he did to be reviewed by the planning department. He stated that they need to utilize the counties collective knowledge.

Norm Boss stated that he just did a family transfer on his own property. He stated that he did the family transfer simply because it was easier and cheaper.

Mayre Flowers stated the Citizens For a Better Flathead does support family transfers. She recommended that they add a requirement for five year residency, public notice of a family transfer by means of a sign on the property proposed for a transfer, and to consider greater review of the impacts.

Jeff Larsen suggested that part of the reason that people do family transfers instead of subdivision because the process is getting harder. He suggested that they bring back the waiver process but that they would probably need more restrictions on that to prevent abuses.

Kevin Linsmen stated that they are all Americans and he does believe that everyone is entitled to the same rights no matter where you are from. He stated that the family transfer has been abused because they have gotten rid of the occasional sale. He stated that they would take away one of the last rights to split their land.

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

Chairman Watne stated that he did not support 509E.

Commissioner Hall stated that he had no intention this evening or the previous meeting of making a decision until they had heard from the public. He stated that he had suggested that they should possibly look at a time limit requirement of owning the land before a family transfer would be allowed. He stated that he had not intention of acting on the resolution as it was written now.

Commissioner Brenneman thanked the audience. He stated that a great many concerns were raised and he does not know what the solution may be. He asked for more time to review this.

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

9:30 a.m. Quarterly Juvenile Detention Facility Tour

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 14, 2006.

TUESDAY, MARCH 14, 2006

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

2:00 p.m. Mike Pence to attend RSID meeting at the Commissioners' Meeting Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 15, 2006.

WEDNESDAY, MARCH 15, 2006

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

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

9:09:30 AM

Marc Liechti spoke in regards to a lakeshore permit major variance. He stated that they are in a limbo right now and do not know what it is that they do have. He asked if they no longer have a variance or if there is no longer a permit.

Jonathan Smith explained the results of the lawsuit and stated that the judgment was pretty clear that there is no longer a valid permit. He did state that the applicant could apply to complete some of the environmentally needed clean up projects.

Rich DeJana stated that they went through the variance process and followed the permit wholly and were told by the planning department that it was not necessary to get an extension. He stated that his view is that the judge did not issue a stop work order, but stated that the permit was invalid and the county needed to take whatever appropriate enforcement actions, some of which they have a right to appeal through that process. He stated that they may ask whether or not the county is bound, at least from their determination, with respect to them, which may end being another piece of litigation.

Johna Morrison explained that she had been working in the planning department at the time this permit was granted and that their intention had been that the permit could be renewed on a yearly basis. She stated that they new that this permit would take more than a year and so they had specifically omitted the twelve month date on the permit.

Commissioner Hall stated that he had some proposed language for the ballot initiative that was going to be discussed and that if anyone in the audience wanted a copy they could have one. He then requested that the public comment section be extended for a few more minutes so that they could get some input from the audience on the proposed language.

Fred Hodgeboom spoke on the proposed language for the New Roadless Rule Authority Ballot Measure. He stated that he was president of Montanans for multiple use and they may have started this whole things with their original letter to the board. He then stated that since that time they have seen many different suggestions put forward, and he believes that some of the best through that whole dialogue has risen to the top with what is in front of them today. He also stated that he believed that there were some significant problems with some of these still. He reviewed the problems that he had with the suggested language. He also stated that he felt that a lot of people at the poles will not know what they are voting on if it is not in the sentence what the rule is. He then stated that the election office did state that these have to be on the ballot as a yes or no issue.

Steve Thompson stated that there is a huge lack of clarification on the proposed language which causes all sorts of problems. He then stated that the question that was brought from the department of agriculture to the governors was should they be building new roads into roadless areas and if so which roadless areas do they want to build roads into. He also stated that he felt this is a very difficult question to put on a ballot measure. He stated that he felt that the discussion should be about specific areas that people request roads be put into. He then spoke on the 2000 ballot issue that created a huge amount of confusion. He also reviewed the problems he felt that there was with the proposed language that was before them today. He then stated that he felt this needed to go back to the drawing board and that the proposed language does not provide any clarity.

Commissioner Hall stated that they are in the process of forest revision. He stated that the language is not going to be perfect and he has heard from others saying that they should not even put this on the ballot, but he wanted to get a pulse from the stakeholders on how they feel about this issue. He stated that they have struggled with the language but have tried to come up with language, and he was hoping that Steve Thompson would support one of the proposals.

Steve Thompson then stated that they are creating artificial distinctions where they do not exist. He stated that he does not think that they can take a complex issue like this because there are several issues, and discussed those issues which include snowmobiling and logging.

Dave Skinner spoke as a representative of Montanans for Multiple Use. He stated that he wanted to correct a couple of things. He stated that he felt that the governor's translation of the Bush rule is not honest to the intent. He also stated that the question is not whether or not they are going to build new road in the roadless areas, but what whether or not the counties want to petition the federal government to do another study on the roadless area lands. He then stated that the ballot initiative in 2001 was essentially correct. He then stated that he do something like the first option that asks people if they want the Bush rule or the Clinton rule, but they need to have something on the ballot.

Clarice Ryan, a member of the board for Montanans for Multiple Use, stated that she agreed with Dave Skinner that the terminology is something that is critical but she believed that they need to keep in mind the philosophy of what is driving all of the concern. She then stated that she was quite interested in the process of the steering committee that was set of people on both

sides of the issue getting together to try and decide for the public what is in the public's interest, and that she believed that this is a very important approach to let the public themselves speak. She also spoke on other meetings that she had attended where there major concern was recreation and tourism, where there concern should be on the areas natural resources which include timber and timber lands and they have to have access to those timber lands to get the multiple use they have been talking about. She then spoke on the different reasons that they need access to these lands. She stated that it is important to get this on the ballot one way or another.

Bill Baum stated that they are talking about all of the interests of people and everyone is neglecting to talk about the fact that these lands are the home of the wildlife that do not get an opportunity to come in and vote. He stated that nobody cares about whether the wildlife are going to survive or not and he wished the ballot initiative would say what it means and mean what it says. He stated that it is really a conflict between snowmobiler's and animal rights wildlife survivalists, and that they are clouding it all with a whole bunch of other stuff. He then stated that these areas are a national treasure and the people of Flathead County can not abuse the privilege they have of living here and maintain as their own personal playground.

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

CONTINUATION OF CONSIDERATION OF BALLOT MEASURE: NEW ROADLESS RULE AUTHORITY

[9:49:39 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Paula Smith, Shirleen Weese, Sam Waldenberg, Bob Smith, Bill Baum, Fred Hodgeboom, Clarice Ryan, Paul Peters, Steve Thompson, Dave Skinner, BJ Grieve, Joe Kauffman, Jed Fisher

Discussion was held relative to the possible language for a Roadless Rule Authority ballot measure

Commissioner Hall made a **motion** to continue this decision until 10:30 a.m. Monday March 20, 2006. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT / GROWTH POLICY

[9:52:56 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, BJ Grieve, Jeff Harris, Kirsten Holland

Commissioner Hall made a **motion** to approve the addendum to professional services agreement. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DEQ CONTRACT #506025

[9:55:08 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve DEQ contract #506025 and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: WEED, PARKS & MAINTENANCE

[9:56:31 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the bid submitted by O'Neil Printers in the amount of \$164.50 for envelopes. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF EXTENSION REQUEST: HARBOR VILLAGE AT EAGLE BEND, PHASE 5

[9:57:15 AM](#)

Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the twenty working days extension request for Harbor Village at Eagle Bend, Phase 5 with additional time if needed. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

COS REVIEW: MACDONALD

[10:00:29 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Joe Kauffman, Rod MacDonald

Holland reviewed the Macdonald family transfer request

Commissioner Hall made a **motion** to approve the Macdonald COS. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

OPEN BIDS: COURTHOUSE ROOF

[10:04:58 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Jed Fisher

Big Sky Roofing - \$86,000 – 30 year, \$89,000 – 50 year

DR's Roofing - \$71,430.50 – 30 year, \$82,441 – 50 year

Uskoski Roofing - \$65,600 – 50 year, \$63, 250 – 20 year

Commissioner Hall made a **motion** to take the bids under advisement. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

BUDGET AMENDMENT

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

Commissioner Hall made a **motion** to adopt Resolution adopt Resolution 1923. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

BUDGET AMENDMENT RESOLUTION **RESOLUTION NO. 1923**

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2005-2006, 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 2005-2006; 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 15th day of March, 2006.

By: /s/Robert W. Watne
Robert W. Watne, Chairman

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

By: _____
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By: /s/Kimberly Moser
Kimberly Moser, Deputy

COUNTY OF FLATHEAD
GENERAL JOURNAL VOUCHER
BUDGET AMENDMENT - FY06
RESOLUTION # 1923

DATE ISSUED: _____ VOUCHER NO: 0603-13
DATE OF RECORD: _____ Date: 3/15/2006

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
1000-0221-420600-110	Salaries	1	\$ 5,888.00	
1000-242000	Expense Control	2		\$ 5,888.00
1000-0211-410340-110	Salaries	3		\$ 5,888.00
1000-242000	Expense Control	4	\$ 5,888.00	
1000-0221-420600-141	Unemployment	5	\$ 15.00	
1000-242000	Expense Control	6		\$ 15.00
1000-0211-410340-141	Unemployment	7		\$ 15.00
1000-242000	Expense Control	8	\$ 15.00	
1000-0221-420600-142	Work-Comp	9	\$ 400.00	
1000-242000	Expense Control	10		\$ 400.00
1000-0211-410340-142	Work-Comp	11		\$ 400.00
1000-242000	Expense Control	12	\$ 400.00	
2380-0221-420600-143	Health Insurance/Life	13	\$ 1,128.00	
2380-242000	Expense Control	14		\$ 1,128.00
2380-0211-410340-143	Health Insurance/Life	15		\$ 1,128.00
2380-242000	Expense Control	16	\$ 1,128.00	
2370-0221-420600-144	FICA	17	\$ 365.00	
2370-242000	Expense Control	18		\$ 365.00
2370-0211-410340-144	FICA	19		\$ 365.00
2370-242000	Expense Control	20	\$ 365.00	
2370-0221-420600-145	Retirement	21	\$ 400.00	
2370-242000	Expense Control	22		\$ 400.00
2370-0211-410340-145	Retirement	23		\$ 400.00
2370-242000	Expense Control	24	\$ 400.00	
2370-0221-420600-147	Medicare	25	\$ 85.00	
2370-242000	Expense Control	26		\$ 85.00
2370-0211-410340-147	Medicare	27		\$ 85.00
2370-242000	Expense Control	28	\$ 85.00	

Explanation: To reallocate wages & benefits for Tina Frownfelter between Justice Court & Emergency Services thru 6/30/06

Total	\$ 16,562.00	\$ 16,562.00

by: Gary L Como,
Finance
Approved by: Commissioners by Resolution

DOCUMENT FOR SIGNATURE: MDOT CONTRACT #05-50-0071/EAGLE TRANSIT

[10:12:19 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve MDOT contract #05-50-0071 for Eagle Transit and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

TUITION REIMBURSEMENT: L. BELLMORE, J. CHILTON

[10:14:55 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve tuition reimbursement requests for Larry Bellmore and Jim Chilton. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

COS REVIEW: D. PETERSON

[10:17:33 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Kirsten Holland, Dawn Marquardt, Donald Peterson, Nancy Peterson, Debbie Shoemaker, Clarice Ryan, Hubert Turner, Gina Klempel

Holland reviewed the D. Peterson family transfer request.
Dawn Marquardt reviewed the intent of the landowner. She stated that the applicants intend on giving this land to their children.
Commissioner Hall questioned the applicants if they would consider putting in a turnaround for emergency vehicles.
Commissioner Hall made a **motion** to approve the D. Peterson COS. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

COS REVIEW: N. PETERSON

[10:38:34 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Kirsten Holland, Dawn Marquardt, Debbie Shoemaker, Donald Peterson, Nancy Peterson

Holland reviewed the N. Peterson family transfer request.

Commissioner Hall made a **motion** to approve the N. Peterson COS. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: SUNDANCE ACRES

[10:51:25 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Eric Giles, Nicole Lopez-Stickney, Hubert Turner

Giles reviewed the application submitted by Sands Surveying for final plat approval of Sundance Acres Subdivision, which will create five residential lots. The site is located off US Highway 2, southwest of the City of Kalispell near Kila. Preliminary plat approval was granted on May 9, 2002 subject to 8 conditions. On February 10, 2005 a one year extension was granted to the expiration of the preliminary plat to May 9, 2006. All conditions have been met or otherwise addressed.

Commissioner Hall made a **motion** to approve the Subdivision Improvement Agreement and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the final plat of Sundance Acres. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: HAYDEN HEIGHTS

[10:54:00 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Nicole Lopez-Stickney, Eric Giles, Hubert Turner

Lopez-Stickney reviewed the application submitted by Hubert Turner, Sands Surveying, and WMW Engineering for final plat approval of Hayden Heights Subdivision, a subdivision creating five residential lots. The proposed subdivisions located off Swiss Drive near Highway 2 West close to Kila. Preliminary plat approval was granted on May 23, 2003 with a one year extension granted on February 10, 2005. All conditions have been met.

Commissioner Hall made a **motion** to approve the Subdivision Improvement Agreement and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the final plat of Hayden Heights Subdivision. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DISCUSSION RE: HORSE RACING INSURANCE

[10:55:46 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jay Scott, Terry Fosberry, Laurel Raymond, Raeann Campbell,

Discussion was held relative to the increase in insurance costs for the jockeys and to whether with that additional cost they can afford to still have the horse races. Jay Scott stated that a decision needed to be made now before people start spending money on preparation of the horse races. Laurel Raymond reviewed the financial information that had been submitted by Susan Nicosia. The commissioners stated that the county is not willing to provide for Jockey Insurance in the fiscal year 2006 budget and asked the fair board to come up with a recommendation based on that information.

Commissioner Hall made a **motion** that the county will not provide work comp and liability coverage to any jockey and that any jockey that does not have their own general liability or work comp coverage will not be allowed to race and the county is not willing to provide the twenty thousand dollar up front cost for jockey insurance. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

11:00 a.m. County Attorney meeting at the County Attorney's Office

11:30 a.m. Long Range Planning Task Force Education & Outreach Committee meeting at the Earl Bennett Building

12:00 p.m. Commissioner Brenneman to attend DUI Task Force meeting at The Summit

4:00 p.m. Roadless Rule Task Force meeting at the Earl Bennett Building

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 16, 2006.

THURSDAY, MARCH 16, 2006

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

2:00 p.m. Commissioner Watne to attend Health Board meeting at the Earl Bennett Building

4:00 p.m. Commissioner Hall to attend Transportation committee meeting at the Kalispell Chamber of Commerce

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 17, 2006.

FRIDAY, MARCH 17, 2006

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

10:00 a.m. Commissioner Brenneman to attend CDC meeting in Missoula

1:00 p.m. Commissioner Brenneman to attend Mental Health Council meeting in Missoula

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 20, 2006.