
MONDAY, MARCH 20, 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.

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

[8:50:11 AM](#)

Mark Schwager a resident of West Valley spoke with the commissioners in regards to an update to the West Valley Plan. He stated that their main concern is to get clarification if the neighborhood plans expire when the new growth policy is adopted.

Commissioner Hall stated that it was his understanding that the neighborhood plans would not go away when the growth policy is adopted, but would remain in effect and that the planning department would work with the neighborhoods to ensure that they complied with the new growth policy.

Commissioner Brenneman agreed with that assessment.

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

[8:57:59 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jim Atkinson

Discussion was held relative to an update on the armory building surplus property. Commissioner Hall questioned whether, if they get the armory building, they will move the senior center there as well. Jim Atkinson stated that they had not planned on it, but that they would look into it. Jim Atkinson then spoke on the hour's expansion Eagle Transit in Columbia Falls. He also reviewed the expansion plans for the bus routes. He then spoke on the viewing of the bus that Glacier Park may be purchasing and running in cooperation with the county. They then discussed the availability of funds through the state. Jim then spoke on the Medicare Part D prescription drug program. He stated that the Medicare Part D is working but that there is a glitch preventing them from helping Veterans. Discussion was then held relative to renters or homeowners credit, and need assessments. He then discussed the recommendation of the AOA board to appoint Carole Thrasher. Discussion was then held relative to the parking for the manor, and to the recent accident with the Eagle Transit bus. They concluded by speaking on the request for a new part time driver position.

Commissioner Hall made a **motion** to appoint Carol Thrasher to the AOA board. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

TAKE ACTION: KINNICKINNICK MEADOWS

[9:33:38 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

The commissioners read into the minutes that the Kinnickinnick Meadows preliminary plat has died for lack of action.

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: SPOKLIE & HOOVER VS COUNTY

[9:34:33 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith

Commissioner Hall made a **motion** to authorize the county attorney's office to accept service in the Spoklie & Hoover vs. County. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

BOARD APPOINTMENT: LONG RANGE PLANNING TASK FORCE

[9:36:07 AM](#)

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

Commissioner Hall made a **motion** to appoint Chuck Roady to the Long Range Planning Task Force and that all task force alternate members at large be given full status as voting members. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: CONTRACT #MT-CDBG-06PF-03 / RANCH WATER & SEWER DISTRICT

[9:42:58 AM](#)
Members present:
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT
Members absent:
Chairman Robert W. Watne
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith

Commissioner Hall made a **motion** to approve the contract #MT-CDBG-06PF-03 and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

1ST READING OF SPEED LIMIT ORDINANCE NO. 7: VALLEY DRIVE

[9:45:51 AM](#)
Members present:
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT
Members absent:
Chairman Robert W. Watne
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith

Commissioner Hall made a **motion** to approve the 1st Reading of Speed limit ordinance no. 7 and authorize the chairman. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

PROPOSED AMENDMENT TO ORDINANCE NO. 7

Speed Limits

WHEREAS, the Board of Commissioners is authorized, pursuant to Sections 7-5-102 through 7-5-107, 7-14-2113, and 61-8-310, M.C.A., to adopt an ordinance and to impose speed limits on certain public roads and highways;

WHEREAS, the Board of Commissioners determined that all speed limits imposed by the Board since 1985 should be codified into a single ordinance, and, therefore, adopted Ordinance No. 7, Speed Limits, on July 5, 1995; and

WHEREAS, the amendments to Ordinance No. 7 set forth below were requested by the Flathead County Road Department.

NOW, THEREFORE, BE IT RESOLVED that, effective 30 days after the second and final adoption of the following amendments, the following amendments to Ordinance No. 7 shall be in force and effect.

1. Section One of Ordinance No. 7 is amended to delete Valley View Drive from Foys Lake Road to the trailhead under the heading, Thirty-five (35) miles per hour.
2. Section One of Ordinance No. 7 is amended to include the following road under the heading, Twenty-five (25) miles per hour, thereby imposing that speed limit to:

Valley View Drive for its entire length.

BE IT FURTHER RESOLVED that following passage of the foregoing amendments on second reading, Ordinance No. 7 shall be updated to include those amendments.

DATED this 20 day of March, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By /s/ Joseph D. Brenneman PT
Robert W. Watne, Chairman

By /s/ Kimberly Moser
Deputy

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #444 (PORTION RAMSFIELD ROAD)

[9:44:27 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Robert W. Watne

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 for No. 444, 445, and 447. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**NOTICE OF PUBLIC HEARING
TO CONSIDER
DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 444**

Notice is hereby given that the Board of Viewers have reported favorably to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

A parcel of land located in the S.E. ¼ of the N.E. ¼ of Section 14, T27N, R20W, PM,M, being 30 feet each side of the following described line; beginning at a point 832.43 feet North of and 75.27 feet west (N.5° 10'W) . 835.83 feet) of the Quarter corner common to Sections 13 and 14, said point being on the West right-of-way line of Montana 35 and the centerline of the new road; thence N89° 26'W, a distance of 44.0 feet; thence continuing N89°26'W, 30.0 feet to an intersection with the West boundary of this road to include that 900 square feet southwest of the previously described corner; thence return S89°26'E, 30.0 feet to a point; thence N00°26'W, 241.81 feet to the beginning of a curve; thence following the centerline along a 25° curve to the left 206.40 feet to the point of tangent; thence N52°02'W, 137.49 feet to the intersection of the South line of the N.E. ¼ of the N.E. ¼ of Section 14 and being the end of the New Road and containing 0.89 acres of land.

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **April 4, 2006 at 9:30 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 20th day of March, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Joseph D. Brenneman PT
Robert W. Watne, Chairman

PAULA ROBINSON,
CLERK AND RECORDER

By/s/Kimberly Moser

Deputy

Publish on March 23 and March 30, 2006.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #445 (PORTION NORTH HILLTOP ROAD)

[9:44:27 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Robert W. Watne

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 for No. 444, 445, and 447. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**NOTICE OF PUBLIC HEARING
TO CONSIDER
DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 445**

Notice is hereby given that the Board of Viewers have reported favorably to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

Tract 3C in section 1, Township 30 North, Range 21 West, 755 North Hilltop Road Columbia Falls, MT 59912

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **April 4, 2006 at 9:45 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 20th day of March, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Joseph D. Brenneman PT
Robert W. Watne, Chairman

PAULA ROBINSON,
CLERK AND RECORDER

By/s/Kimberly Moser
Deputy

Publish on March 23 and March 30, 2006.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #447 (PORTION GARLAND LANE)

[9:44:27 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Robert W. Watne

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 for No. 444, 445, and 447. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**NOTICE OF PUBLIC HEARING
TO CONSIDER
DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 447**

Notice is hereby given that the Board of Viewers have reported favorably to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

All that part of Garland Lane in Section 24, Township 31 North, Range 23 West, P.M.,M., Flathead County, Montana described as follows:

All that part of Garland Lane lying westerly of the southeast corner of that tract of land shown and described as a 7.09 acre parcel on certificate of survey no. 4041, (record of Flathead county, Montana,) (This parcel to be abandoned includes all of the remainder of Garland Lane not previously abandoned.)

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **April 4, 2006 at 10:15 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 20th day of March, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Joseph D. Brenneman PT
Robert W. Watne, Chairman

PAULA ROBINSON,
CLERK AND RECORDER

By/s/Kimberly Moser
Deputy

Publish on March 23 and March 30, 2006.

MEETING W/ RON BUENTEMEIER / STOLTZE

[10:03:23 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Charlene O'Neil, Chuck Roady, Ronald Buentemeier, Richard Funk

Discussion was held relative to Resolution 955GL that was passed by the commissioners and to a committee that was created to look at the verbiage of the resolution. Ronald Buentemeier stated that the problem with the language is that it states that it is for any zoning or use district, which includes areas with neighborhood plans. He stated that he has someone interested in hauling out some rock from a portion of his property. He stated that the West Valley neighborhood plan only talks about gravel not rocks. He asked if he could have a rock pit. He then stated that he did not believe that the legislation had any intention of allowing the commissioner to go the extent that they did.

Jeff Harris stated that the whole intent of this zone text change was to deal with gravel pit in a more systematic fashion rather than looking at a specific site.

Commissioner Brenneman stated that he does not believe it was ever the commissioner's intention to restrict the forest lands.

CONTINUATION OF BALLOT MEASURE: NEW ROADLESS RULE AUTHORITY

10:32:57 AM

Members present:

Chairman Robert W. Watne over the phone

Commissioner Gary D. Hall

Commissioner Joseph D. Brenneman PT

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Jonathan Smith, Jeff Harris, Charlene M O'Neil, Chuck Roady, Ronald Buentemeier, Richard Funk, Bill Baum, Fred Hodgeboom, Dave Skinner, Clarice Ryan, John Mueller, Ed Speelman

Commissioner Hall reviewed the language of the resolution.

Commissioner Brenneman questioned what the actual information is that they are looking for.

Commissioner Hall stated that it was to get a better idea of what the voting public of the Flathead feel.

Commissioner Brenneman reviewed his concerns. He stated that he was all for doing a survey to see what the public wants to do, but this is not going to give them anything that is of value to go to the governor or others because it could be too easily attacked because of the narrowness of the sample.

Commissioner Hall stated that he felt this was an extremely important issue that needs to be taken to the public.

Commissioner Watne stated that he did not have a problem with the wording, and felt that it should go on the ballot.

Commissioner Watne made a **motion** to adopt Resolution 1924. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. **Opposed** - Brenneman. Motion carried by quorum.

RESOLUTION NO. 1924

WHEREAS, the United States Forest Service manages a portion of the Flathead National Forest under regulations requiring that those areas remain roadless;

WHEREAS, the United States Forest Service has informed State governors that it will consider any suggestions that they may have concerning changes in the regulations regarding roadless areas in their States if received by November 13, 2006; and

WHEREAS, the Board of Commissioner of Flathead County has established a Roadless Rule and Forest Plan Revisions Task Force and that task force has suggested that an advisory issue concerning the management of roadless areas in Montana be placed on the 2006 primary election ballot.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the following question shall be placed on the 2006 primary election ballot:

At the present time there are 6.4 million acres of National Forest Lands managed as Roadless areas in Montana. Should that forest land:

- Be managed by the Forest Service for multiple use purposes including motorized recreation and roaded timber production.

OR

- Be managed by the Forest Service for multiple use purposes including non-motorized recreation and Roadless timber production.

Dated this 20th 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 _____
Joseph D. Brenneman, Member

ATTEST:

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Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy

12:00 p.m. Commissioner Brenneman to attend Mosquito Board 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 21, 2006.

TUESDAY, MARCH 21, 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.

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

CONSIDERATION OF ADOPTION OF RESOLUTION: MOSQUITO CONTROL MILL LEVY ON BALLOT

9:27:41 AM

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jed Fisher, Jonathan Smith, Laurel Raymond, Paula Robinson, Monica Eisenzimer

Jed Fisher spoke in support of the resolution.

Commissioner Brenneman reviewed the recommendation of the mosquito board to approve this resolution, and how the program would be run.

Commissioner Brenneman made a **motion** to adopt Resolution 1925. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1925

WHEREAS, Sections 7-22-2401 through 7-22-2448, M.C.A., authorize the Board of Commissioners to establish and maintain mosquito districts;

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 the Board of Commissioners of Flathead County, Montana, determined that it was necessary to create a county-wide mosquito control district in order to be able to address the growing threat from mosquitoes on a county-wide basis;

WHEREAS, the Board of Commissioners of Flathead County, Montana, adopted Resolution No. 1849 B on August 3, 2005, creating the Flathead County Mosquito District;

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the need to address the growing threat from mosquitoes and the significantly increased risk of serious disease in both humans and animals requires levying additional funds to be used for that purpose;

WHEREAS, the additional amount to be raised is \$333,399.68 and the number of mills required is 2;

WHEREAS, under Section 15-10-425, M.C.A., the Board of Commissioners requires approval of the voters in order to levy additional funds for mosquito control purposes; and

WHEREAS, the election will authorize the County to levy the additional millage in the future to raise the amount set forth above, and as modified by the provisions of Section 15-10-420, M.C.A.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Sections 15-10-425 and 7-22-2403, M.C.A., that the following ballot issue shall be placed on the June 6, 2006, Primary Election ballot:

Shall the Board of Commissioners of Flathead County, Montana, be authorized to levy up to two additional mills per year for county-wide mosquito control purposes:

- FOR authorizing the levy of up to two additional mills per year for mosquito control.
- AGAINST authorizing the levy of up to two additional mills per year for mosquito control.

The impact of levying of two additional mills, on a home valued at \$100,000, under the 2006 mill value, would be approximately \$6.28 in additional property taxes. The impact of levying of two additional mills, on a home valued at \$200,000, under the 2006 mill value, would be approximately \$12.56 in additional property taxes.

DATED this 21st day of March, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Robert W. Watne, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Deputy

CONSIDERATION OF ADOPTION OF RESOLUTION: SHERIFF'S DEPT. MILL LEVY ON BALLOT

9:40:31 AM

Members present:

Commissioner Robert W. Watne over the phone
Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Laurel Raymond, Paula Robinson, Monica Eisenzimer, Jim Dupont, Mike Meehan, George Smith, Fred Bryant

Mike Pence reviewed the reasons behind this request to do a mill levy.

Jim Dupont reviewed the reasons behind this request.

Commissioner Watne made a **motion** to adopt Resolution 1926. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1926

WHEREAS, Section 7-6-2513, M.C.A., authorizes the Board of Commissioners to fix and levy a tax on all property within the county for the purpose of providing for the public safety of citizens, using those funds for operation of the Flathead County Juvenile Detention Center;

WHEREAS, the Board of Commissioners of Flathead County, Montana, is using all possible sources of revenue to their fullest extent, all budget components have been examined and anticipated expenditures have been reduced as much as possible, while allowing for the continuation of basic public safety services, and has determined that a voted levy is necessary to fund the Flathead County Juvenile Detention Center;

WHEREAS, the additional amount to be raised is up to \$500,099.52, and the number of mills required is three;

WHEREAS, under Section 15-10-425, M.C.A., the Board of Commissioners requires approval of the voters in order to levy additional funds for the operation of the Flathead County Juvenile Detention Center; and

WHEREAS, the election will authorize the County to levy the additional millage in the future to raise the amount set forth above, and as modified by the provisions of Section 15-10-420, M.C.A.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Sections 15-10-425 and 7-6-2513, M.C.A., that the following ballot issue shall be placed on the June 6, 2006, Primary Election ballot:

Shall the Board of Commissioners of Flathead County, Montana, be authorized to levy up to three additional mills per year for operation of the Flathead County Juvenile Detention Center:

FOR authorizing the levy of up to three additional mills per year for operation of the Flathead County Juvenile Detention Center.

AGAINST authorizing the levy of up to three additional mills per year for operation of the Flathead County Juvenile Detention Center.

The impact of levying three additional mills, on a home valued at \$100,000, under the 2006 mill value, would be approximately \$9.42 in additional property taxes. The impact of levying three additional mills, on a home valued at \$200,000, under the 2006 mill value, would be approximately \$18.84 in additional property taxes.

DATED this 21st day of March, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Deputy

MONTHLY MEETING W/ MONICA EISENZIMER, ELECTION DEPT

[9:52:48 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Monica Eisenzimer, Laurel Raymond, Paula Robinson, Jonathan Smith, Fred Bryant, Jim Dupont, Mike Meehan

Discussion was held relative to an upcoming Election Department open house, and the need for storage for new machinery.

MEETING W/ FRED BRYANT RE: GOODRICH ROAD SPELLING

[10:05:04 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Fred Bryant, Vicki Gallo, Karen Yerian

Discussion was held relative to the misspelling of the Goodrich road name. The Bryant's stated that the road should be Goodrich not Gooderich in the county records. They showed evidence from other agencies that have the correct spelling of the road name.

Commissioner Brenneman made a **motion** to correct the spelling of the road in the county plat room records to establish the name of the road to Goodrich instead of Gooderich. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

EMERGENCY CONSTRUCTION PERMIT

[10:17:40 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the emergency weed and parks construction permit #FLP-06-17. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

BOARD APPOINTMENT: WEST VALLEY FIRE DISTRICT

[10:19:46 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to appoint Robert Reasner to the West Valley Fire District Board. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

CONSIDERATION OF VACATION EXTENSION: J. SCOTT, T. FROWNFELTER

[10:20:39 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the vacation extension request for Jay Scott and authorize the chairman to sign with the understanding that the commissioners discomfort of the policy will be passed on. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the vacation extension request for Tina Frownfelter and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: TREASURER'S OFFICE

[10:23:17 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the bid submitted by The Masters Touch in the amount of \$2615.10 for envelopes. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

FINAL PLAT: EVERGREEN RAIL INDUSTRIAL CENTER, LOT 2

[10:31:40 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Rebecca Shaw, Jeff Harris, Nicole Lopez-Stickney, Debbie Shoemaker, Eric Mulcahy

Shaw reviewed the application submitted by Sands Surveying for final plat approval of the Amended Plat of Evergreen Industrial Rail Center Lot 2, a one-lot major subdivision. The property is located north of Kalispell on Cooperative Way, just south of West Reserve Drive. Preliminary plat approval was granted on June 2, 2005, subject to 12 conditions. All conditions have been met. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the final plat of Evergreen Rail Industrial Center, Lot 2. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

FINAL PLAT: SUBDIVISION NO. 231

[10:34:37 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Shaw reviewed the application submitted by Morris Miller for final plat approval of Subdivision 231, a subdivision creating four lots. The subdivision is located off US Highway 2 East, .7 miles south of Birch Grove and .6 miles east of Trumble Creek Road. The property is within the Scenic Corridor of the county. Preliminary plat approval was granted on January 6, 2003, with a one year extension granted on December 19, 2005, subject to 13 conditions. All conditions have been met. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the final plat of Subdivision No. 231. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

FINAL PLAT: TRUMBLE CREEK ESTATES

[10:36:05 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Lopez-Stickney reviewed the application for final plat approval of Trumble Creek Estates Subdivision submitted by Michael Boharski, with technical assistance from Sands Surveying and Larsen Engineering & Surveying, a subdivision creating 11 residential lots. The proposed subdivision is located on Trumble Creek Road approximately 2.5 miles northeast of Kalispell. Preliminary plat approval was granted on May 11, 2004. All conditions have been met. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the final plat of Trumble Creek Estates. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

FINAL PLAT: VALENTINE BLUFF

10:38:39 AM

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Lopez-Stickney reviewed the application submitted by Michael & Michelle Motichka with technical assistance from Marquardt & Marquardt Surveying for final plat approval of Valentine Bluff, a subdivision creating 5 residential lots. The subdivision is located northwest of Columbia Falls off of Braig Road. Preliminary plat approval was granted on May 26, 2005. All conditions have been met. Staff recommends approval.

Commissioner made a **motion** to approve the final plat of Valentine Bluff subdivision. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: TRACTOR/WEED & PARKS DEPT

10:27:01 AM

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the call for bids and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

FLATHEAD COUNTY WEED/PARKS DEPARTMENT
800 SOUTH MAIN – 1257 WILLOW GLEN
KALISPELL, MT 59901
(406) 758-5798 – FAX (406) 758-5888

CALL FOR BIDS

FLATHEAD COUNTY NOXIOUS WEED CONTROL

REQUEST FOR PRICE QUOTES FOR 2006 TRACTOR WITH SIDE MOUNT MOWER

Notice is hereby given that the Flathead County Weed Department will receive bids for the purchase of a new 2006 Tractor with Side Mount Mower.

Bidders may obtain copies of detailed specifications, instructions to bidders, and bid documents for this equipment from the Clerk and Recorder's Office, 800 South Main, Kalispell, Montana 59901 or from the Weed Department Office, 1257 Willow Glen Drive, Kalispell, Montana 59901.

Each bidder must deposit with his bid, a bid security in the amount of ten percent (10%) of his bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days enter into a formal contract for the purchase and sale of said units. Bid security shall be payable to Flathead County and shall be in the form of lawful money order or bank draft issued by a Montana bank, or bid bond executed by a surety corporation authorized to do business in Montana.

Bids should be submitted as follows: With cash and no trade.

The bidder shall include with his bid, the form of contract to be signed. The terms of said contract will be considered in determining the bid which best serves the County's interest. The County reserves the right to negotiate terms of said contract.

All sealed bids, plainly marked "SEALED BID; WEED DEPARTMENT – TRACTOR WITH SIDE MOUNT MOWER" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901 on or before 5:00 on April 14th, 2006. Bids will be opened and read at 9:30 a.m. on April 17th, 2006 at the Flathead County Commissioner's Office, 800 South Main, West Annex, Kalispell, Montana.

The award of bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the Flathead County Clerk and Recorder.

The Flathead County Weed Department reserves the right to accept or reject any bid and to waive any irregularities, which are deemed to be in the best interest of the County.

Dated this 21st day of March, 2006.

ATTEST:
Paula Robinson, Clerk

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Kimberly Moser

By: /s/Gary D. Hall PT

Deputy

Robert Watne, Chairman

Publish on March 25th, 2006 and April 1st, 2006.

CONSIDERATION OF JAG GRANT FOR CIVIL DIVISION / SHERIFF'S OFFICE

[9:57:05 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jim Dupont, Mike Meehan

Commissioner Brenneman made a **motion** to approve JAG grant request for the sheriff's office. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

CONSIDERATION OF EXTENSION REQUEST: LAKESIDE MARINA LAKESHORE PERMITS

[10:01:20 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, George Smith, Jonathan Smith

Jonathan Smith reviewed the major variance extension request, and the court action for the Lakeside Marina Lakeshore Permit

Commissioner Brenneman made a **motion** to deny the extension request for the Lakeside Marina Lakeshore Permit based on the county attorney's recommendation. 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 March 22, 2006.

WEDNESDAY, MARCH 22, 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.

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

11:30 a.m. Long Range Planning Task Force Affordable Housing Committee 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 23, 2006.

THURSDAY, MARCH 23, 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,

[8:52:37 AM](#)

Wallace Hall Best spoke in regards to the lawsuit filed against the commissioners in regards to the Lakeside Marina. He stated that he was hoping that a reasonable compromise could be worked out on the marina which would permit the building of some additional docks. He reviewed his opinion of the need for additional docks. He also voiced his support for Kathy Robertson in the county commissioner's race. He also spoke on a recent accident near the docks.

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

PRELIMINARY PLAT: SUBDIVISION NO. 267

[9:01:18 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Rebecca Shaw, Erica Wirtala, Dennis Carver, Jeff Harris, Nicole Lopez-Stickney, Charlie Johnson

Shaw reviewed the application submitted by Carver Investments, LLC and Sands Surveying for preliminary plat approval of Subdivision #267, a minor subdivision that will create five residential lots. The subdivision is proposed on 67.112 acres and will be served by individual water & sewer systems. The property is located east of US Highway 93 on Somers Stage near the junction to Wiley Dike Road, and is unzoned. There are 12 attached conditions. Staff recommends approval.

Commissioner Hall made a **motion** to adopt Staff Report FSR-06-02 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Erica Wirtala stated that the findings of fact state that the property is out of the air attainment zone yet a condition does require paving to address air quality. She stated that if this were a request to pave an internal subdivision road and not a county road they would be amenable to the condition.

Dennis Carver stated that this development would be very low impact and has very large tracts. He stated that he did not expect to have to pave Somers Stage Road. He stated that if the county would bring up the sub grade of the road then he would not be so against doing the paving.

Charlie Johnson stated that this would be his standard recommendation.

Jeff Harris proposed putting a deed restriction that the lots would not be further subdivision to address the future concerns of additional traffic.

Commissioner Hall made a **motion** to continue the meeting until 11:00. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

[11:09:57 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Rebecca Shaw, Erica Wirtala, Dennis Carver, Jeff Harris, Charlie Johnson, Kirsten Holland, Ardis Larsen, Charles Lapp, Debbie Shoemaker, Pamela Holmquist, Kerry Finley, Bill Baum,

Discussion was held relative to the condition requiring ½ mile of the Somers Stage Road to be paved. Mr. Carver stated that he is happy to help but objects to completely rebuilding the road. Commissioner Brenneman suggested that the findings had already been approved, and so any conditions that they add must agree with the findings. He also stated that he felt that a deed restriction prohibiting further subdivision would mitigate the effects of this. Jeff Harris stated that they are not hung up on the paving, but that they are concerned about the future. Jeff Harris recommended adding an additional finding that the road improvements recommended are part and wholly contained within the subject parcel and are needed to provide public safety to that portion of the road. Commissioner Hall recommended that in place of paving along the length of the subdivision that Somers Stage along the length of the subdivision will be brought to road standards with dust mitigation for a period of three years. Kirsten Holland suggested that they prohibit subdivision beyond a certain point.

Commissioner Hall made a **motion** to adopt the additional finding that the road improvements that are recommended are part and wholly contained within the subject parcel and are needed to provide public safety to that portion of the road. Motion fails for lack of a second.

A suggestion was made that there be a deed restriction that the lots would not be further subdivided until the road is paved.

Commissioner Hall made a **motion** to delete condition number one and add to condition six the language that requires a statement be placed on the face of the final plat that the lots would not be further subdivision until Somers Stage Road is paved along the frontage of the subdivision #267. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Erica Wirtala spoke on an upcoming subdivision application.

Commissioner Hall made a **motion** to approve the preliminary plat of Subdivision #257 subject to 11 amended conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Conditions

- ~~1. Somers Stage shall be paved along the length of the subdivision.~~
2. Provide a 15' bike path easement along the west side of Somers Stage.
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the County Weed and Parks Department. [3.12(J),FCSR].
4. The lots within the subdivision shall be reviewed and approved for water, sewer systems and storm water by the Flathead City-County Health Department at the time of development. [3.15(B), FCSR].
5. 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. [Resolution 1626].
6. The following statements shall be placed on the face of the final plat applicable to all lots:
 - A) All house or business addresses 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, 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) **Waiver of Protest**
Participation in Special Improvement District (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.

E) A statement shall be placed on the face of the final plat that states that there will be no further subdivision of lots until such time as Somers Stage is paved along the frontage of Subdivision 267.

7. Electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. Utilities and easements shall comply with [Section 3.17 and 3.18 of the Flathead County Subdivision Regulations].
8. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Appendix C (I) (A), FCSR].
9. The final plat shall comply with the requirements of Section 2.7 (final plat process) of the Flathead County Subdivision Regulations. [2.7, FCSR].
10. The developer shall obtain and show proof of three approach permits from the Flathead County Road & Bridge Department for the accesses onto Somers Stage. Said permit shall indicate the site has been inspected following construction by signature on line reading "Approve-post inspection date." [3.8, FCSR].
11. If required by the postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [3.22, FCSR].
12. Preliminary plat approval is valid for three years. . [Section 2.5(D)#6, FCSR].

FINAL PLAT: SWAN VIEW RANCHES, AMENDED LOTS 1-3

[9:26:48 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Nicole Lopez-Stickney, Jeff Harris, Dawn Marquardt, Debbie Shoemaker, Ardis Larsen

Lopez-Stickney reviewed the application submitted by Paul Joel Hill with technical assistance from Marquardt and Marquardt Surveying for final plat approval of Amended Lots 1, 2, 3 Swan View Ranches, a subdivision creating 7 residential lots. The subdivision is located southwest of Columbia Falls on Hodgson Road. Preliminary plat approval was granted on September 8, 2005, subject to 14 conditions. All conditions have been met or otherwise addressed.

Commissioner Hall made a **motion** to approve the Subdivision Improvement Agreement. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the final plat of Swan View Ranches amended lots 1, 2, 3. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

BOARD APPOINTMENTS: SOLID WASTE DISTRICT AND BLACKTAIL TV DISTRICT

[9:27:59 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to appoint John Helton to the Solid Waste Board. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Hall made a **motion** to appoint Don Peters to the Blacktail TV District. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

[11:09:24 AM](#)

Commissioner Hall made a **motion** to appoint Nancy Askew to the Solid Waste Board. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

INFRASTRUCTURE FINANCING PRESENTATION BY MICHAEL KAKUK

9:35:50 AM

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Jed Fisher, Jonathan Smith, Charles Lapp, Michael Kakuk, Ardis Larsen, Dawn Marquardt, Debbie Shoemaker, Bill Baum, Michael Blend, Chris Ahner, Charles Johnson, Bill Hall, Bill Schottelkorb, Kathy Robertson, Myrt Webb, Mayre Flowers, Kerry Finley, Peter Steele, Russell Crowder, Butch Woolard, Jerry Nix, Katie Chamberlain, Diana Blend, Bill Shaw, Don Avery, Pam Holmquist, Rick Breckenridge, Peggy Mathiason, Merna Terry, Kirsten Holland, Adele Krantz, Joe Carbonari

Discussion was held relative to infrastructure financing. He reviewed the different Montana laws that can allow the commissioner to require different developers to pay for capital facilities. He reviewed the ability to require a developer to mitigate for dust. He stated that they can not require developers to correct existing deficiencies. He spoke on the current situation with road, building facility needs, parks and trails, equipment needs, and others. He also reviewed the different funding options including RSID's, RMD's, payment for extension of capital facilities, impact fees, Local option motor fuel excise tax, bond issues, grants, and user fees and taxes. He then spoke on the planning, design, and cost involved. He stated that his clients are willing to sit down and discuss how they can correct these existing deficiencies.

A question and answer session was then held between Michael Kakuk and members of the audience.

12:30 p.m. Commissioner Brenneman to attend NAMI meeting at The Summit (till 2)

4:00 p.m. Long Range Planning Task Force Affordable Housing Committee 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 24, 2006.

FRIDAY, MARCH 24, 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.

No Meetings Scheduled.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 27, 2006.