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**MONDAY, JUNE 5, 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,**

[9:18:30 AM](#)

Bob Parker thanked the commissioners for voting to keep their plan alive. He stated that they have their first meeting coming up. He asked to make a complaint about one of the planning board members. He stated that insulting comments had been made on different occasions. He also stated that a bunch of them are worried about the treatment and respect of applicants.

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

**MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE**

[9:21:47 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Jeff Harris

Discussion was held relative to the closing out of the end of the year, and the continued increase of the number of applications. Jeff Harris stated that they have seen no decrease in the number of applicants and then stated that there is a lot of pressure on the planning board now. He then reviewed the work that will need to be done on the growth policy. He also stated that they should have a draft form of the growth policy ready to go out to the public in about three weeks. He stated that the planning board may have to have two meetings a week for the next two months. He then reviewed the scheduled for working on the Riverdale plan. He then stated that they had met their annual fee generation budget and are working on the budget for next year. He also spoke in regards to the new planner hire and the board secretary position. He then discussed issues that have come up while processing the subdivision regulations. He also reviewed the reorganization of the duties in the planning office. Commissioner Brenneman then asked about having on the county website the upcoming subdivision that are up for review and where they are as a way to notify the public about upcoming decisions.

**PUBLIC HEARING: ROAD ABANDONMENT #379 (PORTION E. LAKESHORE DRIVE)**

[10:04:24 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Peter Steele, Leo Tracy, Tom Tornow, Marion Kibbe, Lewis Kibbe

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

Tom Tornow stated that this right of way is not even a road that cuts through a number of homes and garages. He stated that there is really no reason to not abandon the right of way.

Leo Tracy stated that his client owns a piece of property on this right of way and that the right of way goes right through his garage and is in favor of the abandonment.

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

Commissioner Brenneman made a **motion** to approve Road Abandonment 379. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**MEETING W/ DON WOOD RE: FAMILY TRANSFERS**

[10:32:36 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Peter Steele, Don Wood, Debbie Shoemaker

Discussion was held relative to Don Wood presented the commissioners with copies of a map of a piece of property that has been split without subdivision review. He stated that it is abuses of law that bring in the tweaking of the law to accommodate. He then reviewed the easement issues that have come up. He stated that they are misusing the family transfer system. He stated that the easement is on his property and he is liable to upkeep the road because there is no road users agreement.

Commissioner Brenneman asked Peter Steele what options they may have if they determine that this was an evasion of the subdivision and platting act.

Peter Steele stated that the remedy to evading is to make the transfer null and void which would take going to court.

Commissioner Hall is seated - [10:43:34 AM](#)

**MEETING W/ CHARLIE JOHNSON, ROAD DEPT**

[10:59:58 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Charlie Johnson

Discussion was held relative to the new sewer going in by Demersville and a request to close the road while it is put in. Charlie then discussed the contracts and the cost of the traffic study to be done on 10<sup>th</sup> st. Commissioner Brenneman questioned how long the traffic study would be valid. Charlie Johnson recommended closing the road as soon as the traffic study has been done. Discussion was held relative to getting a letter from the city of Kalispell supporting the road closure if the traffic study agrees. Charlie presented the commissioners with the top road counts in the county. He then stated that he felt there were others way's to deal with paving. He presented the commissioners with a copy of an upcoming subdivision where the developer is willing to do four miles of paving. He stated that he felt that this subdivision should set the standard for the county. Charlie then reviewed the paving that the road department has planned for this year. He stated that he believed that the subdivision are going to have to wait and they will have to consider RSID's. Commissioner Hall discussed the subdivision that have come forward and what the planning board has required for paving. He stated that the commissioners and the planning board need to get on the same page as far as paving. Charlie Johnson stated that all the good developer wants is to be treated fairly. Commissioner Hall then stated that he was not comfortable with putting tax payer dollars into Star meadows Road. Charlie Johnson stated that they had to do some blading on the road but would not be able to do more without federal help. Charlie then reviewed the chip sealing that would need to be done for this year. Discussion was held relative to bidding out the county road work to private industry. Charlie Johnson stated that they need to consider a gas tax. Charlie then reviewed the cost of salt and magchloride. Commissioner Hall made the suggestion to have something that they can use to tell the public exactly what they are going to be doing this year.

Commissioner Hall made a **motion** to approve the closing of Demersville road from June 6-10. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: FOOD STAMP NUTRITION EDUCATION SUPPORT AGREEMENT / EXTENSION SERVICE**

[9:42:41 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the Food Stamp Nutrition Education Support Agreement and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: PURCHASE OF SERVICES MEMORANDUM OF AGREEMENT / AOA**

[9:44:56 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the purchase of services memorandum of agreement for AOA. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**BOARD APPOINTMENT: COLUMBIA FALLS CITY-COUNTY PLANNING BOARD & CONRAD MANSION MUSEUM BOARD**

[9:45:40 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to appoint Jenny Draband to the Columbia Falls City County Planning Board. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to appoint Mark W. Norley to the Conrad Mansion Museum Board. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**BUDGET AMENDMENT: ELECTION DEPT**

[9:50:56 AM](#)

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

Commissioner Brenneman made a **motion** to adopt Resolution 1938. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION  
 RESOLUTION NO. 1938**

**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 5<sup>th</sup> day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
 Flathead County, Montana

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

By: \_\_\_\_\_  
 Gary D. Hall, Member

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

ATTEST:  
 Paula Robinson, Clerk

By: /s/Kimberly Moser  
 Kimberly Moser, Deputy

**COUNTY OF  
 FLATHEAD**

**COUNTY OF FLATHEAD  
 GENERAL JOURNAL VOUCHER  
 BUDGET AMENDMENT - FY2006**

<b>DATE ISSUED:</b>		<b>Resolution # 1938</b>		<b>VOUCHER NO:</b>	0605-82
<b>DATE OF RECORD:</b>				Entered by:	Gary
<b>MCA 7-6-4006</b>		<b>ACCOUNTING COPY</b>	<b>"B" Entry</b>		
<b>Account Number</b>	<b>Object</b>	<b>Description</b>	<b>Line</b>	<b>Debit</b>	<b>Credit</b>
2989-0214-331048		HAVA Polling Place Access	1	\$ 38,180.00	
2989-172000		Revenue Control	2		\$ 38,180.00
2989-242000		Expense Control	3	\$ 38,180.00	
2989-0214-410603	357	Expo Bldg-Prof Services	4		\$ 2,102.00
2989-0214-410604	357	Courthouse-Prof Svcs	5		\$ 4,700.00
2989-0214-410605	357	Co Fair Kitchen-Prof Svcs	6		\$ 5,000.00
2989-0214-410606	357	Lakeside School Gym-Prof Srv	7		\$ 45.00
2989-0214-410607	357	CF High School Foyer-Prof Srv	8		\$ 5,000.00
2989-0214-410608	357	Col Falls Fire Dept-Prof Svcs	9		\$ 75.00
2989-0214-410609	357	Kila County Church-Prof Svcs	10		\$ 5,000.00
2989-0214-410610	357	Marion Fire Aux-Prof Svcs	11		\$ 5,000.00
2989-0214-410611	357	Somers School Gym-Prof Svcs	12		\$ 45.00
2989-0214-410612	357	Central Bible Church-Prof Svcs	13		\$ 3,150.00

2989-0214-410613	357	Bethany Lutheran Church-Prof Srv	14		\$ 225.00
2989-0214-410614	357	Swan River School-Prof Srvs	15		\$ 285.00
2989-0214-410615	357	Fair-Mont Egan School-Prof Srvs	16		\$ 165.00
2989-0214-410616	357	1st Baptist Church-WFSH-Prof Srv	17		\$ 2,223.00
2989-0214-410617	357	Moose Lodge-WFSH-Prof Srvs	18		\$ 5,000.00
2989-0214-410618	357	Smith Valley School Gym-Prof Srvs	19		\$ 165.00
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<b>Explanation</b>			<b>Total</b>	<b>\$</b>	<b>\$</b>
				<b>76,360.00</b>	<b>76,360.00</b>
<b>To establish budget for funds received on HAVA Polling Place Accessibility Grant</b>					
				Approved by: _____	
				Date: _____	

**DISCUSSION RE: RENT INCREASE ON THE AOA BUILDING**

[11:43:00 AM](#)

Members present:

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

Others present:

- Assistant Michael Pence
- Clerk Kimberly Moser, Jim Atkinson

Discussion was held relative to the close to \$2,000.00 a month increase in rent for the AOA building. They also discussed the money that the county has been put into the building. Commissioner Hall recommend contacting whoever needs to be contacted in regards to the Armory to let them know that this is an emergency situation now.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 6, 2006.

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**TUESDAY, JUNE 6, 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.**

**QUARTERLY MEETING W/ MARCIA SHEFFELS, SUPT OF SCHOOLS**

This meeting was not held.

**BI-MONTHLY MEETING W/ NORM CALVERT, I.T.**

[9:23:41 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, Norm Calvert

Discussion was held relative to the batch of applicants received for the open I.T. position, and the various venues of advertising. Discussion was then held relative to the computers in OES and the access that I.T. has to those computers. The commissioners asked Norm Calvert to inventory the computers in the OES department.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #449 (PORTION ASHLEY LAKE ROAD)**

[9:38:16 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 notice of public hearing and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

**NOTICE OF PUBLIC HEARING  
TO CONSIDER  
DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 449**

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:

The strips of land shown as declared, but never built, and described as, "60' DEC. Ashley Lake Rd." and "1A" on the county tract map in the NE1/4 NE1/4 Section 23, Township 28 North, Range 24 West, Principal Meridian, Flathead County, Montana.

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 **June 22, 2006 at 9:30 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 6<sup>th</sup> day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

PAULA ROBINSON,  
CLERK AND RECORDER

By/s/Kimberly Moser

Deputy

Publish on June 10 and June 17, 2006.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #450 (OFF OF LOST CREEK DR)**

[9:38:27 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 notice of public hearing and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

**NOTICE OF PUBLIC HEARING  
TO CONSIDER  
DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 450**

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 strip of land, situated, lying and being in the West Half of the West Half of Section 3 and in the East half of the East Half of Section 4, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana and more particularly described as follows to wit:  
The westerly 30 feet of Section 3 and the easterly 30 feet of Section 4, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana EXCEPTING the southerly 30 feet of Section 3 and the southerly 30 feet of Section 4 known as Lost Creek Drive.

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 **June 22, 2006 at 9:30 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 6<sup>th</sup> day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

PAULA ROBINSON,  
CLERK AND RECORDER

By/s/Kimberly Moser

Deputy

Publish on June 10 and June 17, 2006.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ANNEXATION INTO BLANKENSHIP FIRE DISTRICT**

9:38:40 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 adopt Resolution 1939. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1939

WHEREAS, Section 7-33-2125, M.C.A., allows for annexation of adjacent property into a fire district upon petition by at least 50% of the owners in an area to be annexed and approval by the Trustees of the Fire District;

WHEREAS, a petition was received from all owners of property that is currently in the Flathead County Fire Service Area, requesting to be annexed into the Blankenship Fire District, and that petition was approved by the Board of Trustees of the Blankenship Fire District;

WHEREAS, the property to be annexed is described as follows:

That portion of the S½ of the SE¼ of Section 9, Township 31 North, Range 20 West, P.M.M., lying and being South of the North Fork Road; and

Tract 2BB in the SE¼, NW¼, in Section 16, Township 31 North, Range 20 West, P.M.M.

WHEREAS, Section 7-33-2125, M.C.A., requires that the Board of Commissioners hold a hearing on the petition to annex; and

WHEREAS, Section 7-33-2401, M.C.A., allows the Board of Commissioners to alter the boundaries of the Flathead County Fire Service Area upon petition and after passage of a resolution of intent and conduct of a public hearing.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that it intends to alter the boundaries of the Flathead County Fire Service Area by transferring the property described above from the Flathead County Fire Service Area into the Blankenship Fire District.

BE IT FURTHER RESOLVED that the Board of Commissioners will hold a public hearing on its intent to alter said boundaries and the petition to annex the property into the Blankenship Fire District on the 5<sup>th</sup> day of July, 2006, at 9:30 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will accept written protests from property owners of the property described above and will receive general protests and comments relating to the alteration of the Flathead County Fire Service Area boundaries, and the annexation of the property into the Blankenship Fire District.

Dated this 6<sup>th</sup> day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By \_\_\_\_\_  
Gary D. Hall, Member

By /s/Kimberly Moser

Deputy

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

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

The Board of Commissioners has received a petition to annex certain property now located in the Flathead County Fire Service Area into the Blankenship Fire District. The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 1939) on June 6, 2006, to amend the boundaries of the Flathead County Fire Service Area.

The proposed boundary change is for the purpose of transferring the following property from the Flathead County Fire Service Area into the Blankenship Fire District:

That portion of the S½ of the SE¼ of Section 9, Township 31 North, Range 20 West, P.M.M., lying and being South of the North Fork Road; and

Tract 2BB in the SE¼, NW¼, in Section 16, Township 31 North, Range 20 West, P.M.M.

A public hearing will be held on the 5<sup>th</sup> day of July, 2006, at 9:30 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will accept written protests from property owners of the property described above and will receive general protests and comments relating to the alteration of the Flathead County Fire Service Area boundaries, and the annexation of the property into the Blankenship Fire District.

DATED this 6<sup>th</sup> day of June, 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 June 10 and June 17, 2006.

#### **MEETING W/ EXECUTIVE RISK MANAGEMENT COMMITTEE RE: WORK COMP FOR VOLUNTEERS**

[9:50:54 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, Raeann Campbell, Robin Boon

Discussion was held relative to providing workers comp insurance for volunteers. Raeann stated that liberty has given the county an option to pick and choose who they cover. Raeann discussed why Bobbie Kelly was concerned about the workers comp coverage.

Commissioner Brenneman made a **motion** to approve the covering of only Meals on Wheels volunteers, Jail Visitors, Meal Preparation volunteers, and Mowing or weed eating volunteers. Commissioner **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

#### **MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE**

[9:58:29 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

Discussion was held relative to the education assistance request. Raeann stated that the employee has resigned and did not complete the training. Raeann stated that the county attorney's office has advised that the county does not need to repay for the tuition assistance.

Commissioner Brenneman made a **motion** to approve the education assistance for Virginia Polsen. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the personnel transactions for the month of May and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

Discussion was then held relative to CPR and First Aid training for the commissioner's office. Raeann then reviewed the six month evaluation from Liberty on the workers compensation costs. She then reviewed a recent claim for a past employee. She then reviewed the recordable incidents, the trust fund balance, the benefits fair, and the current contract negotiations.

#### **PRELIMINARY PLAT: SUBDIVISION NO. 148, LOT 4**

[10:13:46 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, Rebecca Shaw, Erica Wirtala, George Isackson, Shirley Isackson, Bill Norton, Joe Kauffman

Shaw reviewed the application submitted by William Norton for preliminary plat approval of Subdivision 148 Amended Lot 4. This proposal will create two residential lots, southwest of the city of Kalispell. The subdivision is proposed on 4.119 acres. The property is zoned r-1 in the Westside Zoning District and is located off of Whalebone Drive. The site is zoned R-1 in the Westside zoning district. There are thirteen attached conditions. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-06-14 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of the amended lot 4 of Subdivision No. 148. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

#### CONDITIONS

1. A 15' bike easement will be secured on Lot 1B along Whalebone Drive.
2. A new Certificate of Subdivision Approval will be secured from the Department of Environmental Quality for the shared well.
3. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), Flathead County Subdivision Regulations]
4. Lot owners within the subdivision will participate in a Road User's Agreement or Property Owners Association for the internal subdivision road, which will require each property owner to bear his or her pro-rata share for maintenance of the private road. [Section 3.9(J)(3), FCSR]
5. All well users will participate in a Shared Well User's Agreement or Property Owners Association for the shared well, which will require each property owner to bear his or her pro-rata share for maintenance of the well.
6. New electrical and telephone utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
7. The proposed water and septic treatment systems for the subdivision will be reviewed by the Flathead City-County Health Department. [3.15(B), FCSR]
8. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
9. The applicant shall furnish proof of a common mail delivery location approved by the local postmaster. [Section 3.22, FCSR]
10. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
  - b. All utilities shall be placed underground.
  - c. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
  - d. The property owners association or road users agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
  - e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
  - f. 

Waiver of Protest

Participation in Special Improvement District
- \_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.
11. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the sub-divider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
12. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
13. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

#### **PRELIMINARY PLAT: STRONG'S ESTATES, LOT 3**

[10:19:09 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, Rebecca Shaw, Joe Kauffman, George Isackson, Shirley Isackson

Shaw reviewed the application submitted by George & Shirley Isackson for preliminary plat approval of Strong Estates Amended Plat Lot 3. This proposal will create two residential lots, west of Highway 2 East. The subdivision is proposed on 3.45 acres. The property is unzoned and located north of Hodgson road. The site is unzoned. There are 10 attached conditions. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-06-13 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Strong's Estates amended Lot 3 subdivision. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

## CONDITIONS

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), Flathead County Subdivision Regulations]
2. Lot owners within the subdivision will participate in a Road User's Agreement or Property Owners Association for the internal subdivision road, which will require each property owner to bear his or her pro-rata share for maintenance of the private road. [Section 3.9(J)(3), FCSR]
3. New electrical and telephone utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
4. The proposed water and septic treatment systems for the subdivision will be reviewed by the Flathead City-County Health Department. [3.15(B), FCSR]
5. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
6. The applicant shall furnish proof of a common mail delivery location approved by the local postmaster. [Section 3.22, FCSR]
7. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
  - b. All utilities shall be placed underground.
  - c. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
  - d. The property owners association or road users agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
  - e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
  - f. Lot owners are alerted to the presence of wildlife in the area and are reminded that feeding big game is illegal. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
    - i. Fencing must not impede movement of wildlife.
  - g. 

Waiver of Protest  
Participation in Special Improvement District

\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.
8. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the sub-divider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
9. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
10. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

## **CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: MCMURREN / KSG / RADTKE ZONE CHANGE / BIGFORK ZONING DISTRICT**

[10:08:22 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 adopt Resolution 956BY. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 956 BY

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 25<sup>TH</sup> day of April, 2006, concerning a proposal to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-20 (Agricultural) and AG-40 (Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Bigfork Area Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 956 BX, dated April 25, 2006) to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-20 (Agricultural) and AG-40 (Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on April 29 and May 6, 2006, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Bigfork Area Zoning District to change the zoning designation for the area described on Exhibit "A" hereto, from AG-20 (Agricultural) and AG-40 (Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 6<sup>th</sup> day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
Gary D. Hall, Member

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

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser

Deputy

**EXHIBIT A**  
**STAFF REPORT FZC 05-26**  
**MCMURREN/KSG HOLDINGS/RADTKE**  
**ZONE CHANGE FROM AG-40 and AG-20 TO SAG-5**

**Location and Legal Description of Property:**

Lot 1 of Subdivision No. 162, according to the official plat thereof, filed in official records of Flathead County, Montana. (275 Coverdell Road)

Parcel 1:

Tract 4A in Lot 1 of the Northwest ¼ of the Northwest ¼ of Section 18, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

Parcel 2:

The Northeast ¼ of Section 13, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana. (311 Coverdell Road)

Tract 1:

The South Half of the Southeast Quarter (S ½ SE ¼) of Section 12, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

Tract 2:

A tract of land in the Northeast Quarter (NE ¼) of Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows:

Beginning at the Southwest corner of said NE¼; thence along the westerly line of the NE¼ North to the Northwest corner of said NE¼; thence along the northerly line of said NE¼ East a distance of 1 rod (16.5') to a point; thence South and parallel to the Westerly line of said NE¼ to the Southerly line thereof; thence along said Southerly line Westerly a distance of 1 rod (16.5') to the point of beginning.

Said tract being a strip of land along the west boundary of said NE¼ of Section 13. (315 Coverdell Road)

**CONSIDERATION OF EXTENSION: MEADOWBROOKE PLACE**

[9:40:19 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 two week extension for Meadowbrooke Place Subdivision. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

**CONSIDERATION OF RELEASE OF COLLATERAL: HARBOR VILLAGE AT EAGLE BEND, PHASE 2B**

[9:41:31 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 release of collateral for Harbor Village At Eagle Bend, Phase 2B. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

**MEETING W/ GLEN CAMERON, MDOT RE: SPEED STUDY / HIGHWAY 2 EAST (BETWEEN COLUMBIA FALLS & COLUMBIA HEIGHTS)**

This meeting was cancelled.

**CONSIDERATION OF COLA INCREASE**

[9:42:14 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, Raeann Campbell

Discussion was held relative to how the COLA increase is calculated.

Commissioner Brenneman made a **motion** to approve the COLA increase of 3.4 percent for all county employees excluding those department that are negotiating contracts where the employee does not receive a percentage of the elected official's salary for fiscal year 2007 effective June 25, 2006. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

- 1:15 p.m. 911 meeting at the Justice Center**
- 4:00 p.m. RAC 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 June 7, 2006.

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**WEDNESDAY, JUNE 7, 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**

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

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**THURSDAY, JUNE 8, 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 to attend Northern Tier Interoperability meeting in Havre**
- 2:00 p.m. AOA Board meeting at the Kalispell Senior Center**
- 4:00 p.m. Long Range Planning Task Force meeting at the Earl Bennett Building**
- 6:00 p.m. Long Range Planning Task Force Joint Growth Policy meeting at Earl Bennett Building**
- 7:30 p.m. Fair Board meeting at the Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 9, 2006.

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**FRIDAY, JUNE 9, 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 to attend Progressive Spirit of the Rocky Mountain West Seminar IV at the Flathead Biological Station, Yellow Bay**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 12, 2006.