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**MONDAY, JULY 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.

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

[9:03:36 AM](#)

Wallace Hill Best presented the commissioners with a draft version of his latest paper. He reviewed an article on a conversation he had with Kathy Robertson in regards to a horse ranch that is being proposed next to Flathead Lake. He stated that he felt that this should not be approved. He then stated that they would like to have no more condominium developments along the lakeshore. He also stated that he would be continuing to work on the incorporation of Lakeside, Somers, Bigfork and Evergreen. He stated that Lakeside needs law enforcement of their own. He then spoke in regards to getting an initiative on the ballot to make it five county commissioners.

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

**MONTHLY MEETING W/ JIM ATKINSON, AOA**

[9:08:12 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, Jim Atkinson

Discussion was held relative to a recent article in the paper on AOA. He spoke in regards to the lease agreement. He stated that the plan is to have the parking lot rebuilt and they were told by the bank that if they did not raise the rent than he would not get the loan. He also stated that the rate they are being charged less than the market rate for the flathead. He also stated that they are still working on getting the armory and that the armory would probably not be ready for surplus for at least six months or a year. He then reviewed the improvements that have been made and the ones that are removable. He then spoke in regards to a meal site that they have that will not be able to be utilized for some time so they will be having the program in the fire Hall. He also stated that they were having a lot of mechanical problems with the buses.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: POHAKU KAHAWAI PUD**

[9:27:44 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

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 3.31.020.4 of the Flathead County Zoning Regulations, that it will hold a public hearing to consider a request by Steve and Michelle Parker, to approve a Planned Unit Development (PUD) in the Lakeside Zoning District (LS).

The area proposed to be overlaid with a PUD is described as Assessor's Tracts 1CAH, 1SJ and 1R in Section 18 of Township 26 North, Range 20 West, P.M.M., Flathead County, Montana. The property is located at 101 Stoner Creek Road, West of US Highway 93, Lakeside, Montana.

The proposal would overlay approximately 2.47 acres to be developed into 10 single-family units. The deviations from the Lakeside Zoning District requirements are related to small lot sizes surrounding the proposed homes, the decrease from 60 feet to 40 feet for right of way required for internal subdivision roads and the deviation from the parking requirements for three of the home sites.

The regulations defining the PUD and the Lakeside Zoning District classifications are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500. Documents detailing the proposed PUD are available for public inspection at the Office of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, and at the Flathead County Zoning and Planning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana.

The public hearing will be held on the **2<sup>nd</sup> day of August, 2006, at 11:00 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 give the public an opportunity to be heard regarding the proposed PUD overlay in the Lakeside Zoning District.

DATED this 17<sup>th</sup> day of July, 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 July 20 and July 27, 2006.

**BUDGET AMENDMENT**

[9:28:35 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 1948. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION  
RESOLUTION NO. 1948**

**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 17<sup>th</sup> day of July, 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><u>Resolution # 1948</u></b>			<b>VOUCHER NO.:</b>	<b>0606-119</b>
<b>DATE OF RECORD:</b>	<b>6/30/2006</b>			<b>Entered by:</b>	<b>Gary</b>
<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>
1000-0200-335005		Alcohol Tax Distribution	1	\$ 18,182.00	
1000-172000		Revenue Control	2		\$ 18,182.00
1000-242000		Expense Control	3	\$ 18,182.00	
1000-0200-440540	398	Contracted Services	4		\$ 18,182.00
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			<b>Explanation</b>	<b>Total</b>	
				\$ 36,364.00	\$ 36,364.00
<p><b>To establish budget for revenue received on A101-0604-706 dated 4/27/06 and increase spending authority for payment to Flathead Valley Chemical on warrant# 425033</b></p>					
				Approved by: _____	
				Date: _____	

**DOCUMENT FOR SIGNATURE: LEASE AGREEMENT / AOA**

[9:42:36 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, Jim Atkinson, Jonathan Smith

Discussion was held relative to the length of the lease and the rent commitment. They discussed inserting a termination clause into the lease.

Commissioner Brenneman made a **motion** to approve the two year lease for AOA and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**CONTINUATION OF CONSIDERATION OF TUITION REIMBURSEMENT REQUEST: V. POLSEN**

[9:50:00 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, Laurie Rebeck, Virginia Polsen

Commissioner Brenneman stated that he felt that V. Polsen had the right to be reimbursed for her training and had she been aware that this was a possibility she would have been given that opportunity however in the interest in the sheriffs policy which did not offer this possibility he believes that the tuition should come out of the contingency fund.

Commissioner Brenneman made a **motion** to approve the tuition reimbursement for V. Polsen with monies from the contingency fund. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**CONSIDERATION OF HR TRANSMITTAL FORMS: OFFICE ADMINISTRATOR / LIBRARY**

[9:30:39 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 reclassification and position opening for the Office Administrator for the Library. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

## **RECONSIDERATION OF ASHLEY HILLS, PHASE II**

[9:54:51 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, BJ Grieve, Erica Wirtala, Jeff Harris, Annie Thompson, Carl Glimm, Ladona Monk, Marilyn McDougal, Robert L. Monk, Jonathan Smith

Grieve reviewed the timeline of events for the Ashley Hills, Phase II preliminary plat. He stated that no phasing plan had been submitted which the subdivision regulations require or the plat will be voided. He reviewed the subdivision regulations that apply to the phasing plan, and the extension request.

Erica Wirtala stated that when they first submitted Ashley Hills phasing plan was not submitted as common practice. She then stated that they had all been under the impression that the preliminary plat was valid for three years and not the two years that it was conditioned on based on the subdivision regulations phasing deadline. She then pointed out the case law that she submitted that allow county commissioners to extend the deadline after the deadline has expired. She stated that she felt with the workload of the county and her office she felt that the easiest thing to do would be to allow the deadline. She then reviewed why she missed the first meeting with the commissioners.

Carl Glimm submitted the photographs of the work that has already been done on the project and the work orders that they have left to do. He stated that all that is left to do is pave the road and put to the power in. He stated that they were under the assumption that they had through this year.

Commissioner Brenneman stated that every one agrees based on every law they have that this project is out of compliance.

Commissioner Watne stated that he did not have a problem with extending the deadline and that he felt the applicant, surveyor and engineer just confused the paperwork.

Grieve stated the case for denying the request stating the county regulations that clearly put this out of compliance. He stated that he felt this could set precedence in the future for the county approving an extension after the deadline but that the applicant stated a good case and it would be up to the commissioners to decide.

Carl Glimm asked that with the case law that has been presented does that not already set precedence.

Robert Monk stated that he owned the property for about thirty years and always felt it could be a good subdivision. He stated that he had been approached by the gravel pit to use the road. He stated that the county commissioners granted an extension a few years back that he had not even asked for.

Jonathan Smith stated that the Oldenburg case law submitted does not provide much guidance here and not really applicable.

Jeff Harris stated that the concern that they have is that once the commission has acted and the applicant petitions the commission to reconsider adds extra resources and time to a busy staff. He did state that there is a little bit of a drain on the staff resources. He stated that he believes that once the commission has acted the decision should be final.

Commissioner Watne stated that knowing that the applicant did not that this was happening and that this was a mistake from Sands Surveying and he did not think it would hurt anything to extend the deadline.

BJ Grieve stated that he also felt that the applicant did not know what was going on and that they were here based on the representatives of the applicants being held accountable to the regulations.

Commissioner Brenneman stated that the mistake by the applicant's representative is totally unacceptable but he could not make the case in his mind that they would be doing anything except making a stand that does not warrant the effort and damage to innocent person. He also stated that they should not be in the habit of reversing their decisions. He then stated that this will not be done on a routine basis in the future. .

BJ Grieve stated that if they were going to grant an extension under the premise that the preliminary plat had three years than they could extend it to March of 2007.

Commissioner Watne explained to the applicant that granting this extension would put the applicant at risk if someone chose to dispute this subdivision.

Commissioner Brenneman made a **motion** to extend the final plat for Phase two to March 1, 2007. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

## **FINAL PLAT: COUNTRY MEADOWS**

[10:31:40 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, Annie Thompson, Kate Cassidy, Jean Johnson, Carol Duval, Shelly Duval

Thompson reviewed the application submitted by James & Carol Duval with technical assistance from Paul J. Stokes & Associates and Carstens Surveying for final plat approval of the Country Meadows Subdivision, a 9 lot major subdivision. This property is located off Columbia Falls Stage, just south of the intersection with Hellman Lane. Preliminary plat approval was granted on July 6, 2005, subject to 16 conditions. All conditions have been met. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the final plat of Country Meadows Subdivision. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

#### **TAKE ACTION: GWEN'S WOODS**

[9:32:15 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 commissioner read into the minutes that Gwen's Woods would not move into the final plat stage per a letter from F & H Surveying.

#### **AUTHORIZATION TO PUBLISH RFP: EVERGREEN BIKE PATH**

[10:36:28 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.

#### **REQUEST FOR PROPOSALS AND STATEMENTS OF QUALIFICATIONS ENGINEERING/CONSULTING SERVICES**

Flathead County has received approval from the Montana Department of Transportation (MDT) to develop a Federal-aid Community Transportation Enhancement Program (CTEP) project titled "EAST EVERGREEN PATH".

The Flathead County Board of Commissioners are requesting statements of qualifications and proposals for preliminary and construction engineering and design services to assist the Flathead County Planning & Zoning Office in the design and oversight of construction of this 5,940 foot trail in compliance with all applicable requirements under the MDT CTEP.

Copies of the detailed request for Statements of Qualifications and Request for Proposals are available by contacting the Flathead County Planning & Zoning Office, 1035 First Avenue West, Kalispell, MT 59901. Telephone: (406) 751-8200. This packet includes a description of the services to be provided by respondents, the minimum content of responses, and the factors to be used to evaluate the responses.

Completed proposals must be submitted to the Flathead County Planning and Zoning Department, 1035 1<sup>st</sup> Ave West, Kalispell, Montana 59901 no later than 4:00 p.m. on August 7, 2006. Please indicate on the envelope "EAST EVERGREEN PATH". The bidders will be notified when the bid opening is scheduled by the County Commissioners.

Dated this 17<sup>th</sup> Day of July, 2006

Board of County Commissioners  
Flathead, County

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Kimberly Moser

Publish: July 20 and July 27, 2006

#### **MEETING W/ MARIJO CAMRUD / FEMA RE: DIGITAL MAPS; NORTHFORK & ASHLEY CREEK STUDIES**

[11:01:19 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, Traci Sears-Tull, Rick Breckenridge, Carrie Higinbotham, Millie Bowman, Mary Goukas, Marijo Camrud, Dan March, George Smith, Annie Thompson, BJ Grieve, Bill Shaw

Marijo Camrud reviewed the FEMA maps that are being done. She stated that they would be having an open house this evening to give the public a chance to see the maps and submit their input.

Dan March reviewed the study done on the Northfork of the Flathead. He stated that they would be adding additional flood plain along the Northfork. He stated that tonight's meeting is kind of a sneak peak meeting before the maps are submitted to FEMA. He then reviewed the timeline of meetings to review the maps. He stated that the main thing to keep in mind is that this is a digital conversion. He stated that the maps are not changing except for the Northfork and Ashley Creek areas.

Dan March explained how they go about determining the flood plain.

Marijo Camrud stated that compared to their programs from years ago there programs are much better now. She explained how if you do not have flood insurance damage caused by a flood is not covered even if you are not in the flood plain. She also stated thirty percent of the claims submitted for flood damage occur out side of the FEMA flood plain.

Traci Sears-Tull stated for the commissioners information that these maps are a guide.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 18, 2006.

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## **TUESDAY, JULY 18, 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,**

[9:48:52 AM](#)

Pat Arnone to a DEQ meeting that she had attended at the Outlaw Inn. She stated that her number one concern is their constitutional right to water quality in the Flathead Valley. She stated that she was informed that with the need of gravel in the valley and the dust pollution that it causes will pollute the Flathead Lake to the point of it dying. She stated that she felt this gives the commissioners the right to put a moratorium on the growth in the valley. She then stated that she is hoping to have a neighborhood plan and has been informed that the growth policy is not worth the paper it is written on unless they are zoned. She stated that they need to find a way to give them some time to get their area zoned. She also stated that there are people with nitrates in their wells but are told there is no money to do studies to find out where it is coming from.

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

### **QUARTERLY MEETING W/ JIM DUPONT, SHERIFF**

This meeting was not held.

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

[10:34:26 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, Guy Foy, Paula Robinson, Rose Mary Gluth, Shelley Dodd, Greg Dodd, Gabriel Gluth

Discussion was held relative to the county road department's financial bind due to the elevating costs. Charlie stated that they see some real short comings in their budget. Guy stated that they try very hard to stay in the budget but they are short 837,000 dollars short. He then reviewed some of the cuts they could make to cut back on costs. They submitted a list of costs and cuts that they could make. Commissioner Brenneman questioned the cash balance of almost two million dollars at the end of the fiscal year. Guy Foy stated that would be taken down to nothing until the taxes start coming in November. It was explained that they would be short for the 2007 budget if they don't find more money. Charlie explained that if they keep paving right now they will not have the funds to last until the taxes for November come in.

Charlie Johnson than submitted the traffic counts for Chapman Hill Road, and Ashley Road. He stated that the counts show very little traffic counts in those areas. Discussion was also held relative to coming up with a system to determine which roads will get paved and the order in which they will.

### **MEETING W/ PETER STEELE / COUNTY ATTORNEY'S OFFICE RE: FAMILY TRANSFER & OTHER EXEMPTIONS**

[11:10:37 AM](#)

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall

Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Peter Steele, Ardis Larsen, Peggy Mathiason, Jeff Harris

Peter Steele presented the commissioners with a copy of the proposed new landowner statement and explained the purpose of the statement. Discussion was held relative to the statistics for exemptions, and the changes needed in the landowner statement.

Commissioner Hall made a **motion** to approve the new landowner statement with changes. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

**LANDOWNER STATEMENT**

Please complete Sections 1 through 5 and any additional sections applicable to the exemption sought and attach copies of documents where requested. The completed statement must be submitted with the Certificate of Survey for review to the Flathead County Plat Room, 800 South Main, Kalispell, MT 59901.

**1. LANDOWNER NAME/S:** \_\_\_\_\_

**2. SURVEYOR:** \_\_\_\_\_

**3. EXEMPTION:** \_\_\_\_\_  
(State name of exemption proposed as basis for division)

**4. ZONING DESIGNATION:**  
\_\_\_\_\_

**5. HISTORY OF PARCEL:**  
The original tract is the tract existing 20 calendar years ago from which the proposed tract would be divided or of which the proposed tract was a part 20 calendar years ago.

Please state the number of exemptions previously used on the original tract regardless of ownership: \_\_\_\_\_

**Please list each COS and the exemption claimed:**

COS # \_\_\_\_\_ Exemption \_\_\_\_\_ Claimed by: \_\_\_\_\_

COS # \_\_\_\_\_ Exemption \_\_\_\_\_ Claimed by: \_\_\_\_\_

COS # \_\_\_\_\_ Exemption \_\_\_\_\_ Claimed by: \_\_\_\_\_

COS # \_\_\_\_\_ Exemption \_\_\_\_\_ Claimed by: \_\_\_\_\_

COS # \_\_\_\_\_ Exemption \_\_\_\_\_ Claimed by: \_\_\_\_\_

COS # \_\_\_\_\_ Exemption \_\_\_\_\_ Claimed by: \_\_\_\_\_

Has this parcel been subject to or part of an application for subdivision plat approval within the last 5 years?  
\_\_\_\_\_

**6. ADDITIONAL INFORMATION FOR FAMILY TRANSFER EXEMPTION:**  
(Complete only if a family transfer exemption is sought.)

Is this gift or sale to a member or members of your immediate family? \_\_\_\_\_

Is this gift or sale for the benefit of the grantee and not for speculation or resale by the landowner? \_\_\_\_\_

Is this the first transfer that you (the landowner/applicant) will be making to this family member(s)? \_\_\_\_\_

If the answer is no to the above question, provide an explanation on the back of this sheet.

Please provide the following information for parcels proposed for transfer:

NAME \_\_\_\_\_ RELATIONSHIP \_\_\_\_\_ MINOR CHILD? \_\_\_\_\_

NAME \_\_\_\_\_ RELATIONSHIP \_\_\_\_\_ MINOR CHILD? \_\_\_\_\_

NAME \_\_\_\_\_ RELATIONSHIP \_\_\_\_\_ MINOR CHILD? \_\_\_\_\_

NAME \_\_\_\_\_ RELATIONSHIP \_\_\_\_\_ MINOR CHILD? \_\_\_\_\_

Has the landowner divided other property in Flathead County using the Family Transfer exemption? \_\_\_\_\_

If YES, list the COS number, grantee, relationship and date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Has the landowner received property from the intended grantee which was divided using an exemption? \_\_\_\_\_

If YES, provide the COS number and date: \_\_\_\_\_

**7. ADDITIONAL INFORMATION FOR BOUNDARY RELOCATION OR LOT AGGREGATION:**  
(Complete only if boundary relocation or aggregation exemption sought)

Purpose of relocation: \_\_\_\_\_

Number of lots affected: \_\_\_\_\_

Number of lots remaining: \_\_\_\_\_

Does this Boundary Line Adjustment create a parcel of less than 160 acres, which, prior to relocation consisted of

160 acres or more? \_\_\_\_\_

**8. ADDITIONAL INFORMATION FOR COURT ORDERED EXEMPTION**

Please attach a copy of the Court Order issued by the judge.

Note: Before a court orders a division of land, comments from the governing body will be obtained by the Court.

**9. ADDITIONAL INFORMATION FOR SECURITY FOR CONSTRUCTION PARCEL:**

(Complete only if a security exemption is sought.)

Will the division, upon foreclosure, create more than one new parcel? \_\_\_\_\_

Will the landowner retain possession of the remainder? \_\_\_\_\_

Will the mortgagee retain possession of the exempted parcel? \_\_\_\_\_

Does any prior agreement exist to default or to purchase only a portion of the original tract? \_\_\_\_\_

It is understood that this Statement seeks approval of the use of an exemption to subdivision review to divide property. It is also understood that approval of the use of the exemption is not approval under zoning, health, floodplain, or other applicable regulations.

I/We certify that the use of the claimed exemption is not for the purpose of evading subdivision review of the Montana Subdivision and Platting Act and that it meets the Flathead County criteria for determination of evasion of the Act.

Under penalties of perjury, I/we declare that I/we have examined this form, including the accompanying Certificate of Survey, and to the best of my/our knowledge and belief, it is true, correct, and complete and is in compliance with all Montana State laws and Flathead County resolutions and the transfer of property will occur as represented.

\_\_\_\_\_  
Landowner Signature  
[Note :Landowner signature mandatory]

\_\_\_\_\_  
Landowner – Print name

STATE OF MONTANA )

: ss.

COUNTY OF FLATHEAD )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, before me, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_, known to me (or proved to me on oath) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

(SEAL)

\_\_\_\_\_  
Notary Public for the State of Montana

\_\_\_\_\_  
Print Name  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

\_\_\_\_\_  
Surveyor Signature  
[Note: Surveyor signature mandatory.]

\_\_\_\_\_  
Surveyor – Print name

Discussion was held relative to the fees for review. Peter Steele stated that the statute allows up to two hundred dollars and they wish to charge one hundred dollars for review and twenty five for resubmittals.

Commissioner Hall made a **motion** to approve the increase in fees as proposed. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman questioned how they can come up with another option between family transfer and minor subdivisions.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 19, 2006.

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**WEDNESDAY, JULY 19, 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.

- 9:00 a.m. Commissioner Hall Flathead on the Move meeting at the KM Conference Room**
- 9:15 a.m. RSVP meeting at Windward Place**
- 10:00 a.m. Commissioner Brenneman to attend LEPC meeting at the Justice Center**
- 11:00 a.m. County Attorney meeting at the County Attorney's Office**
- 5:00 p.m. Commissioner Hall and Commissioner Brenneman to attend Northfork Interlocal Agreement meeting at Sondreson Hall**

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

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**THURSDAY, JULY 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 Hall PT opened the public comment on matters within the Commissions' Jurisdiction,**

[8:19:37 AM](#)

Joe Orr spoke in regards to the Meadowbrook Place Subdivision. He first addressed sewage treatment stating that the Montana statute states that the developer must prove that the treatment plant can adequately provide services. He stated that he does not believe that the developer has provided that proof. He then stated that the major point is that any treatment capacity that the Somers sewer district has comes from the Lakeside Sewer district and can not therefore promise what they do not have. He stated that the Lakeside Sewer District has rejected allowing more services to Somers and has instituted a moratorium on additional services. He then addressed density concerns. He reviewed the criteria that they must consider stating that one of the criteria states that it must conform with the master plan and that this proposal is not in conformance with the master plan.

Rita Graham stated that there is a lack of sewer capacity in the Somers area. She stated that they have been trying to get more capacity from the Lakeside Sewer District. She then reviewed the capacity they have left and the will serve notices that have already been approved. She then reviewed the Cooper Farms and North Shore Ranch promise for service from the Lakeside Sewer District and that Lakeside discovered that they had over stepped their capacity and instituted a moratorium. She stated that she felt that Lakeside has an obligation to provide services inside the Somers district before they provide outside the district boundaries. She asked the commissioners to help them solve the problem of sewage treatment in the Somers area. She asked the commissioners not to deny the subdivision based solely on sewage treatment.

Francis Van Rinsum stated that he has farmed this piece of ground. He spoke on the density of the subdivision stating that it was too high. He then stated that he does not think that the commissioners should accept any subdivision that comes in unless it is written in stone what is planned. He also stated that he does not believe that the drainage issue has been addressed.

Kim Orr spoke on the impacts on the roads that the Meadowbrook Place subdivision would have. She stated that the application has improved significantly but it will still fall short in the regulatory and planning board requirements. She also stated that the planning board has denied the application twice. She then reviewed the lack of evidence that they have adequate sewage treatment. She then stated that a major concern is the road impacts, and ingress and egress issues that the applicant has not addressed. She also stated that the 22 foot roads that are asked for are inadequate.

Michelle Ahren stated that she does not believe that the commissioners can move forward on this development until the sewage concerns are addressed. She stated that she is opposed to this development and that it does not conform to the master plan.

Katherine Maxwell stated that she agrees with the letter that has been submitted by Dennis Hatton. She stated that this is a hugely dense proposal that is completely out of character of the area. She then stated that no traffic study has been done and this will significantly increase the traffic in the area. She also stated that they have no infrastructure in Somers to support this and it would be unnecessary to put that kind of dense housing where there are no facilities to serve it. She then spoke in regards to the drainage issues in that area and that this is a shallow groundwater area.

Sussanah Casey stated that she is not opposed to development but would like to see plans for a development that would be suitable for their community. She stated that this has been denied by the planning board twice and she believes that the density is the biggest issues based on the sewage issues, the lack of subsidies to make this low income housing, the cost of sewage and water treatment, the distance of services, the lack of a traffic study, and the concern for the wetland areas. She stated that she appreciated the changes that were made but was disappointed in the lack of change in density. She asked the commissioners to deny the development request.

Michael O'Brien stated that there is not adequate schooling to handle the increases that is being proposed. He also stated that there is not enough law enforcement to handle the area.

Peggy Hedin stated that Somers even at their current usage is more and more frequently over using their capacity. She then stated that this has been denied twice by the planning board. She asked the commissioners for help in defending themselves against these high density developers. She also stated that the area is on a scenic corridor. She stated that there could not be a worse place to contemplate putting high density housing. She then reviewed the argument that this is for affordable housing stating that is an absurd suggestion.

Chairman Watne seated - [8:51:10 AM](#)

Peggy Hedin again stated that this is too much development on too little land.

Donald Baughman stated that he is in agreement with the comments that were made by the Somers Township Association. He stated that the new county growth policy draft. He stated that at the last meeting with the Somers Township and the applicant they did not leave the table with an agreement. He also stated that there are some big issues on the one in regards to impact fee.

Dennis Hatton stated that Somers is one of the nicest places in the valley and spoke on why they need to keep it that way. He stated that having Somers as a gateway community is an important concept. He also stated that he believes it is a very important point that the laws says they must have sewer capacity before proceeding.

Will Richards spoke in regards to the Sweetgrass Ranch. He submitted a map of the soil composition of the proposed subdivision. He stated that this is the best soil in the county and he would like to see it preserved.

Pat Arnone spoke in regards to the Sweetgrass Ranch subdivision. She stated that this area is not needed for proper urban expansion. She also stated that this is prime agricultural land. She then stated that she believes that this area meets all the criteria for a smaller density subdivision. She then reviewed the excessive number of vacant lots in the Flathead Valley. She then spoke in regards to the approved subdivision for Tom Sands.

Bonnie Boles stated that one of the big concerns is the quality of water in the proposed septic systems for the Sweetgrass Ranch. She then reviewed the use of the justification that there is already developments of this large a size when they try to get more subdivisions proposed with that density. She also spoke in regards to the lots already being advertised at fifteen to twenty acres, stating that most of the neighbors in the area would find that many houses acceptable but fifty five is far too many.

Kim Elliott spoke in regards to the protection of the old growth trees and wetlands. He requested that if the commissioners support this development they have a requirement that approximately twenty eight acres of trees/wetlands be placed in a conservation easement and that this process be signed and completed before final approval. He then stated that the environmental impacts statement states that this stream does not flow but this stream is close to normal than it has been in the last ten years. He stated that if flooded his yard and so he therefore challenged the validity of that environmental impact statement. He then reviewed the different conditions that the conservation easement should have. He also stated that he would be in support of thirty homes in a cluster development.

Kenneth Haugan stated that he was a retired geologist and that he has been concerned about the shallow water level in this area. He also stated that there are areas with that shallow water that are marsh land or potential wetland that could be a cause of concern when they get the runoff for the fifty five homes that are proposed.

Bette M Haugan stated that density has been a main concern of the Sweetgrass Ranch. She stated that they felt that this large density development is not in character with the surrounding area. She also stated that she agreed with the previously made comments and believes that thirty lots or homes would be more in character with the density of the immediate area and would therefore support that.

Ivan Lorentzen stated that either he or his father have farmed this particular piece of property for Sweetgrass Ranch for many decades and he therefore knows the property very well. He stated that the environmental impact study stated that the creek was dry but it is not, it runs quite well. He also stated that the property is listed as waterfront property since the creek has been running. He then spoke in regards to the statement in the environmental impact study that there is little wildlife in the area and yet one morning this fall there were about thirty elk on the property. He stated that this would be the first and highest density development for quite a few miles in any direction and is completely out of character for the area. He then stated that he would recommend denial of this development as proposed and that it is done being planned

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

#### **QUARTERLY MEETING W/ RICHARD STOCKDALE, ANIMAL CONTROL**

[9:18:58 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Richard Stockdale

Discussion was held relative to the statistics for the month of June for the Animal control. Richard also spoke in regards to the Humane Society taking in more dogs from animal control instead of just keeping a list of dogs from the community. He then spoke in regards to the spay and neuter trailer stating that it is on order and being built. He also stated that they had received a grant to purchase an autoclave. He then stated that they had to have the transmission fixed in one of their vehicles which cost half of their vehicle maintenance budget for the year. He then reviewed the new position opening for the vet tech for the new spay and neuter trailer.

#### **CONSIDERATION OF EXTENSION AGENT POSITION**

[9:32:50 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 continue consideration. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **PRELIMINARY PLAT: SWEETGRASS RANCH**

[9:34:08 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, Traci Sears-Tull, Kim Elliott, Len Boles, Bonnie Boles, Susannah Casey, Rita Graham, Pattee O'Brien, Michael O'Brien, Ivan Lorentsen, Pat Arnone, Kenneth Haugan, Bette M Haugan, Dennis Hatton, Kim Orr, Joe Orr, Francis Van Rinsum, Jan Van Rinsum, Michelle Ahern, Donald Baughman, Peggy Hedin, Dawn Marquardt, Debbie Shoemaker, Katherine Maxwell, Will Richards, Paula Wunderlich, Robert K Wunderlich, John Thomas, Jeff Raper, Nancy Gilliland, Traci Reby, William Paulin, Lisa Horowitz

Sears-Tull commended the public for speaking in regards to applications that are happening in their area.

Sears-Tull reviewed the application submitted by Erik and Rita Brandin for preliminary plat approval of Sweetgrass Ranch, a major subdivision that will create 55 single family residential lots. The subdivision is proposed on 124.77 acres and will be served by a public water and sewer system. The subdivision is located off of Montana Highway 206 north of the Highway 35 Junction. On December 7, 2005 the planning board recommends denial of the project based on 64 single family residential lots based on historical groundwater issues, placement of lot 12 in close proximity to the floodplain, wildlife corridor was not

adequately addressed, placement of floodplain boundaries does not seem consistent with the creek bed, proposed density is not consistent with the surrounding area, and proposed individual septic systems instead of a community system. On January 12, 2006 the Flathead County Board of Commissioners voted to deny Sweetgrass Ranch Subdivision based on Groundwater concerns including individual septic systems, and density and compatibility with the surrounding area. The applicants submitted a new proposal on March 21, 2006 based on 55 lots. On June 21, 2006 the planning board voted in favor of the amended application with amendments to conditions 6, 14, and 28. There are 28 attached conditions.

Discussion was held relative to the highway turn lane. The applicant reviewed what had been requested by MDOT. He stated that they were asked to have a pull off but not a full deceleration lane. John Thomas reviewed the area for storm water drainage.

Commissioner Brenneman questioned the difference between public and community water. John Thomas stated that this would definitely be a public water system because it services over twenty five homeowners. Commissioner Brenneman then questioned how the system is monitored and regulated. John Thomas stated that they would be shut down by DEQ if they did not submit the proper reports.

Discussion was then held relative to the property being listed already as 10 to 15 acre lots. John Thomas stated that they were just trying to get a feel if there would be any public interest in that size of lots.

Commissioner Hall then asked about working with the land trust. John Thomas stated that they can not get a land trust until preliminary plat has been approved and that is why it is a condition of final plat. He stated that they could put a deed restriction on the conservation land.

Discussion was then held relative to the density of the area. John Thomas stated that he had seen a lot more lots on less acres.

Commissioner Hall then stated he would like to see under condition 13E a timber management plan for that wooded area in case of a beetle infestation. He also questioned the easement for future connectivity and asked if they planned on building more out there. John Thomas stated that they had not intention and that it was a courtesy.

Commissioner Brenneman stated that he felt that A to Z and Glacier Surveying should be congratulated on their work. He then stated that under the summary of findings number one it stated that impacts on traffic, natural environment, and wildlife habitat therefore it would be inappropriate to proceed. He then reviewed finding number 11 on removing 96 acres from agricultural development. He stated that he could not support this based on the findings that state they would have significant impacts based on the number of lots.

John Thomas stated that they have done everything they possibly can to mitigate these impacts. He asked that the comment that this would cause significant impacts be substantiated. He then stated that this is not that great of farmland.

Commissioner Brenneman made a **motion** to deny the subdivision based on findings of fact number 1 and 11. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. **Opposed** – Hall. Motion carried by quorum.

Jeff Harris asked to add a finding number 12 that the proposed density is too intense and not consistent with the surrounding lot sizes.

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

Jeff Harris stated that they do see this as a density issue and not a design issue.

John Thomas stated that you can not have a nice development without the density that will pay for the proper design and landscaping. He stated that it puts them in a situation that they can not do their work.

Commissioner Brenneman stated that would ask the question if this is the parcel that should be developed.

John Thomas stated that the economics don't work to farm it anymore and they can not develop it than where does that leave them.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-06-26 as findings of fact as amended. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. **Opposed** – Hall. Motion carried by quorum.

#### **PRELIMINARY PLAT: MEADOWBROOK PLACE**

[10:21:30 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, Traci Sears-Tull, Kim Elliott, Len Boles, Bonnie Boles, Susannah Casey, Rita Graham, Pattee O'Brien, Michael O'Brien, Ivan Lorentsen, Pat Arnone, Kenneth Haugan, Bette M Haugan, Dennis Hatton, Kim Orr, Joe Orr, Francis Van Rinsum, Jan Van Rinsum, Michelle Ahern, Donald Baughman, Peggy Hedin, Dawn Marquardt, Debbie Shoemaker, Katherine Maxwell, Will Richards, Paula wunderlich, Robert K Wudnerlich, John Thomas, Jeff Raper, Nancy Gilliland, Traci Reby, William Paulin, Lisa Horowitz, Tim Birk

Sears-Tull reviewed the application submitted by Timothy & Julie Birk, Carol Keys, and William Paulin for preliminary plat approval Meadowbrook Place subdivision, a major subdivision that will create 168 residential lots with two Homeowners parks. The subdivision is proposed on 56.17 acres and will be served by Lakeside/Somers Sewer and Water. The subdivision is located south of Tiebuckers Subdivision and west of Somers Road in Somers.

On January 11, 2006 the Planning Board voted to deny the application based on the density as proposed, the lack of community involvement, the bad road conditions on Somers Road and School Addition Road, traffic problems, no response from schools;

possible problems with overcrowding in Somers School, no proposed park, and lack of agency comments on such a large project.

On March 8, 2006 resubmitted a revised plan that addressed some the concerns. The project was revised with 23 fewer lots, redesign of the proposed roads for connectivity and a 6.29 acres Homeowners park has been added.

On April 19, 2006 the Planning Board met to consider the revised plan. The motion to deny the subdivision failed and no other motion was entertained but did discuss having an MDOT system Impact Study conducted, having sidewalk, curb and gutters incorporated, parkland dedication, and the elimination of two northern cul-de-sacs.

The applicant was granted an extension to the review period on June 6, 2006 and applied for another extension on July 11, 2006. Additional information was submitted by the applicant on June 29, 2006. On four separate occasion the applicants met with the Somers Neighborhood Planning Group and their technical assistant and suggestions were made and incorporated into the applicant's project including, curbs, gutters and sidewalks along roadways, street lighting, connectivity of roads, two alley easements servicing the smaller lots, landscape cul-de-sac centers, covenants to address building standards, increasing the minimum lots size, adding a four-foot fence around the pond, constructing a children's baseball diamond, adding a gravel eight foot bike/pedestrian path.

The applicants have indicated service and capacity issues between the Somers Water and Sewer District, regarding additional capacity that must be obtained from Lakeside Water and Sewer District. Lakeside recently imposed a moratorium which will affect Somers and surrounding areas.

The remainder has been reduced to 7.64 acres, the number of lots has been reduced to 168, and the subdivision area has been increased to 56.17 acres. There are 24 attached conditions.

Commissioner Brenneman stated that the only information that they can consider is the information that the planning board saw.

Jeff Harris stated that there is a statute that would allow them to look at the information and if they find that the new information could significantly impact the planning boards decision they can send the information back to the planning board to discuss just that new information.

The applicant stated that this is a reduction of 23 lots from the original application.

Commissioner Hall stated that a cluster in this area would be much more desirable and that the traffic study has not been done. He also stated that this does not conform with the master plan. He then asked where the neighborhood plan for that area stands.

The audience stated that they have been put on hold until the growth policy is put out.

Commissioner Hall then stated that this density does belong in more of an urban setting. He also stated that there is a long drive to services for what is supposed to be affordable housing.

Commissioner Brenneman stated that his biggest concern is that the design is inherently unsafe. He stated that he is a fire man and he knows how fire men work. He then explained how the lot layout would be a safety concern. He then stated he was confused with the phasing and that with the sewage concerns, density and layout concerns he can not support this proposal.

Discussion was held relative to the sewage concerns. Traci Sears-Tull stated that this subdivision was served a will serve letter but now there is a capacity issue. She stated that when this proposal was originally brought in the sewage was not a concern but with all of the applications that have come in since it is.

Commissioner Brenneman then requested adding to finding F that it is uncertain if the subdivision would have sewage service.

Discussion was held relative to the planning board not having the information that there may be a question if sewage service would be available. Traci Sears-Tull stated that they did discuss that matter and were therefore aware of the uncertainty.

Commissioner Hall then stated that there is also a concern with the increase in the number of students in the Somers School district. Jeff Harris reviewed the small amount of seats available in the Somers School.

Commissioner Hall made a **motion** to deny the Meadowbrook Place Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Discussion was held relative to adding the capacity information to the findings for the Somers School District. Commissioner Brenneman also asked for the concerns about the access and connectivity to the lots be added under fire and emergency services.

Jeff Harris then asked that they add that the proposed development density is not appropriate for a rural setting.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-77 as amended. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #451 (SOUTHFORK ADDITION HUNGRY HORSE), #452 (PORTION N. HILLTOP ROAD), #454 (OFF OF TAMARACK LANE)**

[10:59:15 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 for Road Abandonments 451, 452, and 454 and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**NOTICE OF PUBLIC HEARING  
TO CONSIDER  
DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 453**

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:

North 30 feet of Assessors Tract # 4I, in Sec. 12, T30N, R21W. Parcel J on certificate of Survey Number 14129.

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 **August 8<sup>th</sup>, 2006 at 10:00 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 20<sup>th</sup> day of July, 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 July 25 and August 1, 2006.

**NOTICE OF PUBLIC HEARING  
TO CONSIDER  
DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 454**

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 30 foot strip along the North Boundary of Government Lot 3 in section 6, Township 30 North, Range 20 West, P.M.M., 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 **August 8<sup>th</sup>, 2006 at 10:00 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 20<sup>th</sup> day of July, 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 July 25 and August 1, 2006.

**NOTICE OF PUBLIC HEARING  
TO CONSIDER  
DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 451**

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 unmaintained 20' alley separating Lots 9-16 from Lots 17-22 of block 7 in the South Fork Addition of Hungry Horse.

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 **August 8<sup>th</sup>, 2006 at 10:00 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 20<sup>th</sup> day of July, 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 July 25 and August 1, 2006.

**AUTHORIZATION TO PUBLISH RFQ: CAPITAL IMPROVEMENTS PLAN**

[10:57:28 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 RFQ and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

REQUEST FOR PROPOSALS  
FLATHEAD COUNTY  
CAPITAL IMPROVEMENTS PLAN

Flathead County is requesting proposals from firms or individuals for the preparation of Flathead County's Capital Improvement Plan. The preparation of the Plan must be completed by January 31, 2007. Proposals must be submitted no later than 3:00 p.m. local time, August 12, 2006, at the office of the Flathead County Commissioners located at 800 S. Main St., Kalispell MT 59901

Questions should be directed to: Mike Pence, Flathead County Administrator, 800 S. Main, Kalispell MT. Phone - 406-758-5505.

Please mark envelopes: Flathead County Capital Improvements Plan Proposal on the outside of the sealed envelope.

Flathead County intends to negotiate an agreement based upon fair and reasonable compensation for the scope of work and services proposed. Proposals should include a draft contract for provision of the services proposed.

Flathead County also reserves the right to reject any and all responses deemed unqualified, unsatisfactory or inappropriate.

Flathead County is an Equal Opportunity Employer. Minorities and Women-Owned Businesses are encouraged to submit proposals.

Board of County Commissioners  
Flathead, County

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

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser

Publish: July 25 and August 1, 2006.

**DOCUMENT FOR SIGNATURE: CONTRACTS/EXAMINING SURVEYOR AND ASSISTANT EXAMINING SURVEYOR**

[11:02:35 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 contract for the examining surveyor and assistant examining surveyor. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: SERVICE PROVIDER DESIGNATION FORM / CDC**

[11:00:08 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 service provider designation form for the CDC. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**QUARTERLY MEETING W/ LAUREL RAYMOND, FINANCE DEPARTMENT**

This meeting was postponed.

**MEETING W/ WHITEFISH FIRE SERVICE AREA BOARD**

11:01:23 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, Dud Mahler, Bill LaBrie, Eric Schenck

Discussion was held relative to the contract dispute with the City of Whitefish. The City of Whitefish had adopted an emergency services planning committee and they had put together a plan for increasing personnel over the next five years. It was stated that they wanted to change the terms of the contract so that the people in the Whitefish Fire Service Area pay on a parity basis so that they pay a proportionate share of the cost of services. They stated that the county commissioners are the only ones that have the ability to change the assessment amounts and so the committee agreed to put together information to bring forward to the commissioners to ask for the increase. The problem was that they needed an official proposal for a contract which had never been formally submitted. The Whitefish Fire Service Area requested to meet with the committee because they had received a draft copy of the City of Whitefish's plan for expansion where it appeared they were doing something illegal. They were never able to get a meeting and received a letter stated that that the City of Whitefish is demanding a new contract based on a philosophy that the City property owners share the financial burden for fire services on a proportional basis. The Whitefish Fire Service Area Board informed that City of Whitefish that Montana Law requires the contractual relationship between Whitefish and the Whitefish Fire Service Areas to be as an independent contractor. The City of Whitefish wishes to increase the contract amount by 80 percent. The Whitefish Fire Service Area does believe that an increase is appropriate but their problem is the conditions for contract.

Discussion was held relative to having a county commissioner speak with the City of Whitefish to negotiate a compromise. They also discussed having the county attorney's office represent the Whitefish Fire Service Area in the contract negotiations. Jonathan Smith stated that they could represent them but would not be able to sit at the negotiating table.

**12:00 p.m. Brown Bag Luncheon w/ Planning Board at the Commissioners' Meeting Room**  
**1:00 p.m. Commissioner Watne to attend Health Board Budget Committee meeting at the Earl Bennett Building**  
**2:00 p.m. Commissioner Watne to attend Health 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 July 21, 2006.

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**FRIDAY, JULY 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.

**10:00 a.m. Commissioner Brenneman to attend CDC & Mental Health Council meetings in Missoula**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 24, 2006.