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**MONDAY, SEPTEMBER 11, 2006**

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

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

**MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS**

This meeting was not held.

**PUBLIC HEARING: BLASDEL ZONE CHANGE / EVERGREEN & VICINITY ZONING DISTRICT**

[9:36:37 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Clerk Kile, Traci Sears-Tull, Jeff Harris, Alice Blasdel, Colleen Wise, Eric Mulcahy

Sears-Tull reviewed staff report #FZC 06-15.

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

Eric Mulcahy with Sands Surveying spoke as a representative of Alice Blasdel stating that the applicant only intends to split the property in half and not develop to its full potential, although it is in an area that is identified for urban growth.

Colleen Wise spoke in favor of the zone change.

The applicant was informed of a statute that may cause a problem with the adopting of the final resolution. It was stated that if the growth policy is not approved on October 1<sup>st</sup> they can not approve any final resolutions until it is. It was also stated that if sixty days pass after the passing of the resolution of intent then the applicant would have to start over with getting another resolution of intent passed again.

Jeff Harris spoke in regards to the planning board honoring applications that are already scheduled for commissioner action or public hearing before October 1<sup>st</sup>, hoping that the growth policy will be in place so they can then move forward with the resolution of intent.

Commissioner Brenneman asked if the applicants had the option to continue the public hearing until the growth policy was in effect, because if sixty days pass then they would have to start over again.

Eric Mulcahy spoke in regards to his frustration that they had submitted the application in April, and it has taken this long to get to this point.

Commissioner Brenneman questioned whether the applicant would like to continue at this point or have them move forward with the approval of the resolution of intent and hope that they can consider the final resolution within sixty days.

Eric Mulcahy agreed that continuing at this point would make the most sense.

Jonathan Smith asked that they continue the public hearing for thirty days to consider again.

Commissioner Brenneman made a **motion** to continue the public hearing for thirty days. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

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

[9:51:26 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Clerk Kile, Marica Sheffels, Susanne O'Connor

Discussion was held relative to the Flathead County School District levies and the signature requests.

#### **DOCUMENT FOR SIGNATURE: AOA SERVICE PROVIDER AGREEMENTS / IMMANUEL LUTHERAN HOME, NORTH VALLEY HOSPITAL, NORTH VALLEY SENIOR CENTER & WHITEFISH GOLDEN AGERS**

[10:03:30 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Clerk Kile

Commissioner Brenneman made a **motion** to approve the service provider agreement for AOA to service Immanuel Lutheran Home, North Valley Hospital, North Valley Senior Center & Whitefish Golden Agers. Chairman Watne seconded the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

#### **CONSIDERATION OF EXTENSION REQUEST: TRUMBLE CREEK CROSSING**

[10:05:09 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Clerk Kile

Commissioner Brenneman made a **motion** to approve the extension request for Trumble Creek Crossing. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

## **PERSONNEL MATTER**

[10:07:41 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, Clerk Kile, Raeann Campbell

Commissioner Brenneman made a **motion** to approve a confidential personnel matter. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

## **DOCUMENT FOR SIGNATURE: CHALLENGE COST SHARE AGREEMENT / HEALTH DEPT**

[10:08:58 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Clerk Kile

Commissioner Brenneman made a **motion** to approve the Challenge Cost Share Agreement for the Health Department. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

## **CONSIDERATION OF APPLICATION FOR APPROVAL OF FIRING RANGE: HEINE**

[10:10:25 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Clerk Kile

Commissioner Brenneman made a **motion** to approve the firing range application for Heine. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

## **DOCUMENT FOR SIGNATURE: PROFESSIONAL SERVICES CONTRACT / GAMRADT**

[10:10:56 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Clerk Kile, Jonathan Smith

Commissioner Brenneman made a **motion** to approve the professional services contract for Gamradt. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

## **AUTHORIZATION TO PUBLISH CALL FOR BIDS: SOUTHSIDE TOWNHOMES SEWER PROJECT**

[10:20:03 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Clerk Kile, Jonathan Smith

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

**9:00 a.m. Mosquito Board meeting at the Earl Bennett Building**

**10:00 a.m. Personnel matter**

**10:00 a.m. Commissioner Hall RC&D meeting in Rexford**

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

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## TUESDAY, SEPTEMBER 12, 2006

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

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

### MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER

This meeting was not held.

### QUARTERLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE

[9:58:33 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Karole Sommerfield

Discussion was held relative to the success of the 2006 Fair being the most profitable year ever with record prices paid for the 4-H animals. The prices were higher than previous years and it was an extremely profitable year for the 4-H kids. The new agent position brought in several highly qualified candidates, and interviews will be done at the end of the month with Commissioner Brenneman sitting in on them. Lacy Bixler was hired with grant money on Sept 5<sup>th</sup> as a Nutrition Program Assistant that will be working with students at the 3<sup>rd</sup> & 5<sup>th</sup> grade level on healthy eating and exercise.

### BOARD APPOINTMENTS: IMPACT FEE COMMITTEE

[10:12:05 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Mary Sevier, Kirsten Holland

Commissioner Hall made a **motion** to extend the board appointment process until October 15<sup>th</sup>, 2006. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

### MONTHLY MEETING W/ MARK PECK, OES

[10:34:12 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Mark Peck

Discussion was held relative to the Statement of Work for FFY 2006 that Mark compiled for grant money he receives from the state that off sets costs for state and local governments to make sure they have an OES function. Discussion was also held regarding the truck that was bought from BN that is not being used. The HAZMAT trailer was used as a command station for the Sun Dog Fire and there were several minor things discovered that needed to be repaired. There is a need to upgrade to a bigger antenna for air to ground communication. He also discussed the HAZMAT team being on target for their re-certification with the state. He spoke in regards to the 911 consolidation being a critical issue. The Paint Emery fire was discussed with several complaints from residents about the smoke that it will create in the valley. The DEQ approved the fire and did not feel that ventilation would be a problem because of the upcoming weather. He spoke about the growth of the valley and indicated they need to look at an EMS five year plan. Funding was received thru RC&D to fund Bill Swope on a part-time basis of 20 hours per week to work on grants and report to the Commissioners on a quarterly basis.

**PUBLIC HEARING: SEMITOOl ZONE CHANGE HIGHWAY 93 NORTH ZONING DISTRICT**

[11:13:08 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Jonathan Smith, Kirsten Holland, Rick DeJana

Planner Kirsten Holland spoke in regards to the Semitool Zone Change request to change zoning on property from SAG 10 – 11. The parcel is directly north of the existing Semitool complex off of West Reserve Drive and is 30.2 acres in size. Applicant is requesting a zone change subsequent to the previous approval of the master plan amendment and is proposing to build a 12,000 square foot warehouse.

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

Rick DeJana spoke as a representative of Semitool and indicated that this zone change has been in the works since early spring of 2005 when they did a plan amendment. That was followed up by an application filed in March of 2006 for a zone change. The plan amendment was approved on January 25<sup>th</sup>, was effective on Feb 24<sup>th</sup>, and within 2 weeks they filed for the zone change. He is asking that the zone change be passed in light of the growth policy not being in effect.

Jonathan Smith informed the applicant that the statute says after October 1<sup>st</sup> we cannot revise or adopt zoning based upon our own plan. We have to have a growth policy in effect before we can do any more zoning, whether adopting or changing. Under the statute if you pass a resolution of intent today you have to publish the notice and then have a 30 day protest period. At the end of the 30 day protest period, assuming there are no protests to stop the process, then the Commissioners have 30 days within to act if they wish to adopt a final resolution for the zone change. If a resolution of intent is passed today, and we have no growth policy in 60 days, then a final resolution won't be able to be done on the zone change. The applicant was informed that if they continue the public hearing for 30 days then we will have a better idea as to when we would have a growth policy. If the applicant doesn't want to wait the 30 days, then it would be his decision to do the resolution of intent today and see what happens in the next 60 days.

Rick DeJana indicated that he wanted to move forward with passing the resolution of intent today.

Commissioner Hall spoke in favor of wanting to move forward with the resolution of intent.

Commissioner Brenneman spoke in regards to being willing to move ahead too, but stated that he would be most likely unwilling to adopt a final resolution 60 days from the date of the public notice if a growth policy wasn't in effect.

Rick DeJana indicated that continuing the hearing for 60 days would not solve the problem either, because technically once they have a growth policy it would have to be heard again. He indicated that no one has protested or challenged the zone change. He pointed out that vested right issues trump the other statutes. He stated that he wants to move ahead with the resolution and have it passed now instead of waiting until October 1<sup>st</sup>.

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

Commissioner Hall made a **motion** to adopt Resolution # 837-BK. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

RESOLUTION NO. 837 BK

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 12<sup>th</sup> day of September, 2006, concerning a proposal by Semitool, Inc., to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to I-1 (Light Industrial);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on August 31 and September 7, 2006;

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

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to I-1 (Light Industrial), that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Highway 93 North Zoning District to be amended, the general character of the proposed designation for the area to be amended, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Highway 93 North Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Highway 93 North Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders protest the proposed change in said district, then the change will not be adopted.

DATED this 12<sup>th</sup> day September, 2006.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Deputy

**SEMITOOL, INC.  
ZONE CHANGE FROM SAG-10 TO I-1  
STAFF REPORT #FZC-06-13  
JULY 19, 2006**

**Location and Legal Description of Property:**

The property is located at 655 West Reserve Drive, and can legally be described as Assessor's Tract 3E situated, lying, and being in the Northwest Quarter of the Southeast Quarter of Section 30, Township 29 North Range 21 West, P.M., M., Flathead County, Montana. (Certificate of Survey No. 9442)

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION  
HIGHWAY 93 NORTH ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 837 BK) on September 12, 2006, to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to I-1 (Light Industrial).

The boundaries of the area proposed to be amended from SAG-10, to I-1 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from allowing a district designed to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, and providing for estate type residential development, to allowing for light industrial uses and service uses that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odors, smoke, etc.) which extend beyond the lot lines.

The regulations defining the SAG-10 and I-1 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.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Highway 93 North Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 12<sup>th</sup> day of September, 2006.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Deputy

Publish on September 16 and September 23, 2006.

**SEMITOOL, INC.  
ZONE CHANGE FROM SAG-10 TO I-1  
STAFF REPORT #FZC-06-13  
JULY 19, 2006**

**Location and Legal Description of Property:**

The property is located at 655 West Reserve Drive, and can legally be described as Assessor's Tract 3E situated, lying, and being in the Northwest Quarter of the Southeast Quarter of Section 30, Township 29 North Range 21 West, P.M., M., Flathead County, Montana. (Certificate of Survey No. 9442)

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 13, 2006.

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## WEDNESDAY, SEPTEMBER 13, 2006

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

8:00 a.m. Personnel Interview  
8:00 a.m. Personnel Interview  
10:00 a.m. Personnel interview  
11:00 a.m. County Attorney meeting @ County Atty's Office  
11:30 a.m. Long Range Planning Task Force Affordable Housing Committee meeting @ Earl Bennett Bldg

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

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## THURSDAY, SEPTEMBER 14, 2006

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

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

[8:57:02 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Jeff Harris, Ken Kalvig,

Ken Kalvig spoke in regards to a letter he presented to the commissioners in regards to Haskill Mountain Ranch a major subdivision at the southern end of Ashley Lake. He spoke in regards to the denial vote on August 10<sup>th</sup> and he feels the application that was denied can be approved. The letter contained a transcript of the August 10<sup>th</sup> meeting in regards to Haskill Mountain Ranch. He had 4 concerns in his letter. His first concern is that the application is improperly and unnecessarily being referred back to the Planning Board. The second concern is that the Planning Board has no clear direction as to what they are suppose to do at this stage. The third concern is that he doesn't feel that it is proper for the Planning Board to modify the findings of fact, and his fourth concern is that he thinks the focus should be on the mitigation. He is asking them to reconsider how this is being processed and is asking that the application come back to them without going thru further action from the Planning Board. He feels that if it is the decision of the Commissioners that the findings of fact were flawed that they should be changed. He stated that the regulations say that the Commissioners have the authority to do that.

Commissioner Hall spoke in regards to the decision and indicated that they should have taken the time to put in conditions and is not opposed to coming back and putting conditions in.

Commissioner Brenneman felt he needed more time to think about the letter and talk with the attorneys.

Jeff Harris spoke in regards to the Planning Board's recommendation of denial. It was his understanding that it was referred back to the Planning Board for more detail since it was a unanimous denial.

Commissioner Brenneman's motion was to return the application to the Planning Board for an explanation of denial.

Jeff Harris spoke about the discussion that is now scheduled for September 27<sup>th</sup> in regards to the denial. They have drafted some clarifications to the findings of fact as to why they are recommending denial.

Ken Kalvig spoke about the difficulty of the application and the Planning Office and Board speaking two different languages. His understanding of the statues would be to talk about how to mitigate the concerns. He is concerned about the process they are undergoing that doesn't seem to be contemplated by the regulations and statues. He indicated that he has already heard from the Planning Board and the commissioners had expressed their concerns. He expressed his concerns about having to go thru an improper process now.

Ken Kalvig indicated that his applicant would be interested in working with the planning staff on addressing mitigation issues.

Jeff Harris indicated that they did have that option before it reached the commissioners, but the applicant chose not to do that. He stated that the Planning Board will do a clarification on reasons of denial and get back to the commissioners.

Ken Kalvig indicated that his client would like the opportunity to work with the commissioners about the mitigation and come up with conditions that they would feel comfortable approving. He stated that the mid course correction would add time and expense to the process and his client feels they would like to work on it more before they take that step.

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

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

[9:33:10 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Jeff Harris

Discussion was held relative to the Planning Board making the decision that they would not have the Growth Policy done by the October 1<sup>st</sup> deadline. Instead of trying to make the deadline they have chosen to review the Growth Policy in detail by going thru it policy by policy and page by page. The changes are made as they go thru it, and they will present a copy with the changes and a copy without the changes when they are finished. He indicated that the process continues and he doesn't have a deadline to present. They are seeing no decline in the applications they are receiving.

**PUBLIC HEARING: WELSH ZONE CHANGE/ HIGHWAY 93 NORTH ZONING DISTRICT**

[9:44:10 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Jeff Harris, Rebecca Shaw, Jonathan Smith

Rebecca Shaw reviewed Staff Report FZC 06-07 and is recommending denial.

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

Jonathan Smith spoke about the growth policy and the zone change not being able to be done before the growth policy goes into effect.

Jeff Harris spoke about this being an example of spot zoning.

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

Commissioner Brenneman made a **motion** to deny resolution 837BM. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. **Opposed** – Hall Motion carried by quorum.

**PUBLIC HEARING: FARLEY, ET AL, ZONE CHANGE/ LOWER SIDE ZONING DISTRICT**

[9:55:18 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Rebecca Shaw, Jeff Harris, Mick Diede

Rebecca Shaw reviewed Staff Report FZC 06-14. Staff recommends approval.

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

Mick Diede spoke in regards to being the owner of a piece of the land and his desire to give his children a piece of the property.

Jonathan Smith spoke in regards to there not being a growth policy in effect on October 1<sup>st</sup> and not being able to proceed until the county has a growth policy in effect. He indicated that under the statute the way the process works is if they pass a resolution of intent today then the notice of public hearing would be published in a few days and at the end of the 30 day protest period the commissioners have 30 days to act. If there is no growth policy in effect they won't be able to adopt the final resolution for the zone change and the process will have to start over. If they continue the public hearing for 30 days then the deadline doesn't start until you close the public hearing.

Commissioner Hall made a **motion** to continue the public hearing in 30 days. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**CONSIDERATION OF HR TRANSMITTALS: OA III/ CLERK OF DISTRICT COURT, GRANT WRITER/ ADMINISTRATION**

[10:02:05 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Raeann Campbell

Commissioner Brenneman made a **motion** to approve the HR Transmittal for the OA III position for the Clerk of District Court. Commissioner Watne seconded the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the HR Transmittal for the Grant Writer position. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**FINAL PLAT: HOMESTEAD AT WHITEFISH**

[10:11:32 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Rebecca Shaw, Tom Sands

Rebecca Shaw reviewed the application for final plat approval of Homestead at Whitefish, a subdivision creating eight residential lots off of Star Meadows Road. The preliminary plat approval was granted on March 22<sup>nd</sup>, 2005, subject to 12 conditions. All conditions have been met or otherwise addressed. Staff recommends approval.

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

Commissioner Hall made a **motion** to approve the final plat of Homestead at Whitefish. Commissioner Brenneman seconded the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**CONSIDERATION OF HR TRANSMITTAL: OA III/ FAIRGROUNDS**

[10:04:57 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Raeann Campbell

Commissioner Brenneman made a **motion** to deny the part time position at the fairgrounds. Commissioner Hall seconded the motion. **Aye** - Hall and Brenneman. **Opposed** – Watne. Motion carried by quorum.

**BUDGET AMENDEMENT**

[10:39:07 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile

Commissioner Brenneman made a **motion** to adopt Budget Resolution 1973. Commissioner Hall seconded the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.





Date: \_\_\_\_\_

**CONSIDERATION OF ADOPTION OF RESOLUTION: BUDGET FY 06-07**

[10:56:48 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile

Assistant Pence reviewed the 2006-2007 budget.

Commissioner Hall made a **motion** to adopt Resolution 1974. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**RESOLUTION NO. 1974**

**A RESOLUTION APPROVING AND ADOPTING THE FLATHEAD  
COUNTY BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2007**

**WHEREAS**, Section 7-6-4030(2) M.C.A. requires that the Board of County Commissioners, by resolution, approve and adopt the budget for each fiscal year;

**WHEREAS**, the Board of Commissioners, in accordance with Section 7-6-4030(3)(a), MCA, may establish the legal spending limit at a level of detail which will allow more flexibility and has determined that that level of budget control should remain at the Fund/Department level; and

**WHEREAS**, the proper public hearings have been held in regard to the setting of such budget for the fiscal year ending June 30, 2007.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners for Flathead County does hereby approve and adopt the final budget for Flathead County for the fiscal year ending June 30, 2007, as set out in the budget document attached and incorporated herein as a part of this resolution.

**BE IT FURTHER RESOLVED**, that the level of budget control shall be at the Fund/Department level, that any unused budget appropriations for the Personal Services object codes (100's), shall not be used to increase spending in other budget areas, such as Supplies, Purchased Services or Capital Outlay, without specific Board approval, and that budget authority within the remaining object codes, 200 - 900, may be transferred at the fund/department level without line item transfer approval by the Board of Commissioners, provided that total expenditures may not exceed the total fund/department budget.

**BE IT FURTHER RESOLVED**, that the Board of county Commissioners for Flathead County does hereby approve and adopt the levies required to fund the final budget for Flathead County for the fiscal year ending June 30, 2007, as set out in the budget document attached and incorporated herein as part of this resolution.

**BE IF FURTHER RESOLVED**, that the Board of County Commissioners for Flathead County does hereby order the Clerk and Recorder to enter the budget document and tax levy schedule in the official minutes of the Board of County Commissioners and to send copies of the budget as approved and adopted to all necessary offices of the county and the State of Montana.

APPROVED AND ADOPTED this 14<sup>th</sup> day of September, 2006.

BOARD OF COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:

Paula Robinson, Clerk

By: /s/Diana Kile  
Deputy

**MEETING W/ DAVE KEHR RE: LYNNEWOOD ACRES BIKE PATH**

[11:06:15 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Dave Kehr, Vickie Turner, Tracy Jones, Kindal Murry, Bonni Murry

Discussion was held relative to the bike path in Lynnewood Acres that was to go in as a condition of a subdivision approval. David Kehr from the home owners association is requesting that they eliminate the bike path requirement.

Commissioner Brenneman made a **motion** to remove the condition of the bike bath for Lynnewood Acres. Commissioner Hall seconded the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**CONTINUATION OF ROAD ABANDONMENT #455 (PORTION OF WAGNER LANE)**

[11:33:45 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall (via phone)

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Jim Satterfield, Warren Elli, Georgia Branscome, Harry Woll, Kindal Murry, Bonni Murry, John Jellar, Bonnie Riedelbain, Horace Saunders, Ben Loudon, Ellie Allen, Frank Wieferich, Sandra Thompson, Tom Shipp, Dennis Carver, Wes Plummer, Richard Riedel, Roy Hutchin, Carolyn Jellar, Bob Wagner, J Limbieris, Melanie Burt, Jason Nickels

Jim Satterfield spoke about the proposal letter he received a copy of from Commissioner Hall and indicated that his office had not received a copy of the letter from Mr. Carver. His feeling right now is that there is some potential, but they still need to ascertain the high water mark along the whole area in question to see what the public may or may not be losing in terms of access.

Chairman Watne questioned Mr. Satterfield in regards to the FWP taking care of the new site if the proposal was to go through. He indicated that the site would need some development and he wasn't ready to answer that question yet, he would have to have the Helena staff look at it with him. Chairman Watne indicated that according to the map he was looking at the access point would remain the same; it would just have a different road going to it. Mr. Satterfield indicated that the site in question is not necessarily the site that is being used the most right now. The site that is existing now would not be available to the public. Chairman Watne indicated that the county doesn't want to be responsible for maintaining the access.

Mr. Carver stated that the purpose of the proposal was not to put the Commissioners in a position of having to abandon an existing public access. In addition he had certification from two different surveying companies that the site in question does not touch the county road. Both Flathead Geomatics and Sands Surveying have certified that it is not a public access.

Warren Elli spoke in regards to the plat that Mr. Carver showed last week showing the low water mark in an existing county right of way, and that plat shows that the low water mark comes within a pencil width from hitting the county right of way. He stated that we need to know for sure where the water mark is before they can know for sure that they are meeting the intent of the state law.

Commissioner Brenneman asked if the proposal would meet the requirements that are necessary for access to a public waterway.

Warren Eli indicated that it would provide access, but questioned whether it would replace what is being lost by the abandonment; the law requires that it replaces what is being abandoned. He indicated that until we know where the high water mark is, we don't know what the public is giving up.

Chairman Watne indicated they have letters from 2 surveyors saying that the right of way does not meet the high water mark.

Warren Elli questioned where the standards are and would like an independent 3<sup>rd</sup> party surveyor to say where the high water mark is, so we will know for sure.

Chairman Watne indicated that PLS #14731 on certificate of survey #17370 does not extend to or touch the high water mark of Church Slough.

Commissioner Brenneman read the Viewers Report prepared by Jim Burton that stated the conditions of abandonment are the following; the new road way as proposed be constructed to county standards, a 60 foot road and utility easement be granted to the county before the abandonment is granted, and that all utilities be placed under ground. Commissioner Hall and Commissioner Brenneman requested from the attorneys that when they meet again that they have language that will guarantee public access to the waterway.

Commissioner Hall made a **motion** to continue or table until the language is satisfactory to all parties that they would be in compliance with SB 254 Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. **Opposed** - Watne Motion carried by quorum.

**CONSIDERATION OF TUITION REIMBURSEMENT: CAMPBELL**

[10:44:35 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Diana Kile

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

**12:00 p.m. Commissioner Hall to Montana West Economic Development Board Retreat**  
**2:00 p.m. AOA Board Meeting @ Kalispell Sr Center**  
**4:00 p.m. Long Range Task Planning Force Meeting @ Earl Bennett Bldg.**  
**7:00 p.m. Fair Board Meeting @ Fair Office**

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

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**FRIDAY, SEPTEMBER 15, 2006**

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

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

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