
MONDAY, NOVEMBER 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.

Chairman Brenneman PT opened the public comment on matters within the Commissions' Jurisdiction.

Jed Fischer spoke about the service elevator in the Justice Center that went out on Saturday night and caused an electrical fire. He stated that he anticipates that it will be out for approximately 2 weeks. He has since found out that the elevator has been antiquated since it was installed and that it should have never been installed. He also stated that there is possibly no repair and anticipates the cost of new equipment to be high. In the mean time the stairs will have to be used in place of the service elevator.

Rick DeJana spoke about a meeting that he had with the Planning Department, BJ Grieve, Nicole Lopez-Stickney and Peter Steele in regards to Greywolf Subdivision. He stated that it was a good meeting and in it they discussed the water issue as to if it was going to be public, individual wells or shared wells. He spoke about the hydrology report and stated that his client will live with the public water system if that is what they want and also spoke about issues with water rights. He then spoke about an engineer that has proposed an alternative of shared wells, remembering that what they were saying is unlike most subdivisions, where you just say that it is going to be wells; they are trying to make the condition that they put the wells in, so that they will know if they are affecting water before they ever get to Final Plat. He then spoke about Spring Hill Road and stated that they have tried to identify what the issues are and one of the problems in bringing it to county standards is that they don't have enough right of way. One of the solutions proposed would be that they would take No Name Road and make a loop around the most dangerous portion in the winter, so they would come through the subdivision and then pave all of No Name Road to county standards. They would also engage in some dust coating or whatever appropriate dust maintenance on Spring Creek.

Rick Breckenridge wanted to bring to the attention of the Commission that there is a decision on the Smith Valley control ground water and one point of the findings of facts is that the court had determined that through this study that only one to four percent of the annual recharge is all that is being appropriated out in Smith Valley. Findings of law in the conclusion say that there was not enough information in there to justify a temporary or permanent controlled ground water area based on the facts that were presented and the court accepted and the petitioner's case was insufficient. He stated that you might want to note that Chuck Brassen the judge on this said that an appropriator has a duty to develop his appropriation to its full potential. He also said if one or two appropriators think they have a right to the water as it currently exists, they don't, they have a responsibility to develop that and lower their pumps as the water levels fluctuate.

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

PUBLIC HEARING: ROAD ABANDONMENT #458 (OFF TAMARACK LANE)

[9:32:33 AM](#)

Members present:
Chairman Robert W Watne
Commissioner Joseph D Brenneman
Members absent:
Commissioner Gary D Hall
Others present:
Assistant Michael Pence
Clerk Diana Kile, Jeff Engle

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

Jeff Engle spoke in favor of the road abandonment.

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

Commissioner Brenneman made a **motion** to approve road abandonment #458, subject to the conditions listed on the viewers report. Chairman Watne seconded the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

FINAL PLAT: COUNTRY BOURNE SUBDIVISION

[10:06:56 AM](#)

Members present:
Chairman Robert W Watne
Commissioner Joseph D Brenneman
Members absent:
Commissioner Gary D Hall
Others present:
Clerk Diana Kile, Rebecca Shaw, Nicole Lopez-Stickney, Sarah Arrigoni, Mike Bratten, Rebekah Bratten, Cal Scott
Others absent:
Assistant Michael Pence

Shaw reviewed the application submitted by Gloria Wagner with technical assistance from Montana Mapping Associates for Final Plat approval of Country Bourne Subdivision, a 30 lot residential subdivision with 4 commercial lots. The subdivision is located on Pleasant Valley Road in Marion. Preliminary Plat approval was granted on July 5, 2005, subject to 11 conditions. All conditions have been met. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve Final Plat for Country Bourne Subdivision. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

FINAL PLAT: SOUTHSIDE COMMERCIAL PARK

[10:08:28 AM](#)

Members present:
Chairman Robert W Watne
Commissioner Joseph D Brenneman
Members absent:
Commissioner Gary D Hall
Others present:
Clerk Diana Kile, Carmen O'Brien, Dawn Marquardt, Debbie Shoemaker
Others absent:
Assistant Michael Pence

Lopez-Stickney reviewed the application submitted by Larry & Carmen O'Brien with technical assistance from Marquardt & Marquardt and Schwarz Engineering for Final Plat approval of Southside Commercial Subdivision, A.K.A. Amended Plat of Parker Square Subdivision. The subdivision is located approximately 3 miles south of Kalispell on Hwy 93 S., and is located on the west side of the Hwy. Preliminary Plat approval was granted on August 12, 2002, under the name Parker Square, which expired and was again granted in 2005, subject to 16 conditions. Staff recommends approval. All conditions have been met.

Lopez-Stickney spoke about an inconsistency with the subdivision regulations with this plat. She stated that there is a road that splits one of the lots and it was originally improved with 2 road easements going into one of the lots and the subdivision regulations specifically say that no road easements will split lots. There is now one easement running through lot 1 and it isn't anything that can be dealt with now, but it was stated for the record.

Commissioner Brenneman made a **motion** to approve the Final Plat for Southside Commercial Park. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

PRELIMINARY PLAT: WINTERCREST COUNTRY ESTATES

[10:21:43 AM](#)

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

Others present:
Clerk Diana Kile, Traci Sears-Tull, Ara Jorgenson, Pat Zinke, Andy Beleski
Others absent:
Assistant Michael Pence

Sears-Tull reviewed the application submitted by Patricia Zinke with technical assistance from Flathead Geomatics and 48th Engineering for Preliminary Plat approval of Wintercrest Country Estates, a major subdivision proposed on 24.78 acres with 17 lots located at 178 Wintercrest Drive in Kalispell.

Andy Beleski spoke in regards to the 60 foot right of way and stated that it is in place.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP 06-40 as findings of fact. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve Preliminary Plat of Wintercrest Country Estates. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: MSU CONTRACT #G128-06-W0152/ HEALTH DEPT.

[9:43:36 AM](#)
Members present:
Chairman Robert W Watne
Commissioner Joseph D Brenneman
Members absent:
Commissioner Gary D Hall
Others present:
Assistant Michael Pence
Clerk Diana Kile

Commissioner Brenneman made a **motion** to approve the MSU Contract #G128-06-W0152 for the Health Department and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF EXTENSION: BAY VIEW CONDOMINIUMS

[9:44:19 AM](#)
Members present:
Chairman Robert W Watne
Commissioner Joseph D Brenneman
Members absent:
Commissioner Gary D Hall
Others present:
Assistant Michael Pence
Clerk Diana Kile

Commissioner Brenneman made a **motion** to approve the extension for Bay View Condominiums for 1 year. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

MEETING W/ GEORGE SMITH/ PLANNING & ZONING OFFICE RE: JUNK VEHICLES

This meeting was not held.

6:00 a.m. Impact Fee Advisory Committee meeting @ Commissioners' Meeting Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 21, 2006.

TUESDAY, NOVEMBER 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.

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/ MONICA EISENZIMER, ELECTION DEPT.

[9:24:13 AM](#)
Members present:
Chairman Robert W Watne
Commissioner Joseph D Brenneman

Members absent:
Commissioner Gary D Hall
Others present:
Clerk Diana Kile, Monica Eisenzimer, Paula Robinson
Others absent:
Assistant Michael Pence

It was reported that there may possibly be a recount for the Public Service Commission office, but that will not be known for sure until after the state canvass, which is on Monday, November 27, 2006. Discussion was held in regards to the state requiring that the ballots be hand counted, which would involve around 30,000 ballots. It was stated that the Board of Canvassers are responsible for the re-count, which has to be conducted by 3 elected officials. What is being proposed is to have 10 groups of 3, which would consist of 3 Commissioners, 7 county employees, a republican and a democrat on each counting team.

DOCUMENT FOR SIGNATURE: EMPLOYMENT CONTRACT/ PECK

[9:22:10 AM](#)
Members present:
Chairman Robert W Watne
Commissioner Joseph D Brenneman
Members absent:
Commissioner Gary D Hall
Others present:
Clerk Diana Kile
Others absent:
Assistant Michael Pence

Commissioner Brenneman made a **motion** to approve the employment contract with Mark Peck. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: MOU OPERATING ENGINEERS' LOCAL 400

[9:24:37 AM](#)
Members present:
Chairman Robert W Watne
Commissioner Joseph D Brenneman
Members absent:
Commissioner Gary D Hall
Others present:
Clerk Diana Kile
Others absent:
Assistant Michael Pence

Discussion was held relative to the county agreeing to continue to pay cola on shift differentials.

Commissioner Brenneman made a **motion** to approve the MOU Operating Engineers' Local 400 document. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: LIBRARY

[9:31:17 AM](#)
Members present:
Chairman Robert W Watne
Commissioner Joseph D Brenneman
Members absent:
Commissioner Gary D Hall
Others present:
Clerk Diana Kile
Others absent:
Assistant Michael Pence

Commissioner Brenneman made a **motion** to approve the print bid from Great Northern for 500 standard business cards for \$44.95. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

DECLARE SURPLUS: TRACT 2DC IN SECTION 1, TOWNSHIP 28N, RANGE 22W, AT THE CORNER OF HWY 93 & INDIAN TRAIL ROAD

[9:30:20 AM](#)
Members present:
Chairman Robert W Watne
Commissioner Joseph D Brenneman
Members absent:
Commissioner Gary D Hall
Others present:
Clerk Diana Kile
Others absent:
Assistant Michael Pence

Commissioner Brenneman made a **motion** to declare tract 2DC in Section 1, Township 28N, Range 22W, at the corner of Hwy 93 & Indian Trail Road as surplus and to authorize the county attorney to proceed with the auction. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

FINAL PLAT: 4M RANCH

[9:34:12 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Joseph D Brenneman

Members absent:

Commissioner Gary D Hall

Others present:

Assistant Michael Pence
Clerk Diana Kile, Rebecca Shaw, Debbie Shoemaker, Dawn Marquardt, Brian Long

Shaw reviewed the application submitted by Robert Morton and Susanne Burgess Morton with technical assistance from Marquardt Surveying for Final Plat approval of 4M Ranch, a subdivision creating 1 residential lot, located at the junction of Bench Drive and Foothills Road. Preliminary Plat approval was granted on June 27, 2005, subject to 11 conditions.

Commissioner Brenneman made a **motion** to approve Final Plat of 4M Ranch. Chairman Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

4:00 p.m. Commissioner Brenneman to Extension Office Interviews @ Extension Office till 7:00
6:00 p.m. Growth Policy Work Session @ Commissioners' Meeting Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 22, 2006.

WEDNESDAY, NOVEMBER 22, 2006

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

11:00 a.m. County Attorney Meeting @ Co. Atty's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 23, 2006.

THURSDAY, NOVEMBER 23, 2006

COUNTY OFFICES CLOSED – THANKSGIVING HOLIDAY

FRIDAY, NOVEMBER 24, 2006

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

NO MEETINGS SCHEDULED

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