
MONDAY, JANUARY 8, 2007

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

Commissioner Hall to RC&D meeting

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 9, 2007.

TUESDAY, JANUARY 9, 2007

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

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

DOCUMENT FOR SIGNATURE: JAIL ELEVATOR REPAIR AGREEMENT/ KONE, INC.

[9:02:19 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jed Fisher, Mike Meehan, Kathy Frame, Pete Wingert

Discussion was held relative to the repair of the elevator at the Justice Center and the safety issues involved with the elevator being down.

Kathy Frame spoke in regards to the elevator being down for the past 7 weeks and the complications it is causing at the Justice Center.

Mike Meehan spoke of his concerns with security problems.

Commissioner Hall made a **motion** to approve the elevator repair agreement with Kone, Inc. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF RELEASE OF COLLATERAL: GLACIER HILL #3

[9:11:32 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to approve the release of collateral for Glacier Hill #3. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONTINUATION OF APPOINT COMMISSIONERS TO VARIOUS BOARDS

[9:12:01 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Lauman made a **motion** to appoint Commissioner Brenneman to the 911 Board, Local Emergency Planning Committee, Flathead City County Health Board, County Hazard Preparedness Council, Flathead County Compensation Board,

Flathead Basin Commission, Northern Tier Interoperability Commission, DUI Task Force, Safe Kids Safe Communities Coalition and Youth Service Network.

Commissioner Hall was appointed to the Technical Advisory Board, Transportation Advisory Board, Port Authority/Flathead Economic Development Authority/Mt. West, Montana Coalition of Forest Counties, Flathead County Compensation Board, Resource Conservation and Development (RD&D), Western Montana Regional Juvenile Detention Board, Flathead on the Move, County Building Committee and the Flathead County Long Range Planning Task Force Committee.

Commissioner Lauman was appointed to the GPAC (Glacier Performing Arts Center), Flathead County Solid Waste/Refuse Disposal District, Flathead County Compensation Board, Health Board Review Committee, Agency on the Aging, Retired Senior Volunteer Program, Child Development Center Board, Western Montana Regional Mental Health Board, Impact Fee Advisory Board and Road Naming & Addressing Committee.

Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

[9:14:38 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jay Scott

It was reported that the wedding show at the Expo Building went well with them having to turn vendors away. Discussion was also held in regards to the rental fees for the Expo Building and the horse racing meetings that are pending.

MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER

[9:32:35 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Laurie Rebeck, Kathy Frame

Discussion was held relative to problems with the quiet room leaking and the possibility of changing a cell into a quiet room. Also discussed was the Montana Board of Crime Control in regards to a statistical reporting program. Discussion was then held in regards to federal grant money that they receive from Western Montana Regional Juvenile Detention Board.

BI-MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE

[10:02:06 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Karole Sommerfield

Discussion was held relative to extension interviews that are pending and Fair Board appointments. It was reported that they are in the process of purchasing a digital scale for weighing animals that is mounted on a trailer and can be certified. Discussion was then held relative to the invitation that was received to attend the Montana 4-H Legislative Breakfast with 10 4-H kids and 2 leaders and then the following week Extension Day on the Hill is presented by the University on January 25th.

AUTHORIZATION TO PUBLISH NOTICE OF SALE: PROPERTY AT CORNER OF INDIAN TRAIL ROAD & HWY 93

[10:16:35 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to authorize the publication of the Notice of Sale and authorize the chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

NOTICE OF SALE

The Board of Commissioners of Flathead County hereby gives notice that it will sell at public auction (pursuant to Section 7-8-2212, M.C.A.) the following surplus property:

Tract 2DC in Section 1, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana located at the corner of Indian Trail Road and U.S. Highway 93, in the northern part of Kalispell and containing 2,178 square feet.

The auction of the described property will be held at the front door of the Flathead County Justice Center, 920 South Main, Kalispell, Montana, on the 23rd day of January, 2007, at 11:00 o'clock, a.m. Bidding will start at 90% of the appraised value of the property, as follows: the appraised value is \$7,000.00; bidding will start at \$6,300.00.

Interested parties may arrange to inspect the property prior to sale by contacting the County Commissioners Office, 800 South Main, Kalispell, MT, telephone: 406-758-5503.

Terms of the sale will be cash at the time of sale. The County is selling the property "as is" and transferring it by grant deed without any warranty or guarantee of any kind whatsoever.

DATED this 9th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Deputy

Publish on January 12th and January 19th, 2007.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: THALE LANE, WOLF CREEK RANCH ROAD, DUCK POINT DRIVE, SWAN VIEW TRAIL, TUMBLEWEED TRAIL, HUNTERS MOON TRAIL, PAXSON PASS TRAIL AND STONEFIELD LANE ROAD NAMINGS

[10:17:33 PM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing for road namings and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **THALE LANE**.

Road generally running southerly off Chubb Lane and located in the NW1/4 of the NE1/4 of Section 31, Township 31 North, Range 20 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of January, 2007, at 11:30 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 naming of **THALE LANE**.

This notice shall be mailed to each landowner who has access off of the proposed **THALE LANE**, who has an address assignment on the proposed **THALE LANE** or who owns property along the proposed **THALE LANE**.

Dated this 9th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

Publish on January 12th and January 19th, 2007.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **WOLF CREEK RANCH ROAD**.

Road generally running southerly and westerly off Montana Highway 83 and located in the NW1/4 of Section 23, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of January, 2007, at 11:30 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 naming of **WOLF CREEK RANCH ROAD**.

This notice shall be mailed to each landowner who has access off of the proposed **WOLF CREEK RANCH ROAD**, who has an address assignment on the proposed **WOLF CREEK RANCH ROAD** or who owns property along the proposed **WOLF CREEK RANCH ROAD**.

Dated this 9th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

Publish on January 12th and January 19th, 2007.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **DUCK POINT DR**.

Road generally running northwesterly off an unnamed road that runs southerly off U.S. Highway 93 North, and located in the SW1/4NE1/4, the NW1/4SE1/4, and the NW1/4 of Section 23; in the NE1/4NE1/4 of Section 22; and in the S1/2 of Section 15, (falling in portions of HES 807 and in HES 803) all in Township 33 North, Range 24 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of January, 2007, at 11:30 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 naming of **DUCK POINT DR**.

This notice shall be mailed to each landowner who has access off of the proposed **DUCK POINT DR**, who has an address assignment on the proposed **DUCK POINT DR** or who owns property along the proposed **DUCK POINT DR**.

Dated this 9th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

Publish on January 12th and January 19th, 2007.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **SWAN VIEW TRAIL**.

Road generally running easterly off Echo Lake Road and located in the S1/2NW1/4 and the SW1/4NE1/4 in Section 9, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of January, 2007, at 11:30 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 naming of **SWAN VIEW TRAIL**.

This notice shall be mailed to each landowner who has access off of the proposed **SWAN VIEW TRAIL**, who has an address assignment on the proposed **SWAN VIEW TRAIL** or who owns property along the proposed **SWAN VIEW TRAIL**.

Dated this 9th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

Publish on January 12th and January 19th, 2007.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **TUMBLEWEED TRAIL**.

Road generally running westerly off Martini Lane and located in the SW1/4 of the NW1/4 of Section 22, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of January, 2007, at 11:30 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 naming of **TUMBLEWEED TRAIL**.

This notice shall be mailed to each landowner who has access off of the proposed **TUMBLEWEED TRAIL**, who has an address assignment on the proposed **TUMBLEWEED TRAIL** or who owns property along the proposed **TUMBLEWEED TRAIL**.

Dated this 9th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

Publish on January 12th and January 19th, 2007.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **HUNTERS MOON TRAIL**.

Road generally running southeasterly off Ashley Lake Road and located in the NE ¼ of the SE ¼ of Section 15, and in the NW ¼ of the SW ¼ of Section 14, Township 28 North, Range 23 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of January, 2007, at 11:30 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 naming of **HUNTERS MOON TRAIL**.

This notice shall be mailed to each landowner who has access off of the proposed **HUNTERS MOON TRAIL**, who has an address assignment on the proposed **HUNTERS MOON TRAIL** or who owns property along the proposed **HUNTERS MOON TRAIL**.

Dated this 9th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

Publish on January 12th and January 19th, 2007.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **PAXSON PASS TRAIL**.

Road generally running easterly and southerly off Timber Rock Road and located in the East 1/2 of Section 36, Township 26 North, Range 20 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of January, 2007, at 11:30 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 naming of **PAXSON PASS TRAIL**.

This notice shall be mailed to each landowner who has access off of the proposed **PAXSON PASS TRAIL**, who has an address assignment on the proposed **PAXSON PASS TRAIL** or who owns property along the proposed **PAXSON PASS TRAIL**.

Dated this 9th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

Publish on January 12th and January 19th, 2007.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **STONEFIELD LANE**.

Road generally running northerly off Lost Creek Drive and located in the E ½ of the SW ¼ of Section 4, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of January, 2007, at 11:30 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 naming of **STONEFIELD LANE**.

This notice shall be mailed to each landowner who has access off of the proposed **STONEFIELD LANE**, who has an address assignment on the proposed **STONEFIELD LANE** or who owns property along the proposed **STONEFIELD LANE**.

Dated this 9th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

Publish on January 12th and January 19th, 2007.

BUDGET AMENDMENT/ SEARCH & RESCUE

[10:20:27 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jordan White

Discussion was held relative to the purchase of a rescue jet boat and trailer for Search & Rescue.

Commissioner Lauman made a **motion** to approve budget resolution #1999. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**BUDGET AMENDMENT RESOLUTION
NO. 1999**

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2006-2007, 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 2006-2007; 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 9th day of January 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: /s/Dale W. Lauman
Dale W. Lauman, Member

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Deputy

**GENERAL JOURNAL VOUCHER
BUDGET AMENDMENT - FY2007**

DATE ISSUED:		Resolution # 1999	VOUCHER NO.:	
DATE OF RECORD:			Entered by:	Gary
MCA 7-6-4006		ACCOUNTING COPY - B-Entry		
Account Number	Object	Description	Debit	Credit
2382-0212-365000		S&R-Donations	\$ 15,990.00	
2382-172000		Revenue Control		\$ 15,990.00
2382-242000		Expense Control	\$ 15,990.00	
2382-0212-420742	900	Capital Outlay		\$ 15,990.00
Explanation			\$ 31,980.00	\$ 31,980.00
To establish additional budget for funds received on A101 0612000050 for purchase of rescue jet boat & trailer				
			Approved by:	
			Date:	1/09/07

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: FLOODPLAIN & FLOODWAY REGULATIONS TEXT AMENDMENT

10:22:57 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to approve the authorization to publish the Notice of Public Hearing and authorize the chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

FLATHEAD COUNTY FLOODPLAIN REGULATIONS

The Board of Commissioners of Flathead County, Montana, hereby gives notice, in accordance with Section 7-1-2121, M.C.A., that the Board of Commissioners will hold a public hearing to consider proposed revisions to the Flathead County Floodplain and Floodway Management Regulations (Floodplain Regulations), adopted pursuant to Section 76-5-101, et seq., M.C.A.

The proposed revisions would update the Floodplain Regulations to (1) utilize the most recent flood insurance study, floodway maps and flood insurance rate maps, (2) not allow permits to be automatically issued, and (3) exclude the floodplain/floodway permit requirement for small scale projects which a property owner has to obtain a permit under the Flathead County Lake and Lakeshore Regulations.

Further information is available at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, telephone (406) 758-5526, or at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, telephone (406) 751-8200.

The public hearing will be held on the 25th day of January, 2007, at 11:45 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana. At the hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the proposed revisions to the Floodplain Regulations.

Dated this 9th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk and Recorder

By/s/Diana Kile
Deputy

Publish on January 13th and January 20th, 2007.

MONTHLY MEETING W/ MARK PECK, OES

10:33:55 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Mark Peck

Mark Peck reported on the top 5 projects within OES that he is working on; the first one being the Pre-Disaster Mitigation Plan that will identify the areas that are most vulnerable in disasters, the next one being the county Emergency Operations Plan which has not been updated completely since 1988, then the development of the Incident Management Team within the Flathead, Fire Service Areas and the HAZ-Mat Team.

MEETING W/ FLATHEAD BASIN COMMISSION RE: SUPPORT LEGISLATIVE FUNDING

11:02:42 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Caryln Miske, Charlie Johnson

Caryln Miske reported on the history of the coal mine that is proposed for BC and the controversy of the project. As a result of the controversy the issue was referred to the International Joint Commission, which exists under a treaty between Canada and the US. It was stated that there were several years of intensive study on the issue and the IJC came back with 3 primary recommendations. The first being that based on the information that had been submitted by the mining company at the time was that the mine should not be approved. The second was that there should be no approval of any future mines, unless there is a study regarding all impacts that would occur both north and south of the border, and that the impacts and risks associated with the coal mines would be acceptable to both governments. The third would be that there would be consideration and discussion of solutions to better manage the area to prevent future impacts. She stated that nothing has changed since the IJC recommendations and they still have no baseline data in terms of how to evaluate the area. The Kline application thus far says that they would remove 2 million ton per year, 365 days a year, 24 hours a day for about 20 years. They currently have no data to guess what the impacts would be to wildlife, but they do know that there would be significant loss of habitat for spawning for bull trout and cut throat and loss of habitat for carnivores and based on the mine in Elk Valley that there are going to be significant impacts to water quality. One of the Canadian scientists gave them some data from the Elk Valley mines and what they saw were that if you compare the Michelle Creek data there were increases in selenium 25 times higher than baseline. The

nitrites were 300 – 500 times higher than baseline conditions, which as a result of these you would see major impacts in Flathead Lake and it is estimated by scientists at the bio station that in the course of 48 hours you would begin to see the materials that are being released in the mine site into Flathead Lake. What they are requesting from the legislature is an attempt to address some of the inefficiency's in the term of reference, so that they have protection on our side of the border in terms of two things. They need base line studies so they can make informed decisions on what the potential impacts of the mine could be. Also need baseline assessment if the coal mine is approved and becomes operational they would need to be able to show case and effect, and without baseline studies in place you loose the ability to do that. The Flathead Basin Commission is asking for funding for these items. The first being money to conduct a water quality analysis for the next two years, as well as \$25,000 for travel expenses and also to hire an environmental impact specialist to work on these issues for the next two years.

Commissioner Lauman made a **motion** to provide the Flathead Basin Commission with a letter of support from the Flathead County Board of Commission for approval of HB 1765. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously

FINAL PLAT: COLUMBIA MOUNTAIN VIEW LOTS, UNIT 3

[11:30:55 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Harris, Eric Giles, Dawn Marquardt, Debbie Shoemaker

Giles reviewed the application submitted by Carter and Cheryl Fritz with technical assistance from Marquardt Surveying for final plat approval of Columbia Mountain View Lots, Unit 3, a subdivision creating 3 residential lots in the Helena Flats area. Preliminary plat approval was granted on May 3, 2006, subject to 15 conditions. All conditions have been met. Staff recommends approval.

Commissioner Hall made a **motion** to approve the final plat and SIA for Columbia Mountain View Lots, Unit 3. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

FINAL PLAT: REDWING ACRES

[11:46:53 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Giles reviewed the application submitted by Wayne and Peggy Turner with technical assistance from Sands Surveying for final plat approval of Redwing Acres, a subdivision creating 5 residential lots in the Kila area. Preliminary plat approval was granted on March 6, 2003, subject to 14 conditions. All conditions have been met. Staff recommends approval.

Commissioner Hall made a **motion** to approve final plat for Redwing Acres. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

1:15 p.m. 911 meeting @ Justice Center

GROWTH POLICY WORKSHOP

[6:00:36 PM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Harris, B J Grieve, Eric Giles, Kayla Kile, Jeff Larsen, Gene Dziza, Randy Toavs, Charles Lapp, Kim Fleming, Kathy Robertson, Russ Crowder, Rick Breckenridge, Irene Vandehey, Barb Sauer, Ronald Buentemeier, Mark Schwager, Tom Reynolds, Lorraine B Yde, Dennis Hatton, Dolores Mangel, Don Fagre, John Gillespie, Marye Flowers, Ray Malson, Harry Blazer, Karen Reeves, Steve Gniadek, Niles Jones, Philip Crissman, Caryne Miske, Gerry Stearns, Diane Taylor, Ava Walters, Lane Ross, Bruce Tulloch, Marc Neves, Jennifer Gerber, Monica Yungster, Debbie Biolo, Clarice Ryan, Laura Miller, Michael Muro, Gina Klempel, Joe Klempel, Joel Paulson, Gail Paurley, Thomas Clark, Jim Mahnke, Russ Crowder, Harry Rose, Eugene Lamb, Roger Sherman, Dale Murreny, Janet Loranger, Don Loranger, Allen Sieler, Dick Skees, Julia Byrnes, Catherine Richter, Gerald Yenne, David Ployhar, Dan Bangeman, Marvin Rosenberg, Pam Butler, Alan Butler, Rachel Potter, Nina Wickersham, Art Mitton, Bob Hedin, Peggy Hedin, B. J. Carlson, Ann Fagre, Danielle Fagre, Pat McClelland, Linda Winnie, Jim Sappington, Bob Spoklie, Fred Hodgeboom, Charles Jaquette, Shannon Fantino, Paul Williams, Gary Brenneman, Sharon DeMeester, Herbert Mains, Dan'l Moore, Ellen Horowitz, Suzie Larson, Chris Jordan, Linda Johnson, Joan Stahlberg, Ryan Stahlberg, Bill Myers, Tom Arnone, Pat Arnone, Brian Peck, Bob Parker, Terry Dovoky, Frank Fantinio, Shannon Kimball, Lisa Towery, Mary Cutchlow, Kathy Lundgren, Doug Morehouse, Steve Vandehey, JoLynn Yenne, Ed Heger, Peg Hedin, Jim Clark, Keith Rodaway, Rick Breckenridge, R.T. Adkins, Nancy Kosban, Chucky Roady, Marcy Mahr, Pete Wessel, Linda Christensen, Neil Brewster, Rod Strunk, Sally Janover, Brett Thums, Ben Cavin, Bill Baum, Fay George, Larry George, Harold Oney, Shirley Anderson, Roger Sullivan, Clarence

Chamberlain, Kathleen Robertson, David Robertson, Carol Fitzpatrick, Wyatt Silker, Dennis Allison, Geroge Darrow, W. Kim Davis, E. Hemmel, Rosemarie Malson, Steven Welder, Lisle Puttorff

Commissioner Hall made a **motion** to approve the Growth Policy Workshop agenda. Commissioner Brenneman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Call to order

Pledge of Allegiance

Introductions of all present and capacity in which they are serving

Opening statements from Commissioner's

Staff report reviewing Growth Policy process and public involvement through present

Commissioner's discussion of the Draft Flathead County Growth Policy as revised by the Flathead County Planning Board

Chairman Brenneman opened the public hearing to anyone wishing to speak in regards to the Growth Policy.

Dan Fagre thanked the Planning Staff and Planning Board for their hard work and stated that he was impressed with the document. He said he wanted to focus on chapter 10 and was concerned about the lack of clarity. He said this is the last best chance to get the issues resolved. He said the document needs to be clear for all landowners, and needs to be done with great care to prevent problems in the future.

Russ Crowder, American Dream Montana, said he wanted to discuss some issues in general. He stated that most of the time the board has spent trying to find out why the Planning Board did what they did, and you could do that by watching all the tapes of the workshops they had. He said they have concerns with the new restrictions such as gateway areas, wildlife habitat, protections zone areas and aquifers. He said the people have a right to know what these restrictions are going to be before the final document is adopted and if their property is going to be involved in those restrictions. He said in regards to the commissioner's question of doing neighborhood plans in the most American way that they need to look at article 2 section 4 in the Montana constitution those talks about equal protection. He said their concerns were with the 40 percent and what rights they had. He said he is also concerned about there not being a definition of property rights and that people's property rights needed to be defined and protected. He then stated that American Dream Montana feels like the Growth Policy has a long way to go before it is ready to be adopted, and he hopes they will take some time to address the concerns.

Kip Willis said he has audited aero space companies for years and said if his staff came to him and said they only had one chance to go over something that he would tell them to take more time and go over it again. He said one of his concerns is about groundwater and aquifers and wants to know when accurate maps are going to be presented. He said this project should not go forward until they can see maps showing these things. Willis said they have the most fragile aquifers in the state of Montana, but there is no maps showing this. He said there has been a lot of discussion about policies, and if this is a policy, he wants to know where the conditions are relations to violations of the policy. He said they have many violations of conditional use permits, but there are no repercussions if that happens, and said there is nothing that can be done. He wants to see conditions for every policy in the book. He said he was also concerned with the 40 percent vote on the neighborhood plans.

Ed Hagner, president of the North Fork Land Owners Association, wanted to refer them to Jon Cole's letter and his own personal letter. He said their primary concern was that all their many years of work were going to go by the wayside in regards to the zoning in the North Fork. He said it is very hard to get participation, and that we live in a democracy and have a right to vote.

Pat Arnone said she has seen the DVD from the Planning Board workshop. She said it was obvious that some of the Planning Board members were not in favor of having neighborhood plans. She said that one of the Board members was called a neighborhood assassin, and that another Board member said the only reason people wanted to have neighborhood plans was to stop development. She then said another Planning Board member said that they wished they could blow up the West Valley Neighborhood Plan. She said it is her opinion that revisions were added to put so many restrictions on neighborhood plans that no one would try to create them anymore. She said that they should require all the developers to go by the same process the neighborhood plans have to go by in order to develop anything. She said a man told her that the quality of Flathead Lake has deteriorated in the last ten years and that the constitution guarantees people of the state clean water. She said there are over 2400 empty subdivided lots in the valley and there should be no hurry to create more.

Kim Davis said he has gone to the scoping meetings on the Growth Policy, and said there were a lot of people involved in it. He said he hopes the final draft is a compilation of a large group of people and their comments, instead of just a small group of people coming up with the policy. He said he would like to see chapters 8, 9 & 10 to stay the same as the original draft. He said he was involved in the Master Plan update in 1994 and that there were incredible maps in that plan, and thinks those maps could help out in the Growth Policy. He then thanked the Commissioners and Planning Board for their hard work.

Dick Skees said he wanted to comment on the East Side Neighborhood Plan. He said the way he understood it was that there was a small number of people that mostly lived around the Silver Bullet Bar that decided they wanted to have a neighborhood plan so they hired a private planner. He said they sent out a notice that there were going to be meetings, and at the first meeting there was a small turn out. He said the third meeting was cancelled by a postcard and that the postcard said it was up to them to determine when the next meeting would be by following a website. Skees said that a lot of people are not computer savvy and could not figure out how to navigate the website, and that many of the people never even received notices about the meetings. He said he liked the 60 percent idea because then people have to go out and physically get 60 percent of the people's signatures instead of a small group of people trying to railroad a neighborhood plan through.

George Darrow said that they went through the policy chapter by chapter but they were missing the glue that holds it together, and that glue is the scientific basis and examination of the systems. He said he wanted to briefly read portions of 3 paragraphs that were in the white papers in the 1994 plans that have to do with eco-system management. He said everything in an eco-system plan is inter-related and inter-dependant and that humans and nature are intertwined. He then read a paper on eco-systems.

Karen Reeves said she is disappointed that the document isn't more visionary. She said people fighting over neighborhood plans shows how passionate people are about open space and then said there needs to be more tools in this document for how

people can approach the open space issue. She said people need to remain visionary and promotes the rural land boards. She passed out letters that went more into detail on her opinions.

Brian Beck thanked the commissioners for their time, and only wanted to talk to them about open space and neighborhood plans. He said it seems to him the open space doesn't refer to federal and state land in the county. He said open space should refer to the land in our midst, not land that is outside the borders of the valley. Beck said if we adopt a weak Growth Policy that does nothing to reign in and guide the runaway growth that is happening valley wide, in ten years we will wake up in the middle of a large urban setting. He said that the open space will be 30 miles from town and will not make up for the open land, wildlife and landscape that could have been saved for future generations. He asks that the commissioners reject the changes the Planning Board has made on open space, and have the citizen's vote on a bond for open space. He said neighborhood plans should be embraced and encouraged, not attacked. He asked what kind of local control the Planning Board did not get.

Rachel Potter said that mines in Canada pose a threat to the precious, clean water in Montana, and that next week there are going to be meetings to express their feelings about the mines. She said Gordon Gromley said on talk radio that Montana hasn't taken good care of their water, why should they be concerned. She said she has spent days working on comments trying to prove him wrong. She then said the North Fork Neighborhood has spent hundreds of hours working on the North Fork Neighborhood Plan. She said her comments show that the only reason Montana is clean is because so many people care, but she thinks the Growth Policy doesn't show that the people care. She thinks the Growth Policy guts the neighborhood plans and open space.

Eric Tummel, attorney at Scott & Kalvig, spoke about neighborhood plans and pointed out the areas that need additional review. Tummel said he represented numerous people who would be affected by the new Growth Policy and new land use plans. He said that the county spends a lot of money every year defending themselves against numerous law suits. He said there will be seven law suits sight language from a Master Plan or Growth Policy, and they will be bouncing back from court to court for the next several years. Tummel said the Planning Board worked hard on revising the Growth Policy, but he thinks they need to look at it long and hard. He spoke about several issues that he had concerns with. He said the appendix is completely unnecessary, and that would be 300 more pages for attorneys to fight over. He spoke about the maps and how they need to reflect the current uses of the land, and that they shouldn't be using maps that reference how the land is taxed, because the land use can differ from how it is being taxed. He discussed chapter 10 and said they need to make sure the existing neighborhood plans are incorporated into the Growth Policy. He said right now they are going through due process; they are having a hearing and given an opportunity for discussion and public comment. He spoke about neighborhood plans and what the consequences would be if they are not in compliance. He wants to know who is deciding the rules for neighborhood plans and how they are being evaluated.

Loretta Byrd asked the commission take all the time that the Growth Policy deserves, because she doesn't want to see any mistakes made by them being rushed. She said fear is a big reason people make mistakes, and she doesn't want to see that happen with the Growth Policy. She spoke about things being taken out of the Growth Policy, because there was no one to implement them and she thinks they should stay in as a goal until they can come up with the resources to take care of them. She said she and her husband were very involved in the Canyon Plan and it was a great disappointed when the regulations got shut down because of fear. Byrd recommends that they heed and follow what Citizens for a Better Flathead recommend, because they have done a lot of research and legwork on the Growth Policy. She said there are a large amount of people that support Citizens for a Better Flathead and their voice is more then it appears. She compared smoking and second hand smoke to how land is used affecting neighbors.

Rick Breckenridge said they started out the meeting tonight making a pledge to the republic, and that before they began a westward expansion the first thing that was needed was maps. He said it is a shame that they have not followed the state law for what is required for a Growth Policy. He said the three things required are maps, texts and policies and goals. He said that Commissioner Breneman lives in a house that is partially in the 100 year flood plain, and the rest of it is in a 500 year flood plain. He then said that for his septic system to be properly approved it would have to be 100 feet away from the 100 year flood plain, so technically his septic system shouldn't even be allowed on his property and then spoke about how maps could have solved that problem. He said he has worked with over a dozen affordable housing projects, two of which the commissioners have denied. He said that the commissioners do not have the requisites to be determining what affordable housing is, and if the commissioners aren't going to get into bonding, then they should keep their nose out of it. Breckenridge said he would hate to see a group of people tell Stoltz Lumber how they are going to handle their property, because they have no right. He spoke about 60 percent being a safe guard so that the minority is not overruled by the mob.

Roger Sullivan said he was going to focus his comments on a few things, the first being on the process of creating the Growth Policy. He said the state law delegates the Growth Policy to be determined by the commissioners and that the Planning Board needs to be an advisory board only, and that they did not have a lot of time to spend on the Growth Policy. He then said there are some serious disconnections between the original draft Growth Policy and the revised draft Growth Policy. He spoke about public comment and said as a result, staff added goal #43. He then stated that the critical deficiencies are in the maps and neighborhood plans. He then said they need a transition to incorporate the 1987 Master Plan Map until the staff can create a development predictability map.

Peggy Houdine spoke about putting the 1987 map back into the Growth Policy and congratulated the Planning Board on putting in a provision to protect the dark skies from Montana and that she is glad to see that back there. She said that she wanted to lobby for the 1987 map that has been out, despite many public comments about being in and she doesn't understand that, and she doesn't know who did and didn't vote for it, and that it really doesn't apply to anybody but Somers. She then said we are under siege right now and have had an area of emergency zoning granted to them, because of the siege and they are next in line and have had there 75% approval for zoning for some time now and have been asked to wait and not bring it forward. She then said it was difficult for them to get to the 75 % that they are at right now and they are now being threatened to go back to the beginning and have the developers get a head start on them, if they don't have anything in place. She then spoke of the years that it will take to come up with another map to replace the 1987 map.

Jim Clark spoke about taking out paragraph 4.9, because staff said it was in other places. He wants the paragraph in because contractors are not going to look in other places. He wants to see penalties for contractors who just go out and do what they want to do, because they know the county isn't going to make them tear down any development they put up. He wants to get rid of land size as part of the vote for what passes, because a man who owns 100 acres shouldn't be able to put a millions apartments in and ruin his neighbors land just because he has more land. Clark spoke about the county not being able to enforce some of the regulations they want to have in the Growth Policy.

Marcy Marr said she likes maps so she has made a map to show the commissioners and spoke about open space and rural land pertaining to chapter 2 goals 4 and 9. She said it is unclear whether or not the revised draft will benefit the farmers as much as

the staff's original draft. Marr said the planning board removed one of the open space policies and wants to see it put back in, because it advises how to protect open space and people need to know how to keep ag land available for open space. She said her map showed how to map ag land so you could answer the open space questions. She explained what her maps meant and said she had copies for the commissioners and the planning staff. She likes the policy of having an open space board.

Jerri Sterns said she doesn't think they are anti-development in this county, but that the county is for planned development. She said if someone has 100 acres and wants to put condos on it, his neighbors should be able to help him plan how the condos are going to be put on the property. She said development isn't out of the question, it is just a matter of how it is done and that is what neighborhood plans are for. She spoke about the practicalities of getting the approval ratings that are in the new revised growth policy. She said it is easy to contact fifty people, but very hard to contact 250 people. She said that very few people respond when they are contacted, but if they do respond they should have the right to have a say in how the property is developed.

Monica Youngster from West Glacier spoke about National Geographic putting together an article about our area, also known as the Crown of the Continent. She said when she looks at the growth policy she looks at a big picture, not just the small picture and that you have to look at the future, not just the present. She said National Geographic did a study that showed 55 million people are now considered geo-tourists, meaning that when they travel they want to go somewhere that is remote and want to help keep those qualities for future visitors. Youngster said that 20 percent of visitors to Montana say that some counties look just like any other place and that they were disappointed with their trip. She is concerned because Glacier Park has 2 million visitors a year, and 60 percent of them come through the West Gate and that is where most businesses are. She said the growth policy needs to look at the larger picture, and what affect it will have on other counties also.

Paul Williams spoke on behalf of himself and the organization called Flathead Lakers. He said the Flathead Lakers have been concerned and working on water quality, healthy ecosystems, and lasting quality of life in the Flathead for 49 years, and they have 1,300 members and most of them live in the valley. He said the work that has been done on the growth policy is greatly admired and appreciated, but it isn't finished yet, and the final policy will be the Flathead valley's chance to preserve water quality, healthy ecosystems and the quality of life. He pointed out the importance of maps, issues about shallow ground water, evolution of wastewater treatment systems, and the importance total maximum daily loads.

Fred Hodgeboom said at the last planning board meeting he brought up an issue that hasn't been discussed yet. He said the landline system of the Western United States is based on a standard section of 5,280 feet on the side, which is exactly 640 acres. He said when you legally subdivide that section you establish the midpoint between the corners of that section on all the sides; connect the midpoints and that divides the section into quarters. He said if you have a section less than 5,280 feet, when you subdivide the section and establish the midpoint, subdivide into quarter sections, and quarter-quarter sections, sixteenth sections, there are fewer acres than the standard 640 acres. He said there is no way to subdivide one of the irregular sections, and if you looked on a map there are a lot of irregular sections. He said the problem is when someone buys an irregular section no resulting parcel will have the full standard section subdivision acreage.

Sally Jonover said we live in a beautiful place that is rich with natural resources. She compared the Flathead Valley to the Mona Lisa and said if we tear just a little piece down it ruins all of the value and the growth policy is the most important key in making sure this doesn't happen. She said people need to look towards the future when deciding what to do with their land. She said neighborhoods try to preserve the community they live in and that is what she is a part of. She then said if you want to think about enhancing our finances then we need to think about what companies want that move in to prime locations. That the companies are looking for a quality of life and that their property values would remain consistent and they also want schools that produce a qualified work force for them. She then thanked the citizens who have worked so hard on the growth policy and asked the commission to analyze what the planning staff has said before any changes are made.

Linda Christenson spoke on goals that address shallow ground water and stated that they need to be corrected. She said the shallow aquifer, which lies between Columbia Falls and Evergreen and between the Whitefish and Flathead River uses a range of depth to the ground water over this aquifer. She said the aquifer is considered a priority area for protection in the critical land status report update. She said that protecting the areas that are less than 5 feet would not protect the aquifer and that the language needs to be changed. She then said that no development should occur in areas less than 5 feet and areas less than 5 feet to ground water should be 5 acres or less. She said a community water system should not be an acceptable way to increase development over the aquifer. She wants policy 37.5 and 41.4 reinstated and then said the commission owes the public a clear statement on how they will protect the water quality.

Ms. Aimee spoke about the growth policy not being strong enough to back up the passion of the residents in the valley and the language being ambiguous in many places. She wants to see a growth policy that stands for something and that doesn't necessarily please all. She stated that the work is not done and should not be rushed and she urged the commission not to adopt the growth policy until every point has been thoroughly researched and clearly written by some language that means something. She would also like to see a design review board that would promote Montana style.

Mayre Flowers with Citizens for a Better Flathead spoke about the process needing to be continued with many having left without being able to speak. She spoke about the growth policy being significantly changed by the planning board and feels that some final polishing still needs to be done. She then asked that they adopt the majority of the staff changes that were recommended and complimented the planning board. She also spoke about the growth policy being a non-regulatory document, neighborhood plans and the 87 map.

Linda Johnson spoke about rights and the rights in the community being collective. She then spoke about the Helena Flats neighborhood plan and all the work involved in putting the plan together and would like to see chapter 10 stay the same.

Caryln Miske with the Flathead Basin Commission spoke about the growth policy being a vision for the future. She then spoke about the need for the growth policy to be taken seriously in regards to the Cline Mine, so that we can show the Canadians that we are visionary in taking care of our own back yard.

Charles Jacquette spoke about his family farming in the valley since 1902, open space, percentage voting and the farming culture going away in the valley. He then spoke about his neighbors not knowing how much longer they are going to be able to survive.

Bob Spoklie spoke in support of Charles Jacquette.

Gary Krueger spoke about the language that has been put into the growth policy by the planning staff as to how to come to a consensus with the neighborhood plan, which requires 50 percent of the land owner's acreage based and 60 percent of the

residents. He then questioned if you can't get 50 percent of the land base, should it have any kind of document that is land use planning.

Ron Buentemeier stated that the number one thing that FH Stoltz Lumber Company is interested in, is keeping the sawmill running and keeping their 36,000 acres of productive timberlands open to public use. He then spoke in regards to the corporation not having a vote and stated that they need to be part of the planning process and to be able to be involved.

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

Commissioner's discussion of future procedures

Adjournment

At 9:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 10, 2007.

WEDNESDAY, JANUARY 10, 2007

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

8:15 a.m. Commissioners to CIP Workshop @ Earl Bennett Bldg. (till 3:00)
4:00 p.m. Commissioner Brenneman travel to Helena

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 11, 2007.

THURSDAY, JANUARY 11, 2007

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

Commissioner Hall PT opened the public comment on matters within the Commissions' Jurisdiction.

Don Loranger complimented the staff for the Growth Policy and read a statement that was prepared. He spoke of his concern with changes made at the last minute to the Neighborhood Plan in regards to the percentage of votes needed to adopt a Neighborhood Plan and urged them not to destroy the existing plan. He also explained how other counties within Montana deal with Neighborhood Plans.

Charles Lapp spoke about decisions that the Planning Board made that deal with the Neighborhood Plan and stated that it was approved by him as it was, and then stated that he personally feels it should be voluntary to be in. His personal feelings are that Chapter 10 should be taken out of the Growth Policy and be a stand alone document since it is a regulation. He spoke about absentee voters being eliminated from the process and stated that there are issues that still need to be resolved. He then stated that the people that own the land need to be able to have a say in what they want to do with their land and also spoke about growth within the valley. He then spoke about the 87 map and stated that it was decided by the Planning Board that they needed another map with them not being sure what they would be adopting with the map being amended several times. The 2 critical issues in the Growth Policy to him are that they need a better map and the Neighborhood Plan.

Dennis Hatton questioned Commissioner Lauman about his comments on personal property rights and asked for an explanation of them. He spoke about the Planning Board members having personal objectives and stated that the Neighborhood Plan is nothing but a concept as to what the neighbors say they would like to see done that they are not regulatory. He then spoke about management of land.

No one else rising to speak, Commissioner Hall PT closed the public comment period.

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

9:20:53 AM

Members present:

Member Dale W. Lauman

Member Gary D. Hall

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Harris, BJ Grieve, Kirsten Holland

It was reported that the Planning Board elected Gene Dziza as Chairman for the year and Gordon Cross as Vice Chairman. The quarterly activity report for the Planning and Zoning Office was reviewed. Discussion was held relative to the Hungry Horse project asking for a 60 day extension. He then spoke about the Planning Board Retreat that will be held on January 24, 2007, and the traffic study report that is in phase 1 that they anticipate putting into their subdivision regulations. It was then stated that they are putting together some informational brochures to be able to hand out at the Planning Department.

CONSIDERATION OF EXTENSION: CRESTVIEW EIGHTY CONDOS

[9:42:19 AM](#)

Members present:

Member Dale W. Lauman
Member Gary D. Hall

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Harris, B J Grieve

Discussion was held relative to the extension that was requested by Crestview Eighty Condos to change the expiration date from February 2007 through February 2008

Commissioner Lauman made a **motion** to grant an extension to Crestview Eighty Condos. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: CREATION OF INTERIM OLD HWY 93 NORTH SHORELINE ZONING DISTRICT

[9:44:07 AM](#)

Members present:

Member Dale W. Lauman
Member Gary D. Hall

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Bob Fraser, Jeff Harris, Kirsten Holland, Joe Orr, Kim Orr, Dennis Hatton, Don Loranger

Commissioner Lauman made a **motion** to adopt resolution 1985A for the creation of interim Old Hwy 93 North Shoreline Zoning District. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 1985A

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 28th day of November, 2006, concerning a proposal to create a zoning district to be known as the Old Highway 93 Shoreline Zoning District, as an interim zoning district under Section 76-2-206, M.C.A., which would be effective initially for no more than one year, with the possibility of extending the regulations for an additional year;

WHEREAS, the Board of Commissioners did hear public comment on the proposed creation of the Old Highway 93 Shoreline Zoning District at that hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed creation of the zoning district;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 1985) on November 28, 2006, to create the Old Highway 93 Shoreline Zoning District; and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on November 5 and November 12, 2006, and the Board of Commissioners did not receive written protests from forty percent (40%) of the freeholders within the proposed District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby creates the Old Highway 93 Shoreline Zoning District as an R-2 (One Family Limited Residential) District, and as an interim zoning district under Section 76-2-206, M.C.A.

BE IT FURTHER RESOLVED that the property described on Exhibit A hereto shall be included within the Old Highway 93 Shoreline Zoning District and those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

BE IT FURTHER RESOLVED that this Resolution creating the Old Highway 93 Shoreline Zoning District shall remain in effect for one year from the date hereof and then shall become null and void unless extended for up to one year by this Board.

DATED this 11th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____

Joseph D. Brenneman, Chairman

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

By/s/Dale W. Lauman
Dale W. Lauman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy Clerk

OLD HIGHWAY 93 ZONING DISTRICT
R-2 ZONING

Location and legal description of Property: The property is located along the western shore of Flathead Lake, east of US Highway 93.

The property can legally be described as follows:

All that land in Section 35, Township 27 North, Range 21 West lying North of and including Tract 6BG and South of and including Tract 7AAB and Tract 7AABA lying East of Highway 93 and West of Flathead Lake, and all that land in Section 26, Township 27 North, Range 21 West lying North of and including Tracts 5AG, 5AGB, 5AH, 5AEA, 5AE and South and Westerly of and including Tract 4AI and Tract 3GC lying South and East of Highway 93 and West and North of Flathead Lake, and all that land in Section 27, Township 27 North, Range 21 West, North of and including Tract 1AF and South of and including Tract 1AJ lying east of Highway 93 and West of the West boundary of Section 26, Township 27 North, Range 21 West. P.M.M., Flathead County, Montana .

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #459 (OFF GLADYS GLEN RD)

[10:07:17 AM](#)

Members present:

Member Dale W. Lauman
Member Gary D. Hall

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing for road abandonment #459 and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

**NOTICE OF DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 459**

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

A strip of land 60 feet wide, 30 feet on each side of a center line, which point of beginning is situated on the West boundary line of Section 20, and 186 feet North of the Southwest Corner of Lot Number 4 of the above said Section 20, Township 31 North, Range 19 West of the Montana Principal Meridian; thence from said described point of beginning running North 30 degrees and 00 minutes East for a distance of 350 feet; All of said described area being in and a part of said Lot 4 of the above Section, Township and Range; Also, a strip of land 60 feet wide, 30 feet on each side of a center line which point of beginning is situated 374 feet west of the central point of the Southwest Quarter of Section 20, Township 31 North, Range 19 West of the Montana Principal Meridian. Thence from said described point, running North 42 degrees and 30 minutes West a distance of 247.9 feet; thence on a 6 degree curve to the right for a distance of 104.1 feet, Radius 955.0; thence North 36 degrees and 15 minutes West 343.1 feet; thence on a 4 degree curve to the right 56.2 feet, Radius, 1432.5; thence North 34 degrees West 1396.0 feet; thence on a 26 degree curve to the right a distance of 179.8 feet, Radius, 120.4; thence North 22 degrees and 48 minutes East a distance of 543.8 feet; thence North 30 degrees and 22 minutes East a distance of 278.0 feet; thence North 18 degrees and 00 minutes East a distance of 111.0 feet to the East boundary line of Section 19, of the above Township and Range, excepting therefrom any portion within the South 30 feet of said Lot 5, described area being in and a part of the Northwest Quarter of the Southwest Quarter of Section 20, and Lot Number 5 of Section 19, of the above said Township and Range.

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 **Wednesday, January 31, 2007 at 9:30 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 11th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

PAULA ROBINSON,
CLERK AND RECORDER

By: s/Diana Kile
Diana Kile, Deputy

Publish on **January 16th and January 23rd, 2007**

BI-MONTHLY MEETING W/ KIM CROWLEY, LIBRARY

[10:08:17 AM](#)

Members present:

Member Dale W. Lauman
Member Gary D. Hall

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Kim Crowley

Discussion was held relative to the Library Board meeting and the proposal for a new library in Bigfork. The proposed site is 2.3 acres with the library building being 4,400 sq feet with about 1 acre of open space for a basketball court, playground and picnic site. The proposal is to build the library on the site and develop the rest of the area into a nice park space. The Community Fund For a Better Bigfork is proposing that they will raise funds to improve the fields at Carlisle Johnson to accommodate for the loss of the T Ball Field. She then spoke about the library's long range plans and questioned what the commissions feeling is towards building a new main library in Kalispell. She then stated that the Library Boards plan is to be able to be on the 2008 ballot with the majority of the money they need being raised privately.

Jed Fisher reported that they have appointed an advisory board in Bigfork to provide feedback to the Weed & Parks Board to address all park issues in Bigfork.

PRELIMINARY PLAT: GREAT NORTHERN ACRES

[10:30:17 AM](#)

Members present:

Member Dale W. Lauman
Member Gary D. Hall

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Harris, Annie Thompson, Jonathan Smith, Jeff Larsen, Ardis Larsen, Steve Johnson

Thompson reviewed the application submitted by Steve Johnson with technical assistance from Larsen Surveying for preliminary plat approval of Great Northern Acres Subdivision. This subdivision will create 4 lots at the intersection of Pleasant Valley Road and Idaho Hill Road in Marion on 8.37 acres. Staff recommends approval.

Commissioner Lauman made a **motion** to adopt Staff Report FPP 06-54 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Jeff Larsen spoke about condition #13-K that he would like to see removed. The condition will remain.

Commissioner Lauman made a **motion** to approve preliminary plat for Great Northern Acres. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONDITIONS

1. The subdivider shall install a road sign at the intersection of Idaho Hill Road and Pleasant Valley Road. A letter from an engineer certifying that the signage is compliant shall be included with the application for final plat.
2. The developer will dedicate a 15-foot bike/pedestrian easement on Idaho Hill Road and Pleasant Valley Road.
3. The developer shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
4. The subdivider will obtain and show proof of completed approach permits from the Flathead County Road Department for access for Lots 1, 2, & 3 onto Idaho Hill Road, and for Lot 4 onto Pleasant Valley Road, indicating the approaches have been built and received final inspection. [Section 3.8(A), FCSR]
5. Electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies.
6. All water and septic systems shall receive final approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A), FCSR]
7. Applicant shall include a storm drainage plan approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality.
8. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department.
9. The applicant shall comply with reasonable fire suppression and access requirements of the Marion Fire District. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section

3.20, FCSR]

10. Road right-of-ways shall be cleared of slash, per Appendix G, FCSR. [Section 3.21, FCSR]
11. House numbers shall visible from the road [3.20(d)]. Road signs should be metal, with 4 inch reflective lettering. [Agency Comment]
12. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(l)(7), FCSR]
13. The following statements shall be placed on the face of the final plat:
 - a. Lot owners should be aware that low areas may be prone to seasonal wetness. It is recommended that all development in those areas be at or above natural grade.
 - b. Only Class A or B fire rated roofing material are allowed [3.21(1)]. [Agency Comment]
 - c. Defensible Space Standards shall be incorporated around all primary structures [3.21(2)]; it is suggested that all landscaping should incorporate *Firewise* principles along with fire resistant plants and materials. [Agency Comment]
 - d. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - e. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - f. Residents should be aware that the Marion Elementary School District is not required to provide bus service to this location due to its close proximity to the elementary school. Bus service to Flathead High School is available.
 - g. This subdivision is located in a silvicultural/agricultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm on adjoining properties shall not be restricted as a result of the development or occupancy of this subdivision.
 - h. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - i. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal, as it not only has negative impacts on the animals themselves, it increases the presence of dangerous predatory animals. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
 - I. Keeping dogs under owner control at all times.
 - II. Using bear-proof garbage containers, stored inside garages or other secure facilities.
 - III. Removing obvious sources of food.
 - IV. Securing compost piles with electrical fencing.
 - V. Feeding pets indoors or bringing food dishes in at night.
 - VI. Placing bird feeders out of reach of deer and other big game.
 - j.

Waiver of Protest
Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
 - k. There shall be no further subdivision of any lots.
14. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the sub-divider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
15. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
16. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

AT

PRELIMINARY PLAT: THE LANDING AT SOMERS BAY

10:45:17 AM

Members present:

Member Dale W. Lauman

Member Gary D. Hall

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Diana Kile, Jeff Harris, Rebecca Shaw, Joe Orr, Patrick Brewer, Jim Kuhlman, Bruce Lutz, John Thomas, Bob Fraser, Dennis Hatton, James Devine

Shaw reviewed the application submitted by RLD Waterside, LTD with technical assistance from Glacier Surveying for preliminary plat approval of The Landing at Somers Bay. The proposal is to create an 8 lot subdivision with 12 units total on 3.97 acres in the Somers area. Lots 1-4 will be designed for condos with 2 units each and lots 5-8 will have single family homes. Staff recommends approval subject to 29 conditions.

Bruce Lutz spoke about the changes that were made from the original plan.

Commissioner Lauman made a **motion** to adopt Staff Report FPP 06-56 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Discussion was held relative to sprinkling. The condition will be removed.

Commissioner Lauman made a **motion** to approve preliminary plat for The Landing at Somers Bay with amended conditions. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONDITIONS

1. The subdivision shall be in accordance with the development application and preliminary plat with regard to the number of lots, building footprints, open space, driveways and roadways except as otherwise modified by the conditions herein.
2. The applicant shall use bike/pedestrian crossing signs to make the crossing of the bike path safe for the residents and the users of the path.
3. The applicant shall construct access in synchronization with the existing bike path to ensure that the path remains safely useable during construction.
4. The internal subdivision road will consist of a 60-foot right of way and minimum 20-foot paved travel surface. Roads and driveways will conform in all locations to maximum grade standards. The road system shall be designed by a licensed professional engineer and, upon completion of construction, be certified by a licensed professional engineer for compliance with AASHTO standards. [Sections 3.6(E) and 3.9, FCSR]
5. A Homeowners Association shall be established for the repair and maintenance of the private roadways, walkways and common areas. All property owners within the subdivision shall bear a pro-rata share of the costs. [Section (3.9(J)(3) and Appendix A, FCSR]
6. Any use of grass crete shall be approved by all emergency service providers for the area including the Somers Fire Department and Advanced Life Support Responders and the Montana DNRC. [Staff recommendation.]
7. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
8. The applicant shall work with the Address Coordinator to meet road naming requirements. The adjustments shall appear on the final plan and a letter from the Address Coordinator shall be submitted with the final plan stating that requirements have been met. [Section 3.9(I)(7), FCSR]
9. The applicant shall meet all requirements of the Montana Department of Transportation for access onto US Highway 93, including proof of completed approach permits. [Section 3.8(A), FCSR]
10. Stop signs shall be installed at the intersection of the frontage road and the driveway access and at the access to US Highway 93. [Section 3.9(I)(8), FCSR]
11. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
12. The subdivision shall be served by Lakeside public sewer system and shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. A "will serve" letter from Lakeside public water and sewer district shall be submitted with the final plat. [Section 3.14(A) and 3.15(A), FCSR].
13. The public on-site water system shall be reviewed by and approved by the Montana Department of Environmental Quality and the Flathead County Environmental Health Department. [Section 3.14 A]
14. The applicant shall submit a Storm Water Drainage Plan that is certified by a licensed Professional Engineer that shall be approved and reviewed by the Flathead County City-County Environmental Health Department and the Montana Department of Environmental Quality. [Section 3.12.A]
15. The applicant shall comply with reasonable fire suppression and access requirements of the Somers Fire District and the Montanan DNRC. A letter from the Chief stating requirements have been met shall be submitted with the final plat materials.[Section 5.3.B.1., FCSR & letter, Montana DNRC 10/25/06]
16. All work in Flathead Lake and the Lakeshore Protection Zone be reviewed by the Flathead County Planning and Zoning Office and approved by the Flathead County Commissioners.
17. The applicant shall have the floodplain boundaries surveyed and the 100-year floodplain shall be clearly delineated on the face of the plat and designated as a no-build zone. [Section 3.5, FCSR]
18. During construction of infrastructure improvements, no silt-laden water or excess shall flow to downstream or lakeshore areas. Erosion control measures are required and will be enforced. [Section 3.13, FCSR]
19. All necessary permits for work in the lakeshore area and/or for a private marina shall be approved prior to final plat.
20. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
21. The subdivider shall pay a parkland fee equivalent to the value of .1815 acres of the unimproved, undivided land. The subdivider shall provide a current appraisal from a certified MAI appraiser no sooner than six months prior to the final plat application to set the baseline value of the parkland cash donation. [Section 3.19(A)(1)(a); Section 3.19 (D)(1), FCSR]
22. The developer shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
23. The following statements will be placed on the face of the plat applicable to all lots:
 - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities shall be placed underground.
 - c. This plat has not been reviewed or approved for individual sewer or water facilities.
 - d. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.

- e. The property owners association or road user's agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
- f. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
- g. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
- h. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
- i. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal. These include, but are not limited to grizzly and black bears, mountain lions, moose, elk and deer. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
 - i. Dogs must be kept under owner control at all times.
 - ii. Residents must use bear-proof garbage containers.
 - iii. Remove obvious sources of food.
 - iv. Birdfeeders must be over 10 feet off the ground and out of the reach of deer and other big game.
 - v. Compost piles are prohibited unless secured by electrical fencing.
 - vi. Pets should be fed indoors and no pet food shall be left outdoors.
 - vii. Fencing must not impeded movement of wildlife.
- j.

Waiver of Protest

 Participation in Special Improvement District
 [per County Resolution 503-M]

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

- 24. All required improvements will be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, will be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
- 25. The final plat will be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
- 26. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
- 27. All structures shall have a minimum 40' setback from the high water mark.
- 28. Only native vegetation shall be used as buffer including grasses, shrubs and trees.

RS

CONTINUATION OF PRELIMINARY PLAT: BLACK GOLD TRACTS SUBDIVISION, AMENDED LOT 3

[11:12:00 AM](#)

Members present:

Member Dale W. Lauman
 Member Gary D. Hall

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence
 Clerk Diana Kile, Jeff Harris, Eric Giles, Peter Steele, Joe Kauffman, Carol Duval

Giles reviewed the application submitted by Carol Duval with technical assistance from Big Sky Surveying for Preliminary Plat approval of Black Gold Tracts Subdivision, amended plat of lot 3, a major subdivision that will create 2 residential lots. The subdivision is proposed on 4.32 acres. Planning Staff recommends denial. December 11, 2006, the commission continued the preliminary plat.

Peter Steele spoke about the plat coming before the commission on December 11, 2006, with no findings of fact or action taken. It was then suggested that the continuation be continued until Chairman Brenneman could be in attendance.

Commissioner Lauman made a **motion** to continue Black Gold Tracts Subdivision until all Commissioners' are present. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF HR TRANSMITTAL: EQUIPMENT OPERATOR-REFUSE TRUCK DRIVER/ SOLID WASTE DISTRICT

[11:16:17 AM](#)

Members present:

Member Dale W. Lauman
 Member Gary D. Hall

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence
 Clerk Diana Kile, Dave Prunty

Commissioner Lauman made a **motion** to approve the HR transmittal for the Solid Waste District and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: SHERIFF'S OFFICE

[11:21:05 AM](#)

Members present:
Member Dale W. Lauman
Member Gary D. Hall
Members absent:
Chairman Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Diana Kile

Commissioner Lauman made a **motion** to approve the print bid from Great Northern Printing for 54 sets of 500 standard business cards for \$807.30. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: CSBG LETTER/ N.W. MONTANA HUMAN RESOURCES

[11:23:17 AM](#)

Members present:
Member Dale W. Lauman
Member Gary D. Hall
Members absent:
Chairman Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Diana Kile, Lil Dupree

Lil Dupree presented a copy of the N.W. Montana Human Resource Annual Report to the Commission along with the 2 year budget and work plan.

Commissioner Lauman made a **motion** to approve the CSBG document and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF ENCROACHMENT PERMIT: TRAPLINE ASSOCIATION (BAR STOOL RACES)

[11:26:17 AM](#)

Members present:
Member Dale W. Lauman
Member Gary D. Hall
Members absent:
Chairman Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Diana Kile

Commissioner Lauman made a **motion** to approve the encroachment permit for Trapline Association. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

2:00 p.m. AOA Board meeting @ Kalispell Sr. Center

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 12, 2007.

FRIDAY, JANUARY 12, 2007

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

CONTINUATION OF DOCUMENT FOR SIGNATURE: JAIL ELEVATOR REPAIR AGREEMENT/ KONE, INC.

[11:02:53 AM](#)

Members present:
Chairman Joseph D. Brenneman
Member Dale W. Lauman
Member Gary D. Hall
Others present:
Assistant Michael Pence
Clerk Diana Kile, Kathy Frame

Discussion was held relative to waiving the performance bond request for Kone, Inc.

Commissioner Hall made a **motion** to approve the document for the elevator repair with Kone, Inc. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

LEGISLATIVE SESSION DISCUSSION

11:09:01 AM

Members present:

Chairman Joseph D. Brenneman
Member Dale W. Lauman
Member Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Diana Kile, Charlie Johnson, Richard Stockdale, Dave Prunty, Kathy Frame, Adele Krantz, Jeff Harris, Lisa Durant, Pete Wingert, Kirsten Holland, Vickie Saxby, Gary Krueger, Mayre Flowers

Mike Pence reported on HB 27 and stated that Lisa Durand hand delivered her letter of support and made a testimony in Helena in regards to the sunset plaza. A letter of support was sent by the Commission also.

Charlie Johnson spoke on HB 253 that is a bill removing the requirement that the county board of commissioners hold an election if the cost or construction of a bridge exceed \$10, 000. He then spoke on SB 14 in regards to access on a county road that says; unless the road has been abandoned by the county board of commissioners it can not be blocked.

Richard Stockdale spoke on LC 1415 for revisions to the euthanasia drug licensing bill that has a sunset clause that needs removed.

Dave Prunty spoke on LC 1796 in regards to the 2005 legislature approving the permanent plate status for 10 year old vehicles. The new bill now says that if a vehicle is wrecked with a permanent plate they will be able to deal with it. He stated that DEQ is behind the bill.

Kathy Frame spoke on the mental health side of bills and spoke of one that prohibits restraints on civil commits during transports. This bill would preclude the Sheriff's office from restraining anyone during transport unless a mental health professional approved the transport. She then spoke of an involuntary medication bill that she is concerned about.

Adele Krantz spoke on several bills that the association is watching and stated that they want to revise and reword several motors vehicle laws. HB 273 would make it easier on the county clerks to not have to prorate any taxes with credit on vehicles from previous owners. SB 215 for calculating property tax mill levies they want to reword and remove the 1/2. SB 245 in regards to the government debit level they want to change from 1.5 of your total assessed value limit to 2.5. LC 783 that defers property taxes for the low income elderly where the state would reimburse the county for the deferred taxes. Also discussed was the association looking closely at the DUI plate.

Jeff Harris spoke on several bills that they have reviewed and stated that they will have to pick and choose which ones to follow. HB 184 would amend the growth policy by adding an evaluation for all lakes, streams, rivers and water bodies as part of state statute and also would call for a strategy for preserving public access to water bodies. HB 265 is a bill that would clarify voting requirements for the Planning Board and is basically a housecleaning bill. HB 267 is a bill that would clarify impact fee laws and would amend the law by deleting the last sentence that says; a local government may not require a sub divider to pay or guarantee payment for part or all the cost of constructing or extending capital facilities related to education. SB 51 would amend the growth policy by requiring the growth policy to take into account areas of extreme fire hazard. SB 110 deals with a whole range of planning issues and also changes the condominium statues. The bill would require certification by the county that they are exempt or they have to go for review. SB 244 would change the penalties for lakeshore violations from not less than \$500 or more than \$5,000 per tree that is removed. HB 205 deals with changing the statues that are associated with controlled ground water issues, which would require 70% of the users of the ground water within the area to sign a petition. HB 203 also deals with controlled ground water areas.

Lisa Durant reported on her trip to Helena in support of HB 27.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 15, 2007.
