
MONDAY, JANUARY 15, 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.

COUNTY OFFICES CLOSED – MARTIN LUTHER KING, JR. DAY

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 16, 2007.

TUESDAY, JANUARY 16, 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.

Charles Lapp spoke in regards to the growth policy and stated that he was here to defend the neighborhood plan and the parts that he feels are important. He then spoke about misconceptions in parts of the neighborhood plan and stated that they were not trying to abolish the existing plan in any way and that the existing neighborhood plans have already established their boundaries and set their goals and policies, but that they do need to be reviewed according to state law. Lapp also spoke about the Somers area being the only real area that does not have existing zoning or a neighborhood plan in place. He then said that in any business that has shares and shareholders those that have more shares get more voting power to insure that those who have the most invested will have their investment protected, and that is the system that we need to defend. On an individual basis the 60 percent vote insures the idea of one man, one vote, will be alive and well. He then stated that he is for that; but wants to make sure that everybody gets the same. However, when it comes to actual real estate all property is not equal; when land is created through subdivision the developer through voluntary covenants or imposed conditions signs away many of the rights of the land. The land is now a lot, no longer a tract or parcel and it then loses rights that would have gone with it before. This creates a situation where someone that lives on a lot in a subdivision, does not have the same ability to use his property as his neighbor who lives on a tract or parcel.

Commissioner Brenneman announced the death of Paul Williams and stated that the county has suffered a loss in his passing.

Commissioner Hall spoke in high regards and respect for Mr. Williams.

Commissioner Lauman spoke about Mr. Williams being a supporter of many community services and then stated that he will be greatly missed.

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

[9:06:41 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jim Atkinson

Discussion was held relative to a vehicle that is scheduled to be replaced in 2008 that is in need of repair. AOA is asking that the vehicle be replaced this year with them having the money available now. He then spoke about re-organization of the office and the buses that will be starting soon. It was also reported that they have moved from the Lakeside Baptist Church to the Lakeside Community Church to serve lunches.

OPEN BID'S: SHERIFF VEHICLES

[9:25:52 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Wade Herman

Bids received from:

DePratu Ford	2007 Expedition SUV 4X4	\$22,494.84	bid bond enclosed for \$5,000.00
	Crown Vic Interceptor	\$20,051.15	
	Crown Vic Interceptor w/spotlight	\$20,476.15	
Scarff Auto	2007 GMC Yukon 1500 SLE	\$33,827.75	bid bond enclosed for \$5,000.00
Kari Dodge	2007 Dodge Durango SXT 4X4	\$23,822.00	bid bond enclosed for \$5,000.00
	2007 Dodge LXDH 48 Charger	\$22,865.00	
Ronan Dodge	2007 Dodge Charger Police Special	\$23,214.00	bid bond enclosed for \$5,000.00
	2007 Dodge Durango SLT Police	\$24,960.00	

Commissioner Hall made a **motion** to refer the vehicle bids received to the sheriff's department to take under advisement. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

FINAL PLAT: MOUNTAIN VIEW SUBDIVISION, LOT 8, BLOCK 3

[9:34:11 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
 Clerk Diana Kile, B. J. Grieve, Rebecca Shaw, Debbie Shoemaker

Shaw reviewed the application submitted by Donald and Celine Hall with technical assistance from Marquardt Surveying for final plat approval of Mountain View Subdivision, Lot 8, Block 3; a subdivision creating two residential lots. The property is located on Mountain View Drive south of East Reserve Drive in Evergreen. Preliminary plat approval was granted on October 16, 2006, subject to 13 conditions. All conditions have been met and staff recommends approval.

Commissioner Hall made a **motion** to approve final plat of Mountain View Subdivision, Lot 8, Block 3 and to approve the SIA. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

FINAL PLAT: LAZY PINE TREE SUBDIVISION

[9:45:20 AM](#)

Members present:

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

Others present:

Clerk Diana Kile, B. J. Grieve, Rebecca Shaw, Jeff Larsen, Ardis Larsen

Others absent:

Assistant Michael Pence

Shaw reviewed the application submitted by Leo and Donna Arbuckle with technical assistance from Larsen Surveying for final plat approval of Lazy Pine Tree subdivision; a subdivision creating two residential lots with a remainder. The property is located north of Coram and east of Hwy 2. Preliminary plat approval was granted on October 19, 2006, subject to 13 conditions. All conditions and been met and staff recommends approval.

Commissioner Lauman made a **motion** to approve final plat for Lazy Pine Tree Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

QUARTERLY MEETING W/ MIKE MEEHAN, SHERIFF

[10:05:56 AM](#)

Members present:

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

Others present:

Clerk Diana Kile, Mike Meehan, Karen Moore , Pete Wingert

Others absent:

Assistant Michael Pence

Discussion was held relative to the vehicle bids that were opened and turned over to the sheriff's department. It was reported that there was a fire in the dryer at the Justice Center that was put out quickly with the only damage being to the dryer. It was stated that the insurance company has been contacted and the dryer will be replaced with \$1,000 deductible. Discussion was held in regards to what the plans would be if there was a fire in the jail and the procedures they would follow. Discussion was also held in regards to cost of autopsies, a bill received from KRMC, drug testing for new hires, new radio's, building needs and their long range plans; in which a committee will be established to have a master plan before budget is due for the year. It was also reported that Northern Tier is asking BN to be the site manager instead of Flathead County.

PRELIMINARY PLAT: STAR MEADOW LOGAN CREEK SUBDIVISION

[11:03:08 AM](#)

Members present:

Commissioner Dale W. Lauman
Commissioner Gary D. Hall PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Diana Kile, B. J. Grieve, Annie Thompson, Andy Beleski

Others absent:

Assistant Michael Pence

Thompson reviewed the application submitted by A America Inc. PSP & Trust c/o John & Fred Rorback TST with technical assistance from F & H Surveying for preliminary plat approval of Star Meadow Logan Creek Subdivision; a minor subdivision that will create three single family residential lots located on Star Meadows Road. Staff recommends approval with amended findings of facts.

Lot 1 and lot 2 shall be combined to create a two lot subdivision and the lots will be re-numbered. Discussion was held in regards to sprinkling on lot 3 and the bike easement.

Commissioner Lauman made a **motion** to remove the bike easement from the conditions. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to adopt staff report FSR 06-17 as amended. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve preliminary plat of Star Meadow Logan Creek Subdivision. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONDITIONS

1. Lots 1 and 2 shall be combined to create a two lot subdivision. Lots shall be renumbered to this effect.
 2. The applicant shall do a water course survey that will be reviewed and approved by DNRC. The boundaries of the defined 100-year floodplain, to include Base Flood Elevations, shall be shown on the final plat. No buildable lot will be allowed within the DNRC approved defined floodplain. [Agency Comment]
 3. The applicant shall meet the requirements made by Flathead County Weed Department in their letter dated September 13, 2006, or shall meet with FCWD to make other arrangements. Proof shall be provided that requirements were met. An approved Soil Disturbance and Weed Management Plan shall be provided at final plat application.
 4. The applicant shall comply with reasonable fire suppression and access requirements of the Flathead Fire Services Area. A letter from the Director stating requirements have been met shall be submitted with the application for Final Plat.
 5. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality for individual sewer and water and storm water management.
 6. The subdivider shall receive physical addresses in accordance with Flathead County Resolution #1626. The addresses shall appear on the final plat. [Section 3.9(I)(7), FCSR]
 7. The subdivider shall obtain and show proof of updated, completed approach permits from the Flathead County Road Department for access onto Star Meadows Road, indicating the approaches have been built and received final inspection. [Section 3.8(A), FCSR]
 8. 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]
 9. The applicant shall obtain a letter from the local postmaster, indicating the applicant has met the postal service's requirements for mail delivery in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
 10. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities will be extended underground.
 - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - 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.

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

AT

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: JOHNSON V. COUNTY

[11:26:04 AM](#)

Members present:

Commissioner Dale W. Lauman
Commissioner Gary D. Hall PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Diana Kile, Peter Steele

Others absent:

Assistant Michael Pence

Peter Steele reported this is to get a right of way straightened out on Holt Stage Road.

Commissioner Lauman made a **motion** to accept services for Johnson v. County. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

BOARD APPOINTMENTS: MISCELLANEOUS

[11:29:16 AM](#)

Members present:

Commissioner Dale W. Lauman
Commissioner Gary D. Hall PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Diana Kile, B J Grieve

Others absent:

Assistant Michael Pence

Commissioner Lauman made a **motion** to appoint to the AOA Kathy Buffington, Rhonda Castener & Ester Hutchinson. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to appoint to the Columbia Falls Woodland Cemetery Board, Jack VonLindern. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to appoint Mark Hindrichs to the Helena Flats Neighborhood Plan. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to appoint Randy Kenyon to the North Fork Land Use Advisory Committee. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to appoint Richard Bergman to the Swan Hill TV District. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: MDOT SECTION 5311 CONTRACT/ EAGLE TRANSIT

[11:31:14 AM](#)

Members present:

Commissioner Dale W. Lauman
Commissioner Gary D. Hall PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Diana Kile

Others absent:

Assistant Michael Pence

Commissioner Lauman made a **motion** to approve the MDOT Section 5311 contract for Eagle Transit and authorize the chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: CTEP PROJECT AGREEMENT/ KILA PATH

[11:33:01 AM](#)

Members present:

Commissioner Dale W. Lauman
Commissioner Gary D. Hall PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Diana Kile, B J Grieve, Rebecca Shaw

Others absent:

Assistant Michael Pence

No action taken. Corrected document will be re-submitted.

FINAL PLAT: ASPEN SQUARE

[11:35:26 AM](#)

Members present:

Commissioner Dale W. Lauman
Commissioner Gary D. Hall PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Diana Kile, B J Grieve, Annie Thompson, Debbie Shoemaker

Others absent:

Assistant Michael Pence

Thompson reviewed the application submitted by L & R Plaza, LLC with technical assistance from Flathead Geomatics for final plat approval of Aspen Square Subdivision; a 2 lot commercial subdivision. The property is located in the Evergreen area at the corner of LaSalle and East Reserve Drive. Preliminary Plat approval was granted on May 23, 2006, subject to 10 conditions.

Commissioner Lauman made a **motion** to approve final plat for Aspen Square Subdivision. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 17, 2007.

WEDNESDAY, JANUARY 17, 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.

- 9:15 a.m. RSVP meeting @ Heritage Place**
- 11:00 a.m. County Attorney meeting @ Co. Atty's Office**
- 12:00 p.m. DUI Task Force meeting @ The Summit**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 18, 2007.

THURSDAY, JANUARY 18, 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.

Jeff Larsen a resident of Lakeside and past president of the Flathead County Planning Board commented on the growth policy and stated that he feels the planning board is like a house of cards with them being a well balanced cross section of the community. He spoke about certain things in the growth policy that were very important to different aspects of the planning board. He then spoke about the 2 most important aspects to him being the policies that protect people and the neighborhood plan section, essentially the 60% vote for individuals and the 50% vote for land mass area. Also another important issue for him that would have been a deal breaker is the idea of putting the 1987 plan back into the growth policy. He stated that the way he looks at the plan it would be a travesty to put the outdated plan in and it would be an insult to those who have worked so many years in trying to create a growth policy. He then said if certain aspects of the growth policy were to be changed it would loose support of the planning board, and that it was a document that he had to take the good and the bad with in order to vote for it. He then said that most of the members on the planning board felt that way with issues in the document that he disagrees with. He is asking that the growth policy be taken into consideration before the commission takes out major cards out of the house of cards, because the whole house of cards could fall.

Dick Skees spoke about being involved in a neighborhood plan on the east side that is 50 square miles in size that they are trying to regulate. He said the biggest headache that they have had after 2 meetings, with 1 cancelled and then a post card sent out saying that it is their responsibility to figure out when the meetings are according to a web site. He discussed how people were getting very angry and frustrated, because even after 2 notifications some people did not know they were trying to create a neighborhood plan. He said the wonderful thing about the signature deal is that there is one area around the Silver Bullet bar that is promoting the plan and with the signature's required it will guarantee sixty percent of the people are notified. Skees said he has neighbors, and personally knows his neighbors, but the people trying to do this plan are not his neighbors. He said the area they are trying to create a neighborhood plan in is bigger then the city of Kalispell, but if they are determined then at least 60 percent of the people will get notified. He said it is a protection for the commissioners, planning board and the planning and zoning office, because they will have a physical piece of paper proving they got the required 60 percent, and if people are disgruntled they can say at least 60 percent approved. He wants the sixty percent left in the growth policy.

Steven Knoll spoke as a representative for Vern Knoll, a resident on Jacquette Road. He stated that he has been a farmer in the valley for the past 43 years and spoke of his concern and doubt of being able to sustain a strong and viable farm. As a working farmer they are unable to move their farm land away from what has been pushed into their back door. He stated that as a land owner they fear the current and future growth policies will limit their opportunity to use their land as they see fit when the time arises. As land owners they are urging the Commissioners to justify precisely how the growth policy will be used in making decisions about the community's future growth and ask that their hands not be tied when the day comes that they have to give their land up to future growth.

Charles Jacquette spoke about farms and ranches running on profit and loss pictures. He then stated that farming has not been very profitable these past few years with the prices being up a little right now, but questions how long they will stay. He spoke about estate problems in regards to inheritance taxes. He feels that he should be able to sell his land and move on into another occupation or relocate. He then stated that if the valley wanted to keep out all the people they should have done it years ago, not now. He spoke about losing elevators in the valley with the infrastructure for farmers leaving, because it can not be supported.

Bill Myers representing Bayside Park and Marina stated that he has lived here for many years and spoke about this being his livelihood. He then stated that the growth policy is subject to interpretations by regulators. He spoke about his concern with the environment as well as his and his families' retirement. He then said there are too many special provisions in the plan and his contention is that one size does not fit all, that it needs to be sight specific. He would like to see the growth policy voted on by the county instead of 3 people. He stated that he has submitted many comments to the planning board and planning staff back during public comment period and feels that his comments may not even have been looked at. He then stated that he and his family have sunk his whole life into one piece of ground on Bigfork Bay. He spoke about property rights being subtly changed or ignored and feels that the plan as it is right now is worse than the original. A goal that he wants to be implemented is, "to preserve the rights of property owners to the use and enjoyment and value of their property and protect the same rights for all property owners". He feels this should be a center piece of the document and then stated that it is rarely mentioned with most of the document stripping away the rights of the property owner. He then spoke about a basic part of the plan missing and questioned where the maps are. He does not want the maps from 1987, he stated that we need maps that are current and show the areas that will be affected by such broadly definitions such as wetlands and riparian areas. He questioned where all the areas such as critical wildlife habitat, gateway areas and other catch all phrases that attempt to create a land use designation without a specific map to rely on are. He spoke about new language that says "maintain a green belt along streams and rivers to protect the quality of water, to protect critical wildlife corridors and maintain natural esthetics of waterways. The greenbelt term setback requirements coming for subdivisions will be a minimum of 300 feet each side of the Flathead River to include a 100 foot vegetation buffer and a minimum of 200 feet on each side of the following streams to include a 75 foot vegetative buffer, the Swan River, Whitefish River, Ashley Creek and Stillwater River and a minimum of 100 feet on each side of all remaining streams in Flathead County, to include a 50 foot vegetative buffer. To site in his property in which he owns 7 acres that is right on the river adjacent to the lake, he only has 135 feet at the widest from the Swan River and he would need 200 feet for the setback. He feels that what is being said to him and his family is that he can't build. He stated that what we need in the growth policy is clearly defined standards that everyone can clearly evaluate and that any restrictions should be site specific before a blanket taking of a citizen's property rights through out the county. He submits that something this important should be submitted to the voters of the county for approval or rejection. In his opinion the policy creates arbitrary overly broad and restrictive regulations without protection, which should be afforded by the US and Montana Constitution. He spoke about the BLUAC plan implementing architectural standards and review, control of color of building, color of signage and public art that you are allowed to put up to preserve the character of the community. He questioned who would pay for property values worth millions that are being down graded in value and stated that it is not fair to those who have paid mortgage, interest, bank fees, insurance and taxes on their property with a reasonable expectation of developing the properties, and that their life savings may well be destroyed by these proposed polices and regulations.

Wallace Hill Best reported on the Lakeside Saturday View Point as a newspaper that comes out weekly. He then spoke in support of the growth policy and stated that he is 100% in favor of the adoption of the growth policy.

Fred Hodgeboom spoke of his disappointed with the workshop this past week and stated that he had hoped for some dialogue for the pros and cons of the growth policy. It was stated that he still urged the commission to schedule a true workshop that would have some dialogue to it before the final vote on the growth policy. He then spoke about the meetings being dominated by paid lobbyists that have scripted speeches handed out to their people that show up and dominate the time. He then urged the commission to schedule a true workshop where they could have some dialogue back and forth before the document is finalized. He spoke about wanting to see some language that would ensure the citizens that the document would be advisory as the law intended. He stated that what the property owners need is some reassurance that their property rights are going to be safe.

Ken Smith stated that he is a third generation farmer and spoke as a representative of the ag community in the area. He then spoke about needing some protection to protect the farming community. He then stated that he enjoys farming and would like to continue too, but if the opportunity is taken away by restrictive development he would oppose that.

Dan Brosten spoke of his concern in regards to development of land and the rights of the landowners. He then spoke of the development that he is doing now and then said the one person one vote could disrupt the ability to farm.

Russ Crowder stated that when he first started looking for property in the valley he went around knocking on doors to see if someone would sell to him and he couldn't find anyone in the Creston willing to sell. He then spoke about a 100 acre subdivision that was being proposed in the Creston area by an elderly lady whose husband had cancer. She had owned the property since the turn of the century and farmed it until her husband couldn't farm any longer. Her neighbors were opposed to the subdividing of the property and wanted it to stay open space. He then stated that his point is in a sterile environment it is easy to make decisions, yet decisions the commissioners make affect real people's lives.

Bob Spoklie spoke of an article that was written on the growth policy by Frank Miele that he feels should be read by the commission. He spoke about abiding by policies and creating open space within the division and then stated that it is all in the commission's hands.

Jim Etzler encouraged the commission to take to heart the decisions that they are making that will affect many people's lives. He stated that he is personally against neighborhood plans and doesn't believe it's a neighbors right to control property that he

has worked for. He spoke about the property that he bought as an investment with plans to develop and now the neighborhood seems to have more influence over his property than what he does. He feels that is wrong and would like the commission to consider what he is saying.

Bruce Barrett spoke about his investment of 95 acres that he has and stated that he has a fear in that he may not be able to develop his land. He would like to have adequate representation with the 95 acres and does not want one vote one man. He stated that land owners that own large parcels should have more of a say than one who has 10 acres. He would like some assurance that he can use the land and sell it later on and would appreciate the commission exercising caution in making their decision.

Jim Sappington spoke about rights and the difference between private property rights and public property interest. He then said rights are not changeable; rights are inherent. He spoke about the uses and control of land belonging to the owners, unless the owner makes a decision to relinquish those in some capacity. He stated to begin the thought that basically says that government or any other entity can come in and remove something that belongs to someone else and not have to pay and kind of compensation is basically theft. He then said we have come to the point in this county where we think it is perfectly alright to remove something of value from someone else and we can do it by 60% of the people in the immediate area, and we don't owe them anything. Interests are subject to change, where rights don't change. He spoke about the workshop in regards to ones opinion being equal in value as compared to facts. He then said planners should be planning for what belongs to the public, such as general welfare and roads. He spoke of restrictions needing to be recorded in the courthouse, so when someone buys a piece of property they will know what kind of restrictions are on it. He feels that the most insidious part of the plan is that his neighbor can determine for him what his property should be used for.

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

QUARTERLY MEETING W/ RICHARD STOCKDALE, ANIMAL CONTROL

This meeting was not held.

QUARTERLY MEETING W/ LAUREL RAYMOND, FINANCE DEPT.

[9:13:28 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Laurel Raymond

Laurel Raymond stated that the fiscal year 06 audit is complete and that the federal audit will be wrapped up with a report coming in a couple of months. Raymond then reported that the Finance Department is working with the I.T. Department and Mike Pence to pull together a different way of doing the budget this year. She stated that in the past all departments turned their budget in and it then had to be manually entered; their hope is to have each department do their budget electronically this year. Discussion was also held in regards to cleaning up trial balances, getting the books closed sooner at year end, RSID's and preliminary budgets.

CONSIDERATION OF HR TRANSMITTAL: STAFF ACCOUNT/ FINANCE DEPT

[9:15:53 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile

Discussion was held relative to the new job description.

Commissioner Hall made a **motion** to approve the HR transmittal for the Finance Department. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

OPEN BIDS: GAS/ DIESEL, TIRES, ASPHALT, LIQUID ASPHALT, PROPANE, CRUSHING/ STOCKPILING GRAVEL/ ROAD DEPT

[9:23:15 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Claridge, Dell McManus, Kevin Costner, John Bauer

Tires New – Tire Rama

11R24.5 -Highway	\$ 250.00
11R24.5 – Traction	\$ 287.45

1400R24 –Non Dir	\$ 822.09
20.5x25 – L-5	\$ 903.06
23.5X25 – L-5	\$1,774.66
225/60R16 – All Season	\$ 72.96
225/60R16- Mud/Snow	\$ 68.00
235/85R16-All Season	\$ 99.95
235/85R16-Mud/Snow	\$ 109.70

Tires New – Les Schwab

11R24.5/ - Highway	\$ 215.00
11R24.5 - Traction	\$ 239.00
1400R24 – Tubeless	\$ 605.00
20.5X25-L-5 Tubeless	\$ 1,868.00
23.5X25-L-5 Tubeless	\$ 2,548.00
225/60R16-All Season	\$ 51.00
225/60R16-Mud/Snow	\$ 88.00
235/85R16-All Season	\$ 82.00
235/85R16-All season	\$ 89.00

Tires Re-Tread Les Schwab

11-24.5 PC -7 Traction Retread	\$ 115.00
11-24.5 PC14 Highway Retread	\$ 106.00

Commissioner Lauman made a **motion** to refer the tire bids to the Road Department for advisement. Commissioner Brenneman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Liquid Asphalt

Montana Refining	PG 64-22	\$332.50 / Ton
	PG-58-22	\$332.50 / Ton
	CSS I Tack Oil	\$332.50 / Ton
CHS	PG 64-22	\$362.00 / Ton
	PG-58-22	\$362.00 / Ton
	CSS I Tack Oil	\$392.00 / Ton

Emulsified Asphalt

CHS	CRS 2	\$407.00 / Ton
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Commissioner Lauman made a **motion** to refer the asphalt bids to the Road Department. Commissioner Brenneman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Gravel 50,000 Ton ¾ Crush Top

Schellinger	\$3.36 / Ton
LHC	\$4.35 / Ton

Washed Gravel 8,000 Ton 3/8" Minus

Schellinger	\$11.50 / Ton
LHC	\$16.00 / Ton
JTL	\$12.00 / Ton

Commissioner Lauman made a **motion** to refer the gravel bids to the Road Department. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Propane

Northern Energy	Delivery Cost Per Gallon	\$.06	w / \$1.00 Rental Fee
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Commissioner Hall made a **motion** to refer the propane bid to the Road Department. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Gasoline – Regular No. Lead/ Red Dyed Low Sulfur Diesel #2/ Red Dyed Low Sulfur Diesel #1

City Service Valcon

Delivery cost	
Martin City -	.179

Columbia Falls	.159
Busch Pit	.209
County Shop	.129
Olney-Mielke	.259
Bigfork – Sullivan	.169
Bigfork – Thoennes	.169
Kila – Widgren	.169
Main Courthouse	.129
Solid Waste, Dump	.139

Commissioner Hall made a **motion** to refer the gas/ diesel bids to the Road Department. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

MEETING TO DETERMINE CHANGES TO DRAFT GROWTH POLICY

[9:38:44 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
 Clerk Diana Kile, Eric Giles, B J Grieve, Jeff Harris, Gordon Cross, Marcy Mahr, Clarice Ryan, Jim Sappington, Bill Baum, Fred Hodgeboom, Del McManus, Dick Skees, Russ Crowder, Bill Myers, Ken Smith, Tricia Knoll, Vern Knoll, Steven Knoll, Charles Jacquette, Dan Brosten, Jim Etzler, Larry Brosten, Bob Spoklie,

Eric Giles reported on the 173 public comments that have been received through January 11, 2007, on the Flathead County growth policy as revised by the planning board. 31 comments were received verbally at a January 9, 2007, commissioners workshop with an additional 3 verbal comments received the morning of January 11, 2007, during public comment period. The remaining comments of 139 were received by the commission in written form. The written and verbal comments that received the most comments were the neighborhood plans, mapping and natural resources.

Neighborhood Plans had a total of 122 comments with 107 comments requesting reinstating the draft version of chapter 10 and removing all planning board changes. 10 comments were in support of the planning board's changes and other comments were concerned about how existing neighborhood plans were going to be reviewed for compliance with the growth policy.

Mapping had a total of 93 comments with 86 of them requesting removing the existing land uses map 2006 and carrying forward the 1987 master plan land use map until the developmental predictability map is completed and reinstating the special policy areas, shallow ground water maps and adding a soils map. Other comments suggested providing more maps for water quality protection and for land owner needs. The remaining comments suggested the 1987 master plan land use map was outdated, keeping the existing land uses map 2006 and designated land use map and working with National Geographic Society to create more maps.

Natural Resources had a total of 81 comments received with 63 of them requesting reinstating the draft version for all water quality protection policies. The remaining comments requested buffering the wild land urban interface and adding more policies to protect water quality and wildlife habitat.

Open Space had a total of 56 comments with 54 requesting reinstating the draft version for open space and transfer of development rights policies. Many of these comments associated preservation of open space and transfer of development rights with agricultural lands. The remaining comments requested keeping the planning board changes to open space policies.

Land Use had a total of 50 comments with 47 comments reinstating the draft version for policies covering water quality and natural resource within the land use chapter. The same comments suggested reinstating special policy areas to mitigate commercial development between the three cities and gateway areas to protect community character. The remaining comments requested limiting commercial development and a clearer definition of gateway areas.

Growth Policy Amendments had a total of 46 comments requesting reinstating the draft version for the growth policy amendment process.

Implementation Strategy had a total of 44 comments requesting reinstating the Draft Version for policies covering water quality and natural resources within the implementation chapter. The remaining comments requested limiting the neighborhood planning meetings to the neighborhood plan area.

Parks had a total of 43 comments requesting reinstating the draft version for policies within the parks and recreation chapter and including recommendations from the Long Range Planning Task Force.

Public Facilities had 43 comments requesting reinstating the draft version for policies covering water quality and natural resources protection within the public facilities chapter.

Economy had a total of 40 comments requesting reinstating the draft version for policies covering water quality and natural resources protection within the economy chapter.

Public Process had a total of 8 comments received with 7 of them requesting a longer review time of the growth policy and more public meetings. The remaining comment requested the planning board develop reasons for changes.

Property Rights had a total of 5 comments received requesting a property rights definition.

Demographics and Housing received a total of 4 comments with 2 requesting reinstating the draft version for policies covering water quality and natural resources within the demographics and housing chapter. The remaining comments requested removing the affordable housing policies.

Zoning received a total of 2 comments requesting revision of zoning regulations based on parcel size.

Transportation received a total of 2 comments, 1 requesting revising the text in the transportation chapter. The other requesting that Flathead County roads not be made any smaller.

PUBLIC HEARING: ROAD ABANDONMENT #460 (OFF OF TIMBERLAKE TERRACE)

[11:31:40 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Wendy Liebhardt, Doug Erickson, Paul Sundry, Jared Noland, Tom Wiggin, Ron Trippett, Craig Koontz, Terry Cariveau, Eunice Noland, Jared Noland, Neil Jacobson, Clare Sands, George McGinnis, Bob Cook, Doug Denmark, Wendy Liebhardt, Larry Burn

Chairman Brenneman opened the public hearing for anyone wishing to speak in favor or opposition of road abandonment #460.

Ron Trippett spoke in favor of the road abandonment.

Paul Sundry an attorney spoke on behalf of the Erickson family and stated that the road abandonment came before them in 2004 and was denied at that time. He then handed out exhibits to the commission and explained why the control access was left in and stated the reason the access was not sold. He then spoke about several exhibits that were presented to the commission and requested that the road abandonment petition be denied.

Larry Burn stated that he purchased his lot in 1978 and was told that the one foot control strip was there at the end of the cul-de-sac to keep intruders out of the subdivision property and that he was also told that the one foot control strip belonged to the subdivision. He stated that there never was any intent for the road to be a through road. He then spoke about the road being kept in good shape with them paying to keep it that way.

Doug Denmark stated that he was hired by Mr. Cook to sell his property and then spoke about a deed Mr. Cook presented for the one foot controlled access strip. He noticed an inconsistency with the deed and took it to Stewart Title, where Leslie the lead searcher for Stewart Title looked at the plat, and their final opinion was that it was within the boundaries of the plat, so it was not outside of the subdivision; it was adjacent to and within the boundaries of the subdivision, and their opinion was that the subdivision did not own it and neither did the Cooley's any longer, because the title was transferred. He spoke about a cloud being placed on the title and that the control access strip actually belongs to the county. He stated that according to the title company they didn't own it to deed it to them and that the county owns it. He then spoke in favor of the abandonment.

Eunice Noland spoke about the integrity of her home being interrupted if the road abandonment is not approved. She strongly urged the commission to abandon the road.

Jared Nolan spoke about owning the home that would most directly be affected and stated his concerns.

Neil Jacobson spoke of his concern in regards to safety and strongly urged the commission to abandon the road.

Craig Koontz a new resident to the area spoke of his concern with the possible road going through and urged that it be abandoned.

Doug Erickson stated that he would like the road abandonment denied and then stated that he put notes on everyone's house to explain what his plans for the land were. He then spoke of the reasons he is subdividing the property and then stated that with the property being 1,690 feet long that he would be required to have an ingress and egress into the property. He spoke of a conversation that he had with the county attorney in regards to being told he could put the road in.

George McGinnis spoke in favor of the road abandonment.

Wendy Liebhardt spoke of being in favor of development and then stated that the hazard on the site is a concern with it being a treacherous entrance into Lake View Park Estates and added any more traffic would only increase the hazard. She spoke in favor of abandoning the road.

Jared Nolan stated that he has been in touch with the Road Department and Peter Steele and they have both strongly urged the abandonment.

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

Commissioner Hall spoke about a break a way gate and suggested that maybe in the future they could possibly have one to allow access out of the subdivision in an emergency.

Commissioner Brenneman questioned Paul Sundry in regards to MCA 7-14-26-15, exhibit #4, that would preclude the commission from abandoning the road and then stated it says that, "the board may not abandon a county road or right of way used to access private land if the access benefits two or more land owners. He then questioned which land owners it would benefit for this law to apply.

Paul Sundry stated that the soul beneficiary for the proposed abandonment would be Mr. Erickson.

Commissioner Brenneman then said that MCA 7-14-26-15 does not apply to this particular instance.

Paul Sundry then stated that would be right.

Commissioner Hall made a **motion** to approve Road Abandonment #460 subject to the viewers report. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

2:00 p.m. Commissioner Brenneman to Health Board meeting @ Earl Bennett Bldg.
7:00 p.m. Fair Board meeting @ Fair Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 19, 2007.

FRIDAY, JANUARY 19, 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.

LEGISLATIVE SESSION DISCUSSION

11:08:53 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Superintendent of Schools Marcia Sheffels, Solid Waste Director Dave Prunty, Sheriff Mike Meehan, HR Director Raeann Campbell, County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Planner Kirsten Holland, Health Administrator Joe Russell, 4-H Director Karole Sommerfield

Discussion was held in regards to what Montana law says about lobbying. It was stated that if the county thinks they are going to spend \$2,300 or more during the legislative session on lobbying in sending employees to testify for or against legislation, then the county has to register and keep track of every dollar spent and report it a couple of times during the legislative session and at the end. If the county does not think they are going to spend \$2,300 they don't have to register. It was stated that if you lobby for the county you have to register and make it known that you are lobbying. If it is your own personal issue you can tell them anything you want as an individual, it is then not considered lobbying and you don't have to report it. The ones that the county needs to be concerned about are county employees, who go down and talk about issues for the county.

Dave Prunty

Spoke on LC 1860 which is the establishment of waste reduction and recycling grant act. This bill would increase the fee 25 cents per ton of disposal to promote recycling. He then spoke of the positive benefits of it.

Raeann Campbell

Spoke in regards to a bill that expands the definition of what is considered a protected category for discrimination purposes under the law. MACo is opposed to the bill.

Spoke on SB 249 which is a bill for drug testing in employees.

Mike Meehan

Spoke about a bill for drug testing that he feels strongly about, but would like to see some language taken out.

Karole Sommerfield

Spoke about extension day on the hill in Helena with MSU. The bills that would involve 4-H are basically for funding.

Marcia Sheffels

Spoke about SB 152 which she is watching and stated that it seems positive and that it would qualify educational programs.

Spoke about SB 129 which is a truancy bill, which has to do with a fine for students who have not been reported as home schooled or have not returned to school. She feels it is not worth the cost of enforcing it with it only being a \$5.00 fine.

Spoke about HB 135 that deals with the 3 mile limit in regards to providing transportation to school if you live within the 3 mile limit. The bill would pay for parents to drive their kids to school that live within the 3 mile limit. There are good arguments for safety within the 3 mile limit when a child has to cross a road.

Jeff Harris

Spoke in regards to HB 265 that clarifies a quorum for the Planning Board. He spoke in favor of the bill.

HB 370 that deals with zoning violations is for clarification. He spoke in favor of the bill.

HB 295 changes the growth policy section of the statues 71-605.

SB 261 deals with junk vehicle collections and would increase the fine by 6%.

Joe Russell

HB 92 in regards to local public health modernization.

SB 142 which looks at revisions to title 10 that defines a public health emergency. DES is in support of the bill and he stated that it will take commissioner support to get the bill through now.

HB 148 would increase swimming pool license fees. Spoke in support of the bill.

HB 259 forces DEQ to write gray water disposal regulations that would allow them to use gray water for irrigation.

1:00 p.m. Tour Stillwater Christian School building

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 22, 2007.
