
MONDAY, JANUARY 22, 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.

1:00 a.m. Commissioner Brenneman to Youth Service Network @ The Summit

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 23, 2007.

TUESDAY, JANUARY 23, 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.

It was stated for the record that any information that is presented in regards to the preliminary plat that is on the agenda today cannot be taken into consideration.

Larry VanRinsum with the Flathead Conservation District spoke in regards to a project in the Haskill Basin area that needs a culvert removed and a bridge installed. He stated that the road and bridge department were out of money for the year, so the Conservation District stepped in and applied for a \$10,000 grant which will pay for engineering costs from Morrison and Maierle, Inc. and also pay for the damage that will be done to a property owners land in order to complete the project.

Commissioner Lauman made a **motion** to approve the document for signature for the Flathead Conservation District grant that was applied for and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Fred Hodgeboom spoke in regards to data from the US Dept of Commerce, which shows that in 2005 Montana ranked 50th in the United States for annual wages. The reason this was brought up was because of the growth policy with the purpose of the commission and local government being to protect the health, safety and general welfare of the citizens of the county. He stated that it bothers him when he sees the planning staff quote the law as protect, when the law reads it is to promote the health, safety and general welfare of citizens. He spoke of his disappointment with the growth policy in that he doesn't see much that is promoting the general welfare, that it is an awful lots of restrictions proposed and also commented on the summary that was presented to the commission in reporting on the workshop along with all the written comments that have been received in regards to requests asking that they rescind all the work done by the planning board on the growth policy and reinstate what was done by planning staff. He then spoke about the commission not paying attention to the comments that they have received and stated that in his mind the paid lobbyist and smart growth people have done an outstanding job organizing their spokesperson's to come in and ask for the exact same thing. He then said the planning board has done an outstanding job of making something out of something that was pretty bad and that they are more aligned with the smart growth lobbyist than with the tax payers and property owners here in Flathead County. He then stated that the worst thing that can happen is for them to rescind the work of the planning board that represents the citizens of the valley.

Jeff Larsen spoke about the growth policy issue that he spent a lot of time on and stated that he was proud of the work that the planning board has done. He then spoke about the planning board forwarding the growth policy to the commission with a positive recommendation, which he feels is a big accomplishment with the board representing all aspects of the counties population. The main thing he wanted to point out in the growth policy is that there are certain things in it that not everyone agreed about, but they were able to come up with a consensus they could support. He then stated that he feels if there are a lot of changes in it that it would alienate certain portions of support from the planning board. The couple of things that were important to him were the 1987 outdated map, which he feels would be a travesty and insult to those who have worked on the planning board to have in the growth policy and then policy 43.8 in regards to the 60% of the people in an area and 50% of the land mass support a neighborhood plan before it goes forward. He then spoke about the East Valley Neighborhood Plan that involves 52 square miles and stated that would not have happened if the policy had been in place.

Clarice Ryan spoke about loosing land to various restrictions and then stated that if you look at the zoning map it looks like they have a tremendous amount of area available for development. She then stated that it looks like roughly one third of the land has been lost to various restriction and that some of the zoning extends into state and federal lands and that what we need is a realistic map that actually shows what we have available for development if we are going to do long range planning of highway construction, sewer & water and other services. The reason for her concern is that so much land is in conservation easements. She spoke of farmers being more interested in getting conservation easements to be able to survive and their land being depreciated with a one time only reduction of federal tax with no real assessment on the decreased value at the county level and that their county tax would remain the same. In the state of Montana conservations easements cover 1.5 million acres with a tremendous amount of erosion and over 100 million dollars of the money for the conservation easement funding coming from the federal government with taxpayers paying to buy out our own land; with us not protecting it we are tying it up and loosing it. She then stated that open space is free for the ones wanting to look at it, but it is not free for the people that provide it and that we need to take a look at the restrictions that are increasing year by year.

Mayre Flowers with Citizens for a Better Flathead spoke in regards to the growth policy and stated that the commission has a challenge before them balancing a lot of opinions that have been presented and encouraged them to follow these principals. The first being them having an extensive record that has been built on the growth policy that includes public comment, agency comment, document studies and a lot of information to draw upon. She then spoke of a ruling made by the Montana Supreme Court in regards to public comment that says; not only does it need to be heard, but it needs to be meaningfully considered in

the context of the policies and record. The second being that she thinks that encouraging consensus wherever possible to be a theme in the policies that they adopt. She then spoke of the canyon plan that went to vote several years ago where 40% of the property owners put it to a vote and there was not a plan implemented through zoning in the neighborhood plan and as a result of the vote the same neighborhood now is facing a proposed subdivision that will triple the size of the community of Hungry Horse. It was stated that what we need are plans that are consensus based. The third principle would be to consider how much is enough when we already have 20 to 24 thousand lots subdivided, but not built on in this county. The growth policy also fails to address the future needs for commercial growth despite the fact that in the record there is extensive documentation on how other plans address the issue. She then closed on Crown Jewel Estates in regards to the changes that were made to the findings of facts by the planning board for a level 2 septic system and additional monitoring to provide baseline data.

Jim Sappington spoke in regards to the county never having a plan but only a system that is trying to control what belongs to the private. He stated that the public does not have a right to private property only an interest and the only rights that belong to private property are those that the owner has, which they can choose to hold or relinquish, or if they are forced to relinquish them to be compensated for them. He then gave an illustration of private property with a package of gum. The 60 - 50 provision that is being proposed basically is saying that 60% of the people have a right of control over your property if they give enough input and that 60, 70, 80, 90, & 99.9% don't have a right of control. He stated that neighborhood plans are good for all the people who want to subscribe to them and put voluntary restrictions on their own property, but they should not have the right to put restrictions on someone else's property; that does not hold up to the Montana Constitution. The Montana Constitution gives the private property owner the right to defend their property and it is about time that private property owners begin to say it is time to defend what belongs to us. He then quoted MCA 75.1.103 that says that in all cases and especially environmental cases the protection and right to enjoy private property free of undue regulations is something that has to be considered and stated that is not being considered in this case.

Commissioner Hall then questioned Mr. Sappington in regards to whether he had read the whole document and he stated that he has read portions of it. Hall then stated that the growth policy is a non-regulatory document and questioned who was changing the rules and then spoke about the growth policy having 28 references to property rights. Hall then spoke about being accused of not caring about property rights and stated that it is not true, that they have erred on the side of property rights.

Bill Myers quoted Thomas Jefferson from 230 years ago wherein he stated that, "for this democratic republic to survive you must have an informed electorate hold their elected officials accountable", and then stated that they are here today trying to be an informed electorate and hold them accountable. He also quoted 2 sentences from Genesis in the Bible, "God bless them saying be fertile and multiply, fill the earth and subdue it, have dominion over the fish in the sea, the birds in the air and all living things that move on the earth". With the key word that he is citing being dominion or rule over that brings tremendous responsibilities. He then stated that he realizes the difficulty of the commission's job right now, but does not agree with Commissioner Hall in regards to protections, and asked where the protections are at. He then spoke about goal 2 that talks about protecting private property rights that are guaranteed under the Montana and US Constitutions. He sees over and over throughout the document things in the policy that protect animals and the environment and not the humans; the private property in this county is about 5% or less of the total mass with plenty of area for open space, animals, beautiful scenery and nature. Those of us that are familiar with those areas go in and take advantage of them with 3-5% of the county remaining in private property that should be protected for people to utilize. He then spoke of a conversation with Mayre Flowers and Commissioner Brennehan in regards to being in favor of civil dialogue and thinks that in the case of many on the other side of the equation there has been nothing but take, take, take and no guarantee on their side for private property rights. He then asked the commission to protect them from anything that might be construed as a majority in the valley, which he does not think is in favor of the takings of private property rights. He then stated that the republic that we live in was built on protections against the mob and the majority and the very reason that the county exists is that people revolted against the crown and their takings of private property rights. He then asked that they protect the rights that are in the constitution and also to review the policy line by line and to spell out in writing their protections clearly.

Ben Long the Chairman of the Montana Chapter of Back Country Hunters and Anglers spoke on the growth policy being a tool to protect property rights and stated it is likewise a tool to protect the things that belong to all of us; our rights and freedoms. In the opinion of Back Country Hunters and Anglers this includes the right to hunt, trap and fish. He then stated that the members that make Flathead County their home, do so because of the world class recreation and clean water that they would like to see passed on to their children. He spoke of the steady erosion of more and more habitat to developments that impact both winter range for big game, fishing, upland bird and water fowl hunting with them losing favorite spots that have been lost forever to gated communities and summer homes. He then spoke of his appreciation of the work that both staff and advisors have put in the growth policy and then pointed out a few ways to improve it. The first being winter range and wildlife mitigation corridors, where there should be clear language in the growth policy that makes identifying and conserving winter ranges a prime goal. His next point being clean water and stream setbacks; wherein he stated that it is irresponsible to line our rivers, wetlands and floodplains with development. And then also the growth policy should embrace creative ways of protecting working farms and ranches. If we sit back and allow outside money and developers to dictate our future then we all will be the poorer for it. He then stated that economists estimate that hunting and fishing in Flathead County is worth something like \$10 million annually, but that the hunting and fishing heritage to our families is priceless.

Monica Yungster recommended that the Commissioners adopt the draft growth policy as written by staff. She stated that chapter 10 in regards to neighborhood plans and also the chapters on water quality and natural resources are some of her main concerns. She then stated that what she is hearing today is a lot about private property rights and she then quoted section 3 of article 2 of the Constitution which states that; all persons are born free and have certain inalienable rights that include the right to a clean and healthful environment, the right to pursue life's basic necessities, join in defending their lives and liberties, acquiring, possessing, protecting property, seeking their safety, health, and happiness in all lawful ways, and enjoying these rights all persons recognize corresponding responsibilities. It was then stated that when we talk about our property rights we all need to remember that the person next door to us will have the same property rights, which means we might not get everything we want all the time, but that we will always have our constitutional right to be responsible.

Chuck Roady with Stoltz Land & Lumber stated that large land owners must have some equitable way to be represented and to be an active part of any decision making in the neighborhood plans and growth policy. It was stated that if the commission chooses not to go with the existing 60 / 50 provisions as recommended by the planning board that is in state code then he is asking that they come up with some equitable way that allows the larger land owners to have an equal say.

Ben Cavin spoke about water quality deteriorating significantly in recent years and he feels that is due to poorly controlled growth. He stated that there should be a cogent explanation of each change made to the draft policy by the planning board and is suggesting that they prepare a written compendium documenting the reasons for the many changes. He then spoke on the central issue for the draft growth policy with the title appearing to be that the goal is for Flathead County to decide how to

manage growth. He then stated that managing growth means controlling growth and he senses that the conflict that is before them is between those who favor controlled growth and those who favor uncontrolled growth, with the conflict changed in the eyes of many in a contest between the pro property rights crowd and the anti property rights crowd. The 5th Amendment was then quoted that says; private property shall not be taken for public use without just compensation, and stated that this applies in Flathead County as well as the rest of the country. He then asked that they focus on the real goal, which is controlling growth in a fashion that the many wonderful features of the Flathead are protected from rampant growth now and in the future.

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

BUDGET AMENDMENT: SHERIFF'S OFFICE & AOA

9:38:19 AM

Members present:

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

Others present:

Assistant Michael Pence
 Clerk Diana Kile, Geno Cook, Wes Hula

Discussion was held relative to Drug Task Force money that is available for the purchase of 5 additional radios.

Commissioner Hall made a **motion** to approve budget amendment 2001 for radio's for the Sheriff's Department. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

BUDGET AMENDMENT RESOLUTION NO. 2001

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 23rd 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

**COUNTY OF FLATHEAD
 GENERAL JOURNAL VOUCHER
 BUDGET AMENDMENT - FY2007**

DATE ISSUED:	1/22/07	Resolution #	2001	VOUCHER NO.:	
DATE OF RECORD:				Entered by:	
MCA 7-6-4006		ACCOUNTING COPY - B-Entry			
Account Number	Object	Description	Debit	Credit	
7057-242000		Expenditure Control	\$ 31,000.00		
7057-0209-411100	900	Capital Outlay		\$ 31,000.00	
Explanation			\$ 31,000.00	\$ 31,000.00	
To establish an expenditure budget to purchase five (5) radios to be installed in Drug Task Force vehicles. This amended expenditure is supported by the cash reserve (no new funding established).					
			Approved by:		
			Date:	1/23/07	

Commissioner Lauman made a **motion** to approve budget amendment 2000 for purchase of a vehicle for AOA. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

BUDGET AMENDMENT RESOLUTION NO. 2000

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 23rd 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

**COUNTY OF FLATHEAD
GENERAL JOURNAL VOUCHER
BUDGET AMENDMENT - FY2007**

DATE ISSUED:	1/22/07	Resolution # 2000	VOUCHER NO.:	
DATE OF RECORD:			Entered by:	
MCA 7-6-4006		ACCOUNTING COPY - B-Entry		
Account Number	Object	Description	Debit	Credit
2280-242000		AOA - Expense Control	\$ 18,000.00	
2280-0726-450320	900	AOA - Capital Outlay		\$ 18,000.00
		Explanation	\$ 18,000.00	\$ 18,000.00
<p align="center">To establish expenditure budget to purchase vehicle for AOA. Current vehicle in need of expensive repairs. No new revenues, CIP planned expenditure for FY08 to be removed. Current reserve to fund expenditure.</p>			Approved by:	
			Date:	1/23/07

DOCUMENT FOR SIGNATURE: LETTER OF AGREEMENT/ TEAMSTERS UNION LOCAL NO 2

[9:45:21 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner Gary D. Hall

Others present:
Assistant Michael Pence
Clerk Diana Kile, Raeann Campbell

Mike Pence stated that the agreement is in regards to the Western Conference Teamster pension fund that was approved with the 2005 contract.

Commissioner Hall made a **motion** to approve the document for signature. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

BI-MONTHLY MEETING W/ TOM REYNOLDS, GIS

[9:47:01 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Tom Reynolds

Reynolds reported that the GIS department is in the process of upgrading their software from one version to another. Discussion was also held in regards to finalizing parcels for tax year end, meetings held with the Superintendent of Schools in regards to school district boundaries and working with City of Kalispell for special assessments for sewage and garbage. It was stated that GIS is also working on a grant with Debbie Pierson that would improve their addressing capabilities and with the state and BLM to improve their Geographical Coordinating Base. Also spoke about working on enhancements to the IMS Site and gas tax money.

Discussion was also held in regards to fire service areas.

BI-MONTHLY MEETING W/ JOE RUSSELL, HEALTH DEPT

[10:09:57 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Joe Russell

Russell reported on a confirmed case of the flu being reported and stated that the Health Department is still giving flu vaccine shots. He then stated that the Health Department received \$20,000 from the state to do planning around hospital surge capacities and that money was dispersed to North Valley Hospital, Kalispell Regional, Family Health Care and Glacier Medical, in which the money was broken down by patient population. He then stated that there were 60 septic systems installed in December with 80 applications received and also spoke about air quality and the problems with dust.

MONTHLY MEETING W/ RICK TREMBATH, FIRE WARDEN

[10:29:12 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Rick Trembath

Discussion was held relative to exploring options for the new fire hall and it was stated that at this point the fire district has backed off of Posnick Field. Trembath then reported that as a result of the 911 chiefs meeting this last month the mutual aid agreement was discussed at length and is still on the plate pending the legislative session. The annual operating plan was given to all entities in a draft form that is close to final but needs minor changes to it. He then spoke about a community wildfire protection plan that requires an annual update and also the need for the county web site to have a community wildfire link in regards to fuel reductions within the county. Discussion was also held relative to Rick Trembath being the fire warden for another year.

MEETING W/ OLE ERVIN/ MONTANA MAPPING ASSOCIATES RE: WEST VALLEY VIEWS

[11:05:20 AM](#)

Members present:

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

Others present:

Clerk Diana Kile, Jeff Harris, Kirsten Holland, Brooke Howard, Sarah Arrigoni

Others absent:

Assistant Michael Pence

Jeff Harris explained the need of aligning the road due to some topography issues that Montana Mapping is requesting.

Discussion was held in regards to changes being made and the road abandonment. It was stated that if they came in with something different on final plat that it would not be approved.

Commissioner Lauman made a **motion** to approve the road change and request that they pursue the road abandonment. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

PRELIMINARY PLAT: CROWN JEWEL ESTATES

[11:31:30 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner Dale W. Lauman
Commissioner Gary D. Hall
Others present:
Clerk Diana Kile, Jeff Harris, Traci Sears-Tull, Marc Liechti, Johnna Morrison, Warren McConkey, Joe Matulevich,
Ardis Larsen, Harry Woll
Others absent:
Assistant Michael Pence

Sears-Tull reviewed the new application submitted by Warren and Betty McConkey with technical assistance from Schwarz Architecture for preliminary plat approval of Crown Jewel Estates Subdivision, a major subdivision that will create 23 residential lots. The subdivision is proposed on 115 acres and is located off of Lower Valley Road, north of MT Hwy 82. The original proposal was denied by the commission September 19, 2005, in which it was sent back to the Planning Office for more information. With the substantial changes made it was recognized as a new application. Sears-Tull stated that staff still has concerns with the main concern being the proposal being out of character for the area.

Commissioner Lauman questioned what type of public water and sewer system is being proposed.

Matulevich stated that there is already an existing well that was used as a test well to determine if there was capability for that amount of water and he then stated that the well is extremely productive.

Commissioner Lauman then questioned the depth of the well, which Matulevich stated it is 685 feet.

Matulevich then stated that they would propose a public water system be developed with the current well and to add an additional well that would be located nearby.

Commissioner Lauman then asked if the wells would be adequate for fire flow.

Matulevich then stated that if it was required he believes it would. He then stated that sewer would be handled by a level 2 public collections systems.

Commissioner Hall questioned why none of the parties had applied for water rights.

Matulevich stated that it was his understanding that there were water rights on the test well.

Discussion was then held in regards to why Planning Board members voted against the proposal.

Harris stated the multiple concerns for denial from the Planning Board were shallow ground water, flooding and the fact that it was adjacent to a hunting district and also the compatibility with the area.

Commissioner Hall questioned the equestrian theme that was originally submitted.

Sears-Tull stated that it is not on the proposal now.

Commissioner Hall questioned the concern of water on the property.

Sears-Tull stated that what they are proposing is above and beyond what regulations allow them to do.

Commissioner Lauman questioned where the floodwaters were in the 1964 flood.

Sears-Tull stated that she believes there was high water in the lower valley, but that the 1948 flood caused more problems in the area.

Commissioner Hall spoke of his disappointment with the new proposal and stated that the layout of the project is not as nice as the first one.

Matulevich then stated that they would need to continue to monitor ground water.

Sears-Tull stated that they could add condition 21 that ground water monitoring should continue throughout the spring and into the fall of 2007.

Commissioner Hall made a **motion** to adopt staff report FPP 06-39 as findings of fact with amended conditions. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to approve preliminary plat of Crown Jewel Estates as amended. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONDITIONS

1. The private, internal subdivision road system shall consist of a 60-foot right-of-way and 24-foot paved travel surface in compliance with Section 3.9 of the Flathead County Subdivision Regulations and shall be designed and certified by a licensed, professional engineer. [Section 3.9 B, FCSR]
2. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
3. A road identification sign and stop sign shall be installed at the intersection of Mt. Aeneas Trail and Lower Valley Road and Crown Jewel Circle and Lower Valley Road. [Section 3.9 (I)(8), FCSR]
4. The lot owners within the subdivision shall join a Road Users Agreement or Property Owners Association for the internal subdivision road system, which will require each property owner to bear their pro-rata share for road maintenance of the private drive. [3.9(J)(3), FCSR]

5. The developer will dedicate a 15-foot bike/pedestrian easement on the Lower Valley Road frontage. [Section 3.18(A), FCSR]
6. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 M.C.A., Section 3.12(J), Flathead County Subdivision Regulations]
7. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [Section 3.22, 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 utility companies. [3.17 and 3.18, FCSR]
9. The subdivider will install a public water system and Level 2 sewage treatment system to serve all lots. The public water system and Level 2 sewage treatment system will be reviewed by Flathead City-County Health Department and approved by the State of Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A) , FCSR]
10. The subdivider will dedicate a minimum of 1.76 acres for parkland dedication. [Section 3.19, FCSR]
11. The open space (99.2 acres), which is located entirely within the 100-year floodplain, will be placed under a perpetual deed restriction to preserve the land for agricultural and environmental purposes. No more subdivision shall take place. [Section 3.3, 3.4, 3.5, FCSR]
12. The applicant shall comply with fire suppression and access requirements of the Somers Lakeside 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]
13. All buildings shall be set back 50 feet from the 100-year floodplain boundary. The setback boundary shall be staked in the field prior to the application for final plat. [Applicant Comment]
14. No basements shall be allowed. The lowest floor and gas forced air system with ducts below the floor shall be elevated at least 2 feet above the BFE of 2894.0' msl. [Applicant/Agency Comment]
15. The following conditions shall be placed on the face of the final 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. Lot owners should be aware that they are living in a rural area of Flathead County and can expect extended response times for emergency services.
 - d. The Property Owners Association shall be responsible for maintenance of the road. Roads shall be maintained, including necessary repairs and snow removal, to ensure safe all-weather travel for two-way traffic.
 - e. Lot owners are responsible for the eradication and control of noxious weeds upon their property.
 - f. This subdivision is located in an 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.
 - g. The lowest floor elevation of all residential structures shall be elevated two feet above the Base Flood Elevation (2894.0' msl) by either fill or by a pier foundation. If fill is used to elevate the building pad or as back fill it shall be graded out to a 5 to 1 slope.
 - h. There shall be no basements or crawl spaces below the Base Flood Elevation of 2894.0' msl.
 - i. All buildings shall be set back 50-feet from the 100-year floodplain boundary. The setback boundary shall be staked in the field prior to final plat.
 - j. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game such as deer and bear is illegal in Montana. Lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on methods for safely living near wildlife and minimizing habitat impact. The following are required:
 - I. Dogs must be kept under owner control at all times, either leashed or confined.
 - II. Bear-proof containers are required for refuse and feed for pets or livestock.
 - III. Compost piles are prohibited unless secured by electrical fencing or otherwise enclosed.
 - IV. Pets must be fed indoors or food dishes must be brought in at night.
 - V. Bird feeders must be placed out of reach of deer, bear, and other large game.
16. The following statement shall be placed on the face of the final plat:

_____ (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 [County Resolution 503-M]
17. All required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the Flathead County Commissioners. [Chapter 8, FCSR]
18. 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]
19. Preliminary plat approval is valid for three years. [Section 2.5 (D)(6), FCSR]
20. The developer must supply the county a copy of the DNRC issued water right Permit to Appropriate, signed by the DNRC, before final plat approval.
21. Groundwater monitoring shall continue throughout the fall of 2007.

TST

CONSIDERATION OF PRINTING BIDS: SHERIFF'S OFFICE

[12:02:20 PM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner Dale W. Lauman
Commissioner Gary D. Hall
Others present:
Assistant Michael Pence
Clerk Diana Kile

Commissioner Lauman made a **motion** to accept the print bid from Insty Prints for 500 sets of standard business cards for \$132.00. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: WHITEFISH FIRE SERVICE AREA FEES

12:03:52 PM

Members present:
Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner Gary D. Hall
Others present:
Assistant Michael Pence
Clerk Diana Kile, Jonathan Smith

Commissioner Lauman made a **motion** to adopt resolution #2002 that would amend the fee schedule for the Whitefish fire service area. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2002

WHEREAS, the Board of Commissioners created the Whitefish Fire Service Area under the provisions of Section 7-33-2401, M.C.A.;

WHEREAS, the Board of Commissioners has received a request from the Board of Trustees of the Whitefish Fire Service Area to amend the fee schedule implemented by the adoption of Resolution No. 745B as follows:

<u>CLASSIFICATION</u>	<u>PRESENT FEE</u>	<u>PROPOSED FEE</u>	<u>DOR FACTOR</u>
Class 1 - Single Family & Businesses operated out of the home	\$55/year	\$90/year	1.00
Class 2 - Rural Business – Low Risk (Restaurants, Hotels, Motels)	\$122.10/year	\$199.80/year	2.22
Class 3 - Rural Business – High Risk (Bulk Plants, Gas Stations)	\$347.05/year	\$567.91/year	6.31
Class 4 - Condominiums and Multi-family First unit	\$55/year	\$90/year	1.00
Additional units	\$55/year	\$90/year	1.00
Class 5 –Industrial	\$3,609.65/year	\$5,906.83	65.63

and,

WHEREAS, the Board of Commissioners concurs in the recommendation of the Whitefish Fire Service Area to amend the fee schedule.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners intends to amend the schedule of rates to be charged to owners of structures within the Whitefish Fire Service Area as set forth above.

BE IT FURTHER RESOLVED that the Board of Commissioners shall conduct a public hearing on the 8th day of **February, 2007**, at **10:00 o'clock, a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana, to receive protests and comments relating to the amendment to the rate schedule.

BE IT FURTHER RESOLVED that notice of the passage of this resolution of intention shall be given pursuant to the provisions of Section 7-33-2401(2)(a), M.C.A.

Dated this 23rd 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

Commissioner Hall made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intent for the Whitefish fire service area fees and authorize the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
WHITEFISH FIRE SERVICE AREA

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 2000) on January 23, 2007, to amend the fee schedule of the Whitefish Fire Service Area.

The proposed amendment to the fee schedule is as follows:

<u>CLASSIFICATION</u>	<u>PRESENT FEE</u>	<u>PROPOSED FEE</u>	<u>DOR FACTOR</u>
Class 1 - Single Family & Businesses operated out of the home	\$55/year	\$90/year	1.00
Class 2 - Rural Business – Low Risk (Restaurants, Hotels, Motels)	\$122.10/year	\$199.80/year	2.22
Class 3 - Rural Business – High Risk (Bulk Plants, Gas Stations)	\$347.05/year	\$567.91/year	6.31
Class 4 - Condominiums and Multi-family			
First unit	\$55/year	\$90/year	1.00
Additional units	\$55/year	\$90/year	1.00
Class 5 –Industrial	\$3,609.65/year	\$5,906.83	65.63

A public hearing will be held on the 8th day of February, 2007, at 10:00 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will accept protests and comments relating to the proposed amendment to the rate schedule.

DATED this 23rd 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 27 and February 3, 2007.

CONSIDERATION OF ADOPTION OF CIVIL DIALOGUE

[12:05:48 PM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall spoke in regards to the resolution that is to promote civil dialogue amongst the community.

Commissioner Hall made a **motion** to adopt resolution #2003 in regards to civil dialogue. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2003

WHEREAS, the members of the Board of Commissioners of Flathead County, Montana, believe that dialogue among people who are interested in and discussing the many issues that are dealt with by local governmental entities should be carried on with dignity and civility;

WHEREAS, Flathead on the Move, an organization made up of Flathead community leaders, has developed and adopted Principals for Civil Dialogue and encourages organizations and individuals to adopt and practice those principles; and

WHEREAS, the Board of Commissioners has concluded that it should engage in and encourage civil dialogue in all matters in which it is involved.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the following **PRINCIPLES FOR CIVIL DIALOGUE** are adopted for use by this Board and to encourage other citizens of Flathead County to also abide by them:

- We provide a safe environment where individual perspectives are respected, heard, and acknowledged.
- We are responsible for respectful and courteous dialogue and participation.
- We respect diverse opinions as a means to find solutions based on common ground.
- We encourage and value broad community participation.
- We encourage creative approaches to engage public participation.
- We value informed decision-making and take personal responsibility to educate and be educated.
- We believe that respectful public dialogue fosters healthy community relationships, understanding, and problem-solving.

- We acknowledge consider and respect the natural tensions created by collaboration, change, and transition.
- We follow the rules & guidelines established for each meeting.

Dated this 23rd 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

CONSIDERATION OF GROWTH POLICY REVISION

[1:02:21 PM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Margaret Salisbury, Marcy Mahr, Clarice Ryan, Rick DeJana, Bill Baum, Ken Kalvig, Gordon Cross, Tom Arnone, Gina Klempel, Russ Crowder, Charles Lapp, Mayre Flowers, Fred Hodgeboom, Monica Yungster, Sarah Hartman, Bill Myers

Commissioner Brenneman laid down the ground rules for the procedures they would follow. It was decided that a motion would not be made with each change.

Commissioner Lauman stated that this is a process that it is the beginning of the making of a document by the commissioners, planning office, planning board and the public.

Commissioner Hall then thanked staff and planning board for their effort on the document and also thanked Commissioner Brenneman for all his work that he put into calling the farmers within the valley and also thanked Commissioner Lauman in the time he has spent on the document. He spoke about comments that have been made in regards to the commissioners not being concerned about property rights and wants the record corrected to that affect; in that they are concerned about property rights. He then reminded everyone that the growth policy will be revised in 6 months and emphasized that the public system does work.

Jeff Harris spoke in regards to procedural guidance in that if they can't come to a consensus that they would proceed and come back to it at a later time.

B J Grieve spoke in regards to keeping record of changes.

Preface

- The change to be made was to cross off "if requested by the governing body, to prepare a growth policy", which is stated again in the following paragraph.
- Discussion was held in regards to personal statements in the growth policy and Commissioner Hall suggested that they all be left out.

Chapter One

- No changes.

Chapter Two

- Policy 1.1, 1.2, 1.3 & 1.4 add language in front of each policy which says "attempt to".
- Policy 2.3 was added
- Policy 2.1 will be changed to; "Flathead County should create land use regulations that are directly linked to the vision outlined in the Growth Policy."
- Policy 3.2 that was taken out will be put back in to say; "Evaluate land uses and trends in agricultural and timber lands and present ideas through research and discuss tools that could be used to encourage suitable development".
- Policy 3.4 will be changed to; "Develop equitable and predictable impact-mitigation for converting rural timber and agricultural lands to residential real estate".

- Policy 3.7 will be changed to; “Adopt techniques that mitigate the threat to public health and safety created by various developments near the Wildland Urban Interface”.
- Policy 4.2 will be changed to; “Identify lands most suited to agriculture (appropriate soils, access to water, shape and size of parcels etc.)”.
- Policy 4.8 will be changed to; “If allowable, develop and adopt a Right to Farm/ Harvest Ordinance and other policies as needed to support the viability of the agriculture/ forestry industry in Flathead County”.
- Policy 4.10 will be taken out.
- Policy 6.4 will be changed to; “Require traffic impact analysis for all major commercial projects on major highways and arterials.”
- Policy 5.5 will be changed to; “Restrict industrial uses that cannot be mitigated near incompatible uses such as residential, schools, environmentally sensitive areas such as wetlands, floodplains, riparian areas, areas of shallow groundwater, etc.”.
- Policy 9.3 will be changed to; “Consider and develop specifications for various buffers to protect open spaces”.
- Policy 10.1 will be changed to; “Discourage high density development within the 500 year floodplain.”
- Policy 10.3 will be changed to; “Encourage impact-mitigated development in areas of shallow groundwater. Use test holes or bore holes and best available data to determine areas of shallow groundwater”.
- Policy 14.5 will be changed to; “Consider existing adjacent or nearby private or public solid waste collection facilities during the development process”.
- Policy 14.3 will be taken out.
- Part 3, 5th paragraph at the end added; “realizing that these practices are not a guarantee of home safety”.
- Part 6, 1st paragraph at the end changed to; “By efficiently locating businesses so as to mitigate the negative impacts on views, traffic and the identity of the local community, a diverse economy with a positive impact on the local community by providing goods and services where they are needed and can be promoted”.
- Part 10, 4th paragraph will be changed to; “Gateway areas of Flathead County are areas where local residents and tourists are treated to some of the most beautiful views in the world. Unrestricted development can negatively impact important scenic resources and make Flathead County feel like anywhere else. It is important to develop minimal land use guidance that ensures the preservation of these resources. Gateway areas differ from scenic corridors in that views are more expansive and can be negatively affected by a larger number of development impacts.”

Chapter Three

- Policy 17.6 will be changed to; “Establish affordable housing standards for developing infrastructure that would reduce the cost of affordable lots, while maintaining the character of the projects.”

Chapter Four

- Policy 17.4 will be added back in
- Policy 17.5 will be changed to; “Prepare a comprehensive Parks and Recreation Master Plan to guide the expansion of the park system to meet the needs and expectations of the growing public. Utilize the work completed by the Long Range Planning Task Force by identifying bike path routes and also the work of the three cities and rails to trails”.
- Policy 18.6 will be changed to; “Develop standards, procedures and requirements for the preparation, review and adoption of neighborhood and subdivision park plans.”
- Policy 17.2 will be added back in

Chapter Five

- Policy 20.2 will be added back in and changed to; “Develop methods to enhance a sustainable agriculture and timber industry through community based incentives”.

Chapter Six

- Policy 22.6 will be added back in.
- Policy 22.12 will be changed to; “Adopt urban transportation standards in areas developed to urban densities”.
- Policy 23.9 “As funding and resources allow, develop a Dust Abatement Program to mitigate dust impact from traffic on county roads”.
- Goal 23 “Develop a quality transportation network to meet the present and future needs of the public”.
- Table 6.3 5th paragraph change to; “This growth Policy has goals and policies that call for the development of a county wide transportation plan that will address current and future needs, a uniform system of prioritization for road improvements and maintenance, a potential dust abatement program and other related issues. Any discussion of the

road system should include the financial structure that supports it. The county must have a road improvement strategy for the future. That strategy should be coordinated with land use planning. The preferred locations for residential and commercial development influence new road and pathway construction and maintenance work done by the road department. Transportation Demand Management techniques should be considered as a strategy to mitigate traffic effects as the transportation plan is implemented”.

- Table 6.4 under Transportation Projections last sentence will be removed.

Chapter Seven

- Policy 27.1 will be changed to; “Encourage high density development in areas that will be served by community sewer systems that treat to municipal standards”.
- Policy 29.1 will be changed to; “Areas of higher susceptibility to impacts from septic systems due to soils, depth to groundwater, proximity to sensitive surface waters, topography and/or density of development should be identified”.
- Policy 30.2 will be changed to; “Consider the needs for future school building sites as development occurs”.
- Table 7.1, 3rd paragraph change to; “Community wide septic systems management can assist in minimizing part of the impact of septic system use. Management should include public education, planning, design, construction, operation and maintenance, permitting, inspections and monitoring, reporting, and financial assistance and funding to ensure that individual septic systems are permitted in areas which pose no health threats, are constructed properly and are routinely maintained. Proper maintenance conserves water, protects property values, preserves the tax base, keeps costs low for homeowners and protects public health, residents and the environment”.
- Part 5 under Communications Media will be changed to; “There are currently several Internet Service Providers that service Flathead County.

Chapter Eight

- Discussion was held relevant to taking out the comments at the beginning of each chapter. They will be removed.
- Introduction 2nd paragraph that says; “Sensitive lands cannot withstand impacts that less sensitive lands can.
- Policy 34.2 will be removed.
- Policy 35.3 will be changed to; “Investigate the feasibility of a regional wastewater treatment system. Ensure that the regional wastewater treatment plan protects the Flathead Watershed”.
- Policy 37.5 will be changed to; “Discourage development that displaces floodwaters within the 100 year floodplain”.
- Policy 38.4 will be changed to; “Develop best management practices (BMP’s) and setback requirements for development to mitigate adverse impacts to sensitive wetland and riparian areas”.
- Policy 39.6 was taken out and will be put back in and changed to; “Encourage through incentives the upgrading of failing and polluting septic systems.
- Goal 39 will be changed to; “Protect sensitive areas over shallow aquifers of less than 8 feet to the surface”.
- Policy 39.4 will be changed to; “Encourage rural residential densities at an average of one dwelling unit per five acres and/ or community wastewater treatment systems on sites where the groundwater is less than eight feet”.
- Policy 39.5 will be changed to; “Encourage rural low-density land uses in areas where the groundwater is less than eight feet”.
- Goal 41 will be changed to;” Recognize and work to manage Flathead County’s rich heritage of hunting, fishing, timber, agricultural and mineral activities that provide economic benefits while utilizing and protecting our natural resources”.
- Policy 40.4 will be taken out.
- Policy 42.3 will be put back in and changed to; “Encourage industrial and other land uses that do not degrade Glacier Park Class I air shed”.
- Policy 41.7 will be taken out
- Page 118 last sentence in second paragraph that says allow will be changed to; “This growth policy discourages activities in the floodplain which might displace floodwaters to neighboring properties”.
- Page 119 it was proposed to change the 3rd paragraph to; “Riparian areas help slow stream erosion, remove nutrients from the water draining into the stream, improve fish habitat and help to maintain cool water temperatures that many fish species require. Riparian habitat may be degraded when water diversions and dams prevent flooding or when wetlands are drained or filled. Harvesting of trees, noxious weed invasions, and livestock over grazing and human uses can destroy steam riparian habitat, realizing that proper and healthy vegetation may include harvesting, planting trees, trimming shrubs and the planting of shrubs”.

Chapter Nine

- Introduction Part 1 Implementation Methods 1st paragraph will be added back in to say; “It is important to remember a Growth Policy is not a miracle cure for the ills of a growing community. It is important to note that even the best Growth

Policy has no impact if it is not implemented. In keeping with chapter 1 of this document, regulations should protect the public health and safety with a minimal impact on personal freedoms. Implementing the Flathead County Growth Policy must achieve a balance”.

- Introduction Part 1 Implementation Methods 2nd paragraph will be added back in to say; “This chapter discusses various aspects of implementing the Flathead County Growth Policy and proposes techniques that are a reasonable “middle ground” between many competing interests. Just as no Growth Policy is a panacea, no implementation technique is perfect. The implementation tools described in this chapter are reasonable and appropriate suggestions for Flathead County based on numerous suggestions received from the public (see appendix B)”.
- Public Process II, Guidance from Planning Board and Commissioners, at the end of paragraphs 4 & 6 will be reworded to state that, “the public will have a comment period as established by the Commission”.
- Public Process III, Land Use Maps 2006 will be removed.
- It was proposed that the 87 Map not be included and that the Designated Land Use 2006 Map be imposed with the Somers and Juniper Bay area added to it. It was stated that it would not be perfect, but that is as good as it can get for now. Discussion was also held in regards to the Predictability Map in which the Planning Staff will propose a deadline in obtaining the map.
- Public Process IV, Existing Land Use Instruments, 1st paragraph will be changed to; “The subdivision of land in Flathead County is and will continue to be regulated by the Flathead County Subdivision Regulations. Subdivision review implements the Growth Policy by ensuring healthy, safe and compliant development practices that do not unreasonably impact the residents of Flathead County. The existing regulations have been re-written to include revisions made necessary by the policy cited above”.
- Public Process IV, Existing Land Use Instruments, Zoning, will be changed to; “Land use zoning in existence at the time the Growth Policy is adopted shall remain in place.
- Public Process IV, Existing Land Use Instruments, at the end of “How the governing body will conduct public hearings on proposed subdivisions”, after #18 remove; “The County Commissioner may also conduct public hearings on proposed subdivisions.
-

Discussion was held relative to the next meeting, which will be January 30th @ 1:00 p.m.

5:00 p.m. Commissioner Lauman to Refuse Board meeting @ Solid Waste District Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 24, 2007.

WEDNESDAY, JANUARY 24, 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.

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 25, 2007.

THURSDAY, JANUARY 25, 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.

Fred Hodgeboom spoke in regards to the Growth Policy and stated that he is feeling much better with the document. He then stated that what they are seeing before them is the real deal with it being a black and white document that will affect the valley in the future and stated that he would like to see another opportunity for the public to critique the document after they see the changes the commission makes. He then spoke about an article that was written by Frank Miele in the Daily Inter Lake and bills in the legislature that would make the Growth Policy regulatory.

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

QUARTERLY MEETING W/ RICHARD STOCKDALE, ANIMAL CONTROL

[9:02:46 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Richard Stockdale

Richard Stockdale reported on the field summary and animal statistics for the past quarter. It was reported that the Vet Tech at the Animal Shelter has started with the spay & neuter clinic and a grant is being worked on to help off set the fees from the clinic. Discussion was held in regards to dogs that bark during the night and what can legally be done to the owners. It was also reported that paving is now done at the shelter. A grant for \$3,000 for the purchase of an auto clave and a \$5,000 grant from shelter outreach have been received. The donations for dog food & cat litter since July is around 4,000 lbs.

CONSIDERATION OF AMENDMENT TO WHITEFISH INTERLOCAL AGREEMENT: BLANCHARD LAKE REPRESENTATIVE

[9:21:05 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jonathan Smith

Discussion was held relative to the Whitefish Interlocal Agreement Amendment that would add 1 more member to the Lakeshore Protection Committee to take it from 7 to 8 members. This will allow the commission to appoint someone from the Blanchard Lake area to the Whitefish Lakeshore Protection Committee.

Commissioner Hall made a **motion** to approve amendment #2 to the Whitefish Interlocal Agreement to allow another member to be appointed to the board from the Blanchard Lake area. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: L-3 LOBBYING FORM

[9:25:02 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jonathan Smith

Discussion was held relative to expenses for lobbying in Helena.

Commissioner Hall made a **motion** to approve the L-3 lobbying document and authorize the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: E-911 CENTER CONSOLIDATION

[9:35:00 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Lauman made a **motion** to adopt resolution #2012 in regards to E-911 consolidation. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2012

WHEREAS, the Cities of Columbia Falls, Kalispell, and Whitefish, and Flathead County and its rural fire departments and emergency services, as well as many other emergency response agencies, all require emergency dispatch services;

WHEREAS, currently within Flathead County there are separate dispatch operations within the County and the three cities;

WHEREAS, the Board of Commissioners has determined that it is desirable and efficient to consolidate the dispatch of law enforcement and emergency response personnel into one operation and one staff serving all of the governmental entities; and

WHEREAS, the Board of Commissioners believes that an agreement should be made by July 1, 2007, between the various public agencies to establish a central administrative body composed of representatives of public agencies for the purpose of

administering and setting the policies for such a staff as well as to coordinate its work in light of the priority of need and for the sharing of costs.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, that the Administrative Officer is instructed to negotiate with the Cities of Columbia Falls, Kalispell and Whitefish and other appropriate public agencies utilizing E911 emergency dispatch services in the Flathead Valley area, for the purpose of constructing an agreement that establishes a central representative body to administrate a consolidated dispatch service and that develops an equitable cost sharing arrangement.

Dated this 25th 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

MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE DISTRICT

[9:38:38 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Dave Prunty

Discussion was held relative to the fiscal year end report and also an audio report that was done by Neil Bolten. Bolten looked at the landfill site and container sites within the valley and compared the services provided to regulations that need to be met. His recommendation would be to consolidate a few of the container sites. Prunty questioned the commission in regards to consolidating sites. It was reported that a truck bid was awarded to North West Peterbuilt for a replacement garbage truck. Discussion also included ground water monitoring proposals, capital improvement plans, annual increases on gate fees and industry standards.

MID-POLICY YEAR VISIT W/ GREG JACKSON, MACo JPIA

[10:01:51 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Diana Kile, Raeann Campbell, Greg Jackson, Robin Boon, Kim Thomas

Discussion was held relative to MACo JPIA policy report that was presented by Greg Jackson.

QUARTERLY JAIL FACILITY TOUR

[11:00:29 AM](#)

Members present:

Commissioner Dale W. Lauman
Commissioner Gary D. Hall

Members absent:

Chairman Joseph D. Brenneman

Commissioner Hall & Lauman toured the jail facility.

PUBLIC HEARING: THALE LANE, WOLF CREEK RANCH ROAD, DUCK POINT DRIVE, SWAN VIEW TRAIL, TUMBLEWEED TRAIL, HUNTERS MOON TRAIL, PAXSON PASS TRAIL & STONEFIELD LANE NAMING

[11:36:13 AM](#)

Members present:

Commissioner Dale W. Lauman
Commissioner Gary D. Hall PT

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Diana Kile, Pete Wessel, Tom Reynolds, Karen Yerian, Sharon Marino-Chubb, Thale Wenger-Balding, Lonnie Mitchell, Karen Elvain, Gina Klempel, Todd Tanner, Eric Brandebery, Abigail Brandebery

Pete Wessel reviewed the road names with some possible opposition. They included Thale Lane, Stonefield Lane & Hunters Moon Trail.

Discussion was held relative to the voluntary road naming of Thale Lane with the owners coming in and circulating a petition. At the time the petition was prepared there were 3 lots bounded on either side of a newly constructed road with the lots being owned by Thale Wenger-Balding, Sharon Marino-Chubb and Abigail Brandebery. The name was proposed by Thale Wenger-Balding as Thale Lane, which had 2 out of the 3 votes, thereby constituting a majority, which is how a name is brought before the commission for consideration. Wessel then stated that the Brandebery's would be here to speak today opposing that name. It was then stated that since the time of the noticing the Brandebery's have completed and recorded a family transfer creating 3 more lots within the 1 lot that they started with.

Commissioner Hall questioned if another option would be to start the process over again.

Pete Wessel then stated that it is not defined in the resolution on how to proceed in this case. He then spoke about Thale Wenger-Balding being in the process of doing a family transfer on her property which will create 3 new lots.

Discussion was held relative to the road naming of Hunter Moon Trail with 4 properties involved that was voted on by ballot. Initially this was to be done by petition from a person building a house living in Oregon in which they were having trouble getting signatures, so it was taken on as an involuntary road naming where the ballots were sent out to the 4 parties and only one response was received from the main applicant in Oregon. The proposed road name by them was Hunters Moon Trail. Public Hearing notices were sent out to all four parties, in which he then had an owner come in stating that he would like the road to be named something else. He contacted the original applicants and they agreed upon the name of Little Ashley Trail.

Discussion was held relative to Stonefield Lane which was voluntary by petition with 8 signatures being eligible as well as the petitioner certifying on their petition that they have circulated it to everyone for consideration. It was stated that 1 party did not get the petition circulated to them by the applicant. There were 7 out of 8 signatures on the petition.

Chairman Hall PT opened the public hearing for anyone wishing to speak in favor or opposition.

Thale Wenger Balding stated that the road that is being discussed is a private easement road and that the time the easement was written it was her sister, brother and herself that owned the property. The easement states that the road shall be solely for the benefit of the record owners of these parcels of property described above and shall not be for the benefit of any other party. She stated that she doesn't believe that any statement or easement was given to the new buyers at the time of the sale to allow them use of the road. She then stated that she asked for Thale Lane but was not opposed to Firestone Trail.

Sharon Marino-Chubb owner of a parcel read a prepared statement that stated that there has been precedence in the area to name roads after people who first established the area. She then stated that she feels that Thale Lane is a perfectly good name for the road.

Loyal Chubb stated that he has lived at the property for 69 years and built the road in question last spring before the sale of 19.72 acres that were sold to Eric and Abigail Brandebery. He stated that he has been the owner of the property for approximately 20 years with the land being in the family for 70 years. His recommendation is that the road be named Thale Lane

Eric Brandebery spoke about the property that he purchased and stated that part of the condition of the sale was that there would be a road to the land that was landlocked. He then spoke about the suggested name of Thale Road and stated that they would like to have a name that was more appropriate and inclusive that didn't specifically deal with 1 person. It was then stated that Firestone Trail was a suggestion that he is fine with.

Abigail Brandebery stated that the road they use is the only access to the property and they would like to have a name that they could be happy with.

Lonnie Mitchell spoke on Stonefield Lane road naming and stated that he circulated the petition to everyone but 2 and those who signed were in favor of the road naming.

Gina Klempel spoke about Stonefield Lane naming and stated that she was not notified of the road naming.

No one else rising to speak, Commissioners Hall PT closed the public hearing.

Commissioner Hall then questioned Pete Wessel in regards to Hunters Moon Trail being changed.

Pete Wessel stated that he had only 1 response by a ballot for Hunters Moon Trail and then 2 possible votes came in saying that they wanted to vote in which they were told it was closed. They then talked with the individual that responded to the ballot and convinced them that they would like the name of Little Ashley Trail over Hunters Moon Trail.

Leslie Spence reviewed the circumstances surrounding her not returning a ballot and then stated that she is in agreement with Little Ashley Trail.

Commissioner Hall then questioned Loyal Chubb and Sharon Marino-Chubb in regards to them not being in favor of Firestone Trail.

Loyal Chubb then stated that if they are going to let the Brandebery's have the extra votes then he would like them to wait until their family transfer is done.

Commissioner Hall then questioned Loyal Chubb in regards to him wanting others to have a say in the road naming.

Commissioner Hall then stated that he is leaning towards not naming the road at this time.

Pete Wessel then stated that the guidance that he needs from the commission is that when he closes a ballot and is notified of a family transfer that has occurred during the period that the ballot was open, then he would send out additional ballots until the ballot period closes. He then stated that what he is looking for is what is the close date for the petition, when the county receives it or is it when it is brought to the commission. He stated that he feels that when the county receives the petition it should be closed, which opens up the option for the remaining 49% of the owners to bring in a competing petition to the commission. In

this specific circumstance there were 3 votes at the time that the public notices were sent with Abigail Brandebery's, Sharon Marino-Chubb and Thale Wenger-Balding lots of which 2 of them have now said that Firestone Trail would be an agreeable name. He stated that he has advised all parties that just because they have a majority it doesn't mean that is the name the Commissioners are going to accept.

Commissioner Hall stated that when they do road naming that they like to have 100% in favor of the naming.

Sharon Marino-Chubb then spoke in regards to Thale Wenger-Balding having been working on the family transfer for some time and that once her attorney files the papers then they would have more votes.

Commissioner Hall then questioned Sharon Marino-Chubb as to if she prefers to have the road named Thale Lane or Firestone Lane.

Loyal Chubb stated that he doesn't see any significance in naming the road Firestone Trail since the person didn't live there that long.

Commissioner Hall stated that doesn't matter to him with his concern being what you want the road named.

Pete Wessel stated that he doesn't want to diminish Loyal's history, but only Sharon Marino-Chubb has a vote.

Sharon Marino-Chubb questioned if this could be done at a later time.

Commissioner Lauman spoke in regards to approving all the road namings, except for Thale Lane, Hunters Moon Trail and Stonefield Lane and bring them back.

Commissioners Hall then said he would be amendable to the Thale Lane but that Hunters Moon Trail to Little Ashley Trail had unanimous support and Stonefield Lane was also okay.

Pete Wessel then stated that he needed direction from the Commission as to how they want to count the petition on Thale Lane.

Commissioner Hall then asked Sharon Marino-Chubb if it was going to be Thale Lane or Firestone Trail.

Sharon Marino-Chubb then asked that they honor the petition that came in with Thale Wenger-Balding and herself signing it.

Commissioner Hall then asked if she could live with Firestone Trail.

Sharon Marino-Chubb stated that she could live with Firestone Trail, but that she needs questioned answered as to how this came about with it being in direct violation of the papers that were signed when the land was purchased.

Commissioner Lauman made a **motion** to change Thale Lane to Firestone Trail and Hunters Moon Trail to Little Ashley Trail and to then adopt resolutions #2004, #2005, #2006, #2007, #2008, #2009, #2010 and #2011. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 2004

WHEREAS, Flathead County has proposed to name a private 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.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 25, 2007 concerning the proposal, after publication and mailing of notice thereof on January 12, 2007 and January 19, 2007; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **FIRESTONE TRAIL**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private 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, should be, and it hereby is, named **FIRESTONE TRAIL**.

BE IT FURTHER RESOLVED that the naming of **FIRESTONE TRAIL** shall be effective on January 25, 2007.

Dated this 25th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

RESOLUTION NO. 2005

WHEREAS, Flathead County has proposed to name a private 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.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 25, 2007 concerning the proposal, after publication and mailing of notice thereof on January 12, 2007 and January 19, 2007; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **WOLF CREEK RANCH ROAD**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private 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, should be, and it hereby is, named **WOLF CREEK RANCH ROAD**.

BE IT FURTHER RESOLVED that the naming of **WOLF CREEK RANCH ROAD** shall be effective on January 25, 2007.

Dated this 25th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

RESOLUTION NO. 2006

WHEREAS, Flathead County has proposed to name a private 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.**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 25, 2007, concerning the proposal, after publication and mailing of notice thereof on January 12, 2007 and January 19, 2007; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **DUCK POINT DRIVE**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private 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,** should be, and it hereby is, named **DUCK POINT DRIVE**.

BE IT FURTHER RESOLVED that the naming of **DUCK POINT DRIVE** shall be effective on January 25, 2007.

Dated this 25th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

RESOLUTION NO. 2007

WHEREAS, Flathead County has proposed to name a private 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.**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 25, 2007, concerning the proposal, after publication and mailing of notice thereof on January 12, 2007 and January 19, 2007; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **SWAN VIEW TRAIL**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running **easterly off Echo Lake Road and located in the S1/2NW1/4 and SW1/4NE1/4 of Section 9, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana,** should be, and it hereby is, named **SWAN VIEW TRAIL**.

BE IT FURTHER RESOLVED that the naming of **SWAN VIEW TRAIL** shall be effective on January 25, 2007.

Dated this 25th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

RESOLUTION NO. 2008

WHEREAS, Flathead County has proposed to name a private 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.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 25, 2007 concerning the proposal, after publication and mailing of notice thereof on January 12, 2007 and January 19, 2007; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **TUMBLEWEED TRAIL**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private 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, should be, and it hereby is, named **TUMBLEWEED TRAIL**.

BE IT FURTHER RESOLVED that the naming of **TUMBLEWEED TRAIL** shall be effective on January 25, 2007.

Dated this 25th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

RESOLUTION NO. 2009

WHEREAS, Flathead County has proposed to name a private 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.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 25, 2007 concerning the proposal, after publication and mailing of notice thereof on January 12, 2007 and January 19, 2007; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **LITTLE ASHLEY TRAIL**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private 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, should be, and it hereby is, named **LITTLE ASHLEY TRAIL**.

BE IT FURTHER RESOLVED that the naming of **LITTLE ASHLEY TRAIL** shall be effective on January 25, 2007.

Dated this 25th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By/s/Gary D. Hall

Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

RESOLUTION NO. 2010

WHEREAS, Flathead County has proposed to name a private 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.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 25, 2007 concerning the proposal, after publication and mailing of notice thereof on January 12, 2007 and January 19, 2007; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **PAXSON PASS TRAIL**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private 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, should be, and it hereby is, named **PAXSON PASS TRAIL**.

BE IT FURTHER RESOLVED that the naming of **PAXSON PASS TRAIL** shall be effective on January 25, 2007.

Dated this 25th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

RESOLUTION NO. 2011

WHEREAS, Flathead County has proposed to name a private road generally running northerly off Lost Creek Drive and located in the E 1/2 of the SW 1/4 of Section 4, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 25, 2007 concerning the proposal, after publication and mailing of notice thereof on January 12, 2007 and January 19, 2007; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **STONEFIELD LANE**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running northerly off Lost Creek Drive and located in the E 1/2 of the SW 1/4 of Section 4, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **STONEFIELD LANE**.

BE IT FURTHER RESOLVED that the naming of **STONEFIELD LANE** shall be effective on January 25, 2007.

Dated this 25th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

PUBLIC HEARING: FLOODPLAIN & FLOODWAY REGULATIONS TEXT AMENDMENT

[12:19:04 PM](#)

Members present:

Commissioner Dale W. Lauman
Commissioner Gary D. Hall PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Diana Kile, Jeff Harris, Traci Sears-Tull

Commissioner Hall PT opened the Public Hearing for anyone wishing to speak in favor or opposition.

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

Harris spoke in regards to the advantage of the resolution with insurance premiums.

Sears-Tull spoke in regards of her concern with FEMA.

Commissioner Lauman made a **motion** to adopt Staff Report FRT 06-01 in regards to the floodplain and floodway regulations. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve the text amendment and adopt resolution #2013 in regards to the floodplain and floodway regulations. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 2013

A RESOLUTION OF THE FLATHEAD COUNTY COMMISSION AMENDING THE FLATHEAD COUNTY FLOODPLAIN AND FLOODWAY MANAGEMENT REGULATIONS

WHEREAS, the Board of Commissioners has the authority under Section 76-5-101, et seq., M.C.A., to adopt floodplain regulations;

WHEREAS, the Board of Commissioners of Flathead County, Montana, has adopted and enforced floodplain regulations pursuant to those statutes;

WHEREAS, the Flathead County Planning Board, after holding a public hearing on December 6, 2006, recommended updating and revising the Flathead County Floodplain and Floodway Management Regulations to conform to requirements of the National Flood Insurance Program of the Federal Emergency Management Agency (FEMA);

WHEREAS, 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.

WHEREAS, the Board of Commissioners held a public hearing concerning the proposed revisions on January 25, 2007, after publication of notice thereof on January 13, 2007 and January 20, 2007; and

WHEREAS, the Board of Commissioners has considered the proposed revisions and the public testimony given at the hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, that the following revisions to the text of the Flathead County Floodplain and Floodway Management Regulations are hereby adopted:

On page 1 of the Flathead County Floodplain and Floodway Management Regulations;

ADOPTION:

This resolution adopts the set of comprehensive land-use regulations attached as Appendix A for identified 100-year floodplains within Flathead County, Montana. Identification of 100-year floodplains is based on the Flathead County, Montana Flood Insurance Study, dated ~~September 28, 1990~~. October 16, 1996. All other resolutions are hereby repealed to the extent of any inconsistencies.

On page 7 of the Flathead County Floodplain and Floodway Management Regulations;

2.01 DEFINITIONS:

Official Floodplain Maps: The Flood Insurance Study for Flathead County, Montana, and provided by the Federal Emergency Management Agency ~~dated September 18, 1990; October 16, 1996;~~ and the most recently FEMA adopted Flood Insurance Rate Maps and Floodway Maps ~~dated July 15, 1988~~ provided by the Federal Emergency Management Agency.

On page 9 of the Flathead County Floodplain and Floodway Management Regulations;

3.02 Floodplain District Establishment:

The floodplain districts established are defined by the base flood elevations and 100-year floodplains as delineated in the most recently adopted "Flood Insurance Study for Flathead County, Montana" ~~dated September 28, 1990~~, with the accompanying Flood Insurance Rate Maps and Floodway Maps ~~Hazard Area Maps~~. The Official Floodplain Insurance Rate Maps and Floodway Maps and the Flathead County Flood Insurance Study are on file in the office of the Floodplain Administrator.

On page 12 of the Flathead County Floodplain and Floodway Management Regulations;

4.01 Administration:

C. A floodplain development permit application ~~shall be initially reviewed within is considered to have been automatically approved 60 days after the date of receipt of the a complete application by the Floodplain Administrator. , unless the applicant has been notified that the permit is denied, conditionally approved or additional information pertinent to the permit review process is required.~~

On Page 19 of the Flathead County Floodplain and Floodway Management Regulations;

5.01 Applications:

The minimum floodplain development standards listed in this chapter apply to the floodway and floodway fringe portions of the 100-year floodplain as delineated ~~on~~ in the Flathead County Flood Insurance Study with the accompanying Flood Insurance Rate Maps and Floodway Maps. ~~the Flood Hazard Area Maps.~~

On approximately page 28 of the Flathead County Floodplain and Floodway Management Regulations, the following new provision shall be added:

5.06 Floodplains within the Lake and Lakeshore Protection Zone

Those properties and projects that also fall under the Flathead County Lake and Lakeshore Regulations jurisdiction shall not have to obtain a Flathead County Floodplain and Floodway Permit for the following proposed activity or activities that the Floodplain Administrator finds shall have an insignificant impact on the floodplain and floodway:

- Singe residential pier docks.
- Single residential portable docks.
- Shore stations.
- Walkways.
- Buoys.
- Tie off piers.
- Small scale projects that do not require adding fill or dredging.

DATED this 25 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 and Recorder

By: /s/Diana Kile
Deputy Clerk

DOCUMENT FOR SIGNATURE: INTERNAL AUDITOR CONTRACT/ C. DOOLEY

[12:13:35 PM](#)

Members present:

- Commissioner Dale W. Lauman
- Commissioner Gary D. Hall PT

Members absent:

- Chairman Joseph D. Brenneman

Others present:

- Assistant Michael Pence
- Clerk Diana Kile, Paula Robinson, Cindy Dooley, Laurel Raymond

Paula Robinson reported that the position has been budgeted for and that Cindy Dooley would be working under the Clerk & Recorder as an external/ internal auditor. The commission was then presented an outline of the goals and it was stated that Dooley would be working with a finance/ audit committee which will consist of 5 members.

Commissioner Lauman made a **motion** to approve the contract for an Internal Auditor. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried unanimously.

Paula Robinson commented that the contract goes through June of 2008.

1:30 p.m. Commissioner Hall to TAC meeting @ Kalispell Chamber of Commerce

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 26, 2007.

FRIDAY, JANUARY 26, 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

[11:01:42 AM](#)

Members present:

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

Others present:

- Assistant Michael Pence, Raeann Campbell, Jed Fisher, Kim Crowley, Jeff Harris, Kristen Holland, Laurel Raymond, Adele Krantz, Clerk Ashley Bradford

- Discussion was held relative to the county being registered as a lobbyist now.
- SB for proposing 100 million for roadwork was discussed.
- Impact fee study bills.
- Mike Pence stated that this year will be a learning experience for the county and that next year they will be able to be more prepared in what to expect.
- Commissioner Lauman spoke about getting with out legislators at the beginning of the year in regards to what is of interest to the county and departmental heads, so that the concerns can be taken to Helena.
- HB 372 in regards to revised county Treasurer salaries.
- HB 369 that decreases the borrowing limit.
- Eliminate the limit on county road and bridge depreciation reserve funds.
- HB 275 in regards to the local option sales tax.
- HB 269 in regards to weed laws.
- LC 0697 in regards to mail ballot elections.
- SB 325 in regards to zoning.
- SB 345 in regards to set backs from streams.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock January 29, 2007.
