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**MONDAY, APRIL 2, 2007**

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

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

**PRELIMINARY PLAT: EAGLE'S CREST VISTAS, AMENDED PLAT OF LOT 5**

9:30:13 AM

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Rebecca Shaw, Trevor Schaffer, Dave Degrandpre, Clerk Kimberly Peacock

Shaw reviewed the application submitted by T. Lawrence and Armstrong with technical assistance from Land Solutions for Preliminary Plat approval of Eagle's Crest Vistas, Amended Plat of Lot 5, a two lot residential subdivision on 9.38 acres.

Planning Board made a number of actions and ultimately forwarded a recommendation of denial to the commissioners based on the finding of facts, in that sufficient information about the number and locations of wells was not presented and also that the original applicants could have done this at the beginning and are now coming back.

Jeff Harris asked Rebecca to explain the well situation. The water well is on a lot other than what the applicant is on.

The Fish Wildlife and Parks have some concerns about urban wildlife interface in the area.

Commissioner Lauman asked about the well capacity. She said it has a capacity of 60 gallons per minute.

Commissioner Lauman made a **motion** to adopt Staff Report FPP 06-68 as findings of fact. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve Preliminary Plat of Eagle's Crest Vistas, Amended Plat of Lot 5. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONDITIONS

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
2. All lot owners shall join the Homeowners Association that is established for the repair and maintenance of the private roadways, walkways and common areas. All property owners within the subdivision shall bear a pro-rata share of the costs. (3.9(J)(3) and Appendix A, Flathead County Subdivision Regulations)
3. Driveways shall conform in all locations to maximum grade standards [Section 3.6(E), FCSR]
6. Any street lighting shall be located within the subdivision and shall be shielded so that it does not intrude onto adjoining properties. [Section 3.9 J. 5., FCSR]
7. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
8. All water and sewage treatment systems shall receive final approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(A, B & C) and 3.15(A), FCSR]
9. The applicant must submit a Storm Water Drainage Plan that is certified by a licensed Professional Engineer that shall be approved and reviewed by the Flathead County City-County Environmental Health Department and the Montana Department of Environmental Quality. [Section 3.12.A]
10. During construction of infrastructure improvements, no silt-laden water or excess shall flow to downstream areas. Erosion control measures are required and shall be enforced. [Section 3.13, FCSR]
11. The applicant shall comply with reasonable fire suppression and access requirements of the Somers Fire District and the Montana DNRC if applicable. A letter from the Chief and the DNRC stating requirements have been met shall be submitted with the final plat materials. [Section 5.3.B.1., FCSR]
12. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
13. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
14. The design and development of the subdivision shall contain satisfactory building sites properly related to topography and shall preserve the natural terrain, drainage, existing topsoil, trees, natural vegetation, wildlife and fish habitats to the extent possible. [Section 3.2, FCSR]
15. 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 MCA and Section 3.12(J), FCSR]
16. The applicant shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]

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(Continued)

17. The following statements shall be placed on the face of the plat applicable to all lots:

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

i. Waiver of Protest

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

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

i. No further subdivision of lots is permitted.

18. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]

19. 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]

20. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

**PRELIMINARY PLAT: SUBDIVISION NO. 235**

[9:49:00 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Rebecca Shaw, Johanna Morrison, Clerk Kimberly Peacock

Others absent:

Assistant Michael Pence

Shaw reviewed the application submitted by John and Molly Schwarz with technical assistance from Schwarz Engineering for Preliminary Plat approval of Subdivision No. 235, a two lot residential subdivision on 20.01 acres. This property is located at 1234 and 1256 Three Mile Drive and is in the West Valley Zoning District.

Shaw stated that the Planning Board made a motion to accept the findings, amended some conditions and recommend approval of Preliminary Plat.

Commissioner Lauman made a **motion** to approve Staff Report FPP 06-67 as findings of fact. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve Preliminary Plat of Subdivision No. 235 with amended conditions. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

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(Continued)

CONDITIONS

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
2. Driveways will conform in all locations to maximum grade standards [Section 3.6(E), FCSR]
3. A 15' bike path easement shall be secured on West Valley Drive along the east side of Lot 2.
4. Any street lighting shall be located within the subdivision and shall be shielded so that it does not intrude onto adjoining properties. [Section 3.9 J. 5., FCSR]
5. New electrical and telephone utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
6. All water and sewage treatment systems shall receive final approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality. Proof of repair or replacement of the well and septic system on Lot 2 shall be submitted with the final plat application. [Section 3.14(A & B) and 3.15(A), FCSR]
7. The applicant is exempt from submission of a stormwater plan per ARM 17.36.310. The irrigation ditch shall remain intact. [Section 3.12.]
8. During construction of infrastructure improvements, no silt-laden water or excess shall flow to downstream areas. Erosion control measures are required and shall be enforced. [Section 3.13, FCSR]
9. The applicant shall comply with reasonable fire suppression and access requirements of the West Valley Fire District. A letter from the Chief stating requirements have been met shall be submitted with the final plat materials. [Section 5.3.B.1., FCSR]
10. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
11. Defensible Space Standards shall be incorporated around all primary structures. [Section 3.21, FCSR]
12. The design and development of the subdivision shall contain satisfactory building sites properly related to topography and shall preserve the natural terrain, drainage, existing topsoil, trees, natural vegetation, wildlife and fish habitats to the extent possible. [Section 3.2, FCSR]
13. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
14. The applicant shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
15. The following statements will be placed on the face of the plat applicable to all lots:
  - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
  - b. All utilities shall be placed underground.
  - c. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
  - d. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
  - e. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
  - f. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
  - g. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal. These include, but are not limited to grizzly and black bears, mountain lions, moose, elk and deer. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
    - I. Dogs must be kept on a leash or confined on owners property at all times.
    - II. Residents must use bear-proof garbage containers.
    - III. Remove obvious sources of food.
    - IV. Birdfeeders must be over 10 feet off the ground and out of the reach of deer and other big game.
    - V. Compost piles are prohibited unless secured by electrical fencing.
    - VI. Pets should be fed indoors and no pet food shall be left outdoors.
    - VII. Fencing must not impeded movement of wildlife.
  - h. 

Waiver of Protest  
Participation in Special Improvement District  
[per County Resolution 503-M]
  - i. \_\_\_\_\_ (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.
16. All required improvements will be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, will be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
17. The final plat will be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
18. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
19. The applicant shall obtain a variance to Section 3.9(C) for access to Lot 1 via a residential driveway onto Three Mile Drive [Section 7.1, FCSR]"

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(Continued)

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

10:00:00 AM

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Eric Giles, Sarah Arrigoni, Brooke Howard, Clerk Kimberly Peacock

Others absent:

Assistant Michael Pence

Planner Eric Giles spoke and said that the Planning Board heard the request on August 16, 2006 and gave unanimous approval for this zone change.

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

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

Commissioner Lauman made a **motion** to adopt Staff Report FZC 06-16 as findings. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intent and authorized the Chairman PT to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 957BB

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 2<sup>nd</sup> day of April, 2007 to consider a request by Kopje Holdings LLC, to change the zoning designation in a portion of the Lower Side Zoning District from R-1 (Suburban Residential) to R-2 (One Family Limited Residential);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on March 15 and March 22, 2007;

WHEREAS, the Board of Commissioners received public comment on the proposed zoning change; and

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Lower Side Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning for a portion of the area in the Lower Side Zoning District from R-1 to R-2, that area being described on Exhibit "A" hereto.

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

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

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

DATED this 2<sup>nd</sup> day April, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: \_\_\_\_\_  
Joseph D. Brenneman, Chairman

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

ATTEST:  
Paula Robinson, Clerk

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

By: /s/Kimberly A Peacock  
Deputy

MONDAY, APRIL 2, 2007

(Continued)

**KOPJE HOLDINGS LLC  
ZONE CHANGE FROM R-1 TO R-2  
"EXHIBIT A"**

**Location and Legal Description of Property:** The property is located on the east side of U.S. Highway 2 East, directly north of the East Evergreen Drive on Alpine Lane. The property is legally described as Tract 5J in SE4 SW4 Section 27, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION  
LOWER SIDE ZONING DISTRICT**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 957BB) on April 2, 2007, to change the zoning designation in a portion of the Lower Side Zoning District from R-1 (Suburban Residential) to R-2 (One Family Limited Residential).

The boundaries of the area proposed to be amended from R-1 to R-2 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from a residential district, with a minimum lot size of one acre, intended to provide estate type development, normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc., to a residential district, with a minimum lot size of 20,000 square feet, intended to provide for large tract development, in suburban areas, beyond sanitary sewer and/or water lines.

The regulations defining the R-1 and R-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

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

DATED this 2<sup>nd</sup> day of April, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

By: /s/ Gary D. Hall P.T.  
Joseph D. Brenneman, Chairman

By: /s/ Kimberly A Peacock  
Deputy

Publish on April 5 and April 12, 2007.

**KOPJE HOLDINGS LLC  
ZONE CHANGE FROM R-1 TO R-2  
"EXHIBIT A"**

**Location and Legal Description of Property:** The property is located on the east side of U.S. Highway 2 East, directly north of the East Evergreen Drive on Alpine Lane. The property is legally described as Tract 5J in SE4 SW4 Section 27, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

**CONSIDERATION OF APPLICATION FOR APPROVAL OF FIRING RANGE: MALTBY**

[10:18:42 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Clerk Kimberly Peacock

Discussion was held relative to review of firing range application by the Sheriff's Department & the Planning Department.

Commissioner Lauman made a **motion** to approve the firing range application submitted by Maltby and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

MONDAY, APRIL 2, 2007

(Continued)

**CONSIDERATION OF FUNDING REQUEST: EVERGREEN BIKE PATH**

[10:32:28 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Planner Rebecca Shaw, Darla Harmon  
Clerk Kimberly Peacock

Discussion was held relative to grant funding for the Evergreen Bike Path with the total amount of the project being \$260,000.00. The state is offering \$29,892.00 and is requesting Flathead County to match \$5,000.00. The total amount of the 20 percent match is \$34,892.00.

Michael Pence brought up future maintenance costs.

Commissioner Lauman spoke of a program called "Adopt a Mile a Trail" to help with future maintenance costs, and also stated that some type of long range plan or program for maintenance needs to be implemented.

Darla Harmon also mentioned that there were certain civic groups that would be willing to help out with this in the area.

Commissioner Lauman made a **motion** to approve the \$5,000 funding for the Evergreen Bike Path and to send a letter to the State committing to this. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

**TAKE ACTION: WHITE MOUNTAIN ESTATES**

[10:54:14 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Clerk Kimberly Peacock

Discussion was held relative to the time frame with no request for an extension being received. Commissioner Hall PT said final plat for White Mountain Estates is dead.

**DOCUMENT FOR SIGNATURE: CDBG APPENDIX H FOR TELETECH HOLDINGS, INC/ MT WEST ECONOMIC DEVELOPMENT**

[10:59:14 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Clerk Kimberly Peacock

Commissioner Lauman made a **motion** to approve the application for CDBG Appendix H for TeleTech Holdings and authorized the Chairman PT to sign. Commissioner Hall PT seconded the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

**BI-MONTHLY MEETING W/ GUY FOY, ROAD DEPT.**

[11:00:46 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Road Dept Guy Foy, Clerk Kimberly Peacock

Discussion was held relative to road restrictions, road conditions in the area and costs involved in fixing and grading certain areas. Guy stated that he went out and looked at McMannamy Draw and took pictures, which he will forward to the Commissioners via email. North Fork Road, Ashley Lake and the Vance Hill Project were also discussed.

MONDAY, APRIL 2, 2007

(Continued)

**MEETING W/ JAMES FREYHOLTZ/ MDOT RE: SPEED STUDY ON HIGHWAY 93/ SOMERS TO LAKESIDE**

11:30:46 AM

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, MDOT James Freyholtz, R. A. Fraser, Dennis Hatton, Ed Kerley, Jan Kerley, Don Baughman, Clerk Kimberly Peacock

Discussion was held relative to the results of a speed study on Highway 93/Somers to Lakeside.

In summary, main recommendation was to change 65 mph speed limit down to 55 mph between Somers to Lakeside.

Don Baughman – He was concerned as to how compatible the 65 mph speed limit is in this location in reference to the caution light. He thinks that a reduction in the speed limit may be better when heading south down 82 to the flashing caution light. He also recommended dropping the speed limit throughout the whole area due to having the two caution lights on both ends. James replied with reference to caution lights saying that these lights are used at all different speeds. Don said he would volunteer to help do more research on this and James said he would ask about this. James mentioned that this study shows this area has a lower accident rate.

Ed Kerley from Somers – Spoke about the Political Hill intersection. He is requesting that he would like the state to do more studies on this intersection as he is concerned about the 65 mph speed limit going both up and down the hill due to multiple accidents that he says haven't been reported that have happened in front of his home as a result. He thinks this should be lowered both going north and south on the hill.

Jan Kerley from Somers who lives at the base of hill where the speed limit transitions from 65 mph to 45 mph stated that people cannot slow down and are still going at speeds in excess of 55 miles per hr and is concerned that 45 mph is still too fast for this area. She said that there is a bike path and walking path which is too close to the road along with a very heavily accessed boat ramp, public beach, etc. in the area. She said that new developments will bring more traffic into area.. She supports the 55 mph but still feels that certain areas still need to have lower speed limit, specifically going north down the hill. She said that it will not only help for safety reasons, but it will also help reduce the noise due to jake brakes. Commissioner Hall said he supports the 55 mph speed limit and asked James to send a request to the Highway Patrol for increased enforcement there. He also asked James to see if he could put in a request for no jake brake signs and James said that due to laws that have been passed these cannot be put up at this time. Lauman asked if it would be possible or probable to have another caution light put in and James said that these are usually reserved for school zones. Lauman then asked James for any ideas he may have as to ways to alert people. James said that he may be able to put up new signs that are yellow warning signs with the 45 mph on them. James said he will also check with his safety section in Helena to see if they would have any other recommendations. Jan also asked what the criteria was for setting speed limits and James said that the big factor in setting speed limit is the 85<sup>th</sup> percentile speed done in the study, meaning that 85% of the traffic is going at 45 mph or lower. She also asked what would be required to have the current 45 mph speed limit sign relocated to a more appropriate location. Commissioner Hall said that he sent a letter last summer referencing this study and requested a 45 mph speed limit from Spring Hill down into Somers. James told him to be sure to include this in his comments.

Lauman said that at one time the Dept of Safety did consider certain things and make recommendations to the state. James said if enough comments are made he will once again check with the safety committee/section in Helena. Said Hwy Patrol does have a place on their forms where they can put the reason for an accident.

Dennis Hatton from Somers asked when this speed study had been done. James said that the data was collected in the summer of 2006. He was also concerned about the 65 mph speed limit in the area, specifically coming down the hill towards the intersection where the White Oak is, is a safety issue. Commissioner Hall asked James what we can do to see about getting the speed limit lowered to 35 mph in this area. James said that our written comments are important and that after we submit these, he will talk to his District Administrator and the Traffic Section to review this issue again.

Commissioner Lauman had a question as to the status of a proposal that is currently in the Legislature right now to raise the speed limit on Hwy 93 to 75 mph to comply with the rest of the state. James said he thought this was still alive and Commissioner Lauman was concerned that this may have an impact on the area of the junction of 82 to the 45 mph speed limit sign area going south.

R. A. Fraser said that Commissioner Hall has answered most of his questions. He did ask if it would be possible to have the Department of Safety do a study and have it incorporated into other studies. James said he would talk to the Department of Safety about this issue.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 3, 2007.

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## TUESDAY, APRIL 3, 2007

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

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

### QUARTERLY MEETING W/ MARCIA SHEFFELS, SUPT. OF SCHOOLS

[9:01:46 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Supt. of Schools Marcia Sheffels, Clerk Kimberly Peacock

Discussion was held relative to the Third Quarter Review and Goals.

Marcia passed out copies of the Third Quarter Review and Goals to the Commissioners.

Testing in the month of March, which is referred to as "March Madness" was also discussed.

She also passed out Montana Comprehensive Assessment System Test Pamphlets to the Commissioners to review and explained the NRT (Iowa Basic Tests) which are tests that our students take that are compared with other students across the nation. She also explained the CRT (Criterion Referenced Tests) These are tests that are given in Reading and Mathematics and next year will extend to Science and every year thereafter, will extended to all the subject areas. These tests are where the state hires a firm to put together an instrument based on what the Montana content and performance standards are for students. The firm then takes these standards and puts together the test that show us how our students are doing in regards to the standards that we currently have in place.

She said there is a concern that the contract with the NRT Tests is going to be up at the end of the year and she wasn't sure if this contract would be renewed.

Commissioner Hall asked Marcia if the funding level would be affected if the goal of 100% of every child working at grade level in 2014 is not reached. She told him it would affect this.

### BI-MONTHLY MEETING W/ VICKI SAXBY, I.T.

[9:18:22 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, I.T. Director Vicki Saxby, Clerk Kimberly Peacock

Discussion was held relative to the following:

A new Systems & Security Administrator named Chuck Hughes was hired and is currently working on a project pertaining to security issues within our network.

The phone interviews have been finished for the Programmer position.

She said she volunteered to do a Web Enhancement Project. She said Mike wanted to do an RFP on this. She said she would have a timeline for Mike by the end of the month and that she has three people from her department, a programmer and a tech person to be on the team who will go out and talk to other departments to get an idea of what they would like to have. She will give this information to the vendors and a presentation will be made and then a decision can be made. She would like it to be user friendly and be of good quality.

Commissioner Hall recommended something be implemented in regards to other departments not being able to make changes unless they go through her.

Programmer projects – The programmers finished the budgeting interface module and did the training for all the department heads. Larry obtained current budget figures and implemented online trial balance.

Monthly reports are done and will now go to the federal government for their incident reports for the Sheriff's Office. The state allows 4% errors and in February 2007 we had 0%.

Network and Tech projects – A new firewall server has been installed and they are currently working on their backup server. A daylight savings program has been implemented. A new email server and sequel server have been received and installed.

She is working on a budget project which includes performance measures and work load indicators and a business plan. She is also doing some programming for the Juvenile Detention Department due to their need to extract data from their jail management system that needs to be sent to the state.



TUESDAY, APRIL 3, 2007

(Continued)

**CONSIDERATION OF PRINTING BIDS: TREASURER'S OFFICE AND PLANNING & ZONING OFFICE**

[9:40:49 AM](#) & [9:53:04 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Planning Office Mary Sevier, Clerk Kimberly Peacock

Commissioner Lauman made a **motion** to award the print bid to Masters Touch for scan window envelopes for the mail room and Treasurer's office for \$1, 644.85. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to award the print bid to American Printing for the Flathead County Planning & Zoning office for \$895.04. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to award the print bid to Insty Prints for the Flathead County Planning & Zoning Office for \$425.00 and \$216.00. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

**BOARD APPOINTMENTS: LIBRARY BOARD AND COMPENSATION BOARD**

[9:39:29 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Library Board Laura Long, Clerk Kimberly Peacock

Commissioner Lauman made a **motion** to appoint Susan Nicosia and Anita Hoyer to the Compensation Board, Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to appoint Ann Moran to the County Library Board. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

**DOCUMENTS FOR SIGNATURE: DPHHS CONTRACT #07-07-5-31-023-0 & #07-07-3-01-005-0**

[9:49:53 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Clerk Kimberly Peacock

Commissioner Lauman made a **motion** to approve the DPHHS contract for \$71, 212.00 and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve the DPHHS contract for \$118,463.00 for the breast & cervical health program and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

**DOCUMENTS FOR SIGNATURE: MONTANASKY DSL CONTRACT/AOA**

[9:56:58 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Clerk Kimberly Peacock

Commissioner Lauman made a **motion** to approve the MontanaSky DSL Contract/AOA and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

TUESDAY, APRIL 3, 2007

(Continued)

**MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE**

[10:00:50 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Human Resource Director Raeann Campbell, Clerk Kimberly Peacock

Discussion was held relative to the following:

Raeann gave handouts to the commissioners for their review regarding a recap for personnel transactions for the month of March 2007.

Longevity issue was discussed. – The Sheriff's Office longevity is currently based on a percentage of the entry level Deputy wage.

Commissioner Lauman made a **motion** to approve the HR administrative actions for the month of March. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

OSHA handouts were also given to the Commissioners for their review.  
There were ten recordable injuries from January 1, 2007 through March 31, 2007 of this year.  
Several claims were also discussed.  
Our Trust Fund is currently at \$1,700,000.00 for our health insurance.

She is also working on the continued look at reorganization for Animal Control and the road.  
The non-sworn contract in the Sheriff's Office was ratified. She is currently working on the sworn contract which will go into negotiations on April 9, 2007.

She is also in the process of revising county policies in which drafts will distributed to department heads and elected officials.  
She had a meeting with Norm Grossfield who represents MACO, regarding two workmen's compensation cases that are scheduled to go to court on August 8, 2007 and another one which may happen the week of May 15, 2007.

She is going to be lining up meetings with Michael Pence and various road employees Wednesday, Thursday and Friday of this month.

**MEETING W/ GUY FOY, ROAD DEPT RE: LINDSEY LANE**

[10:15:43 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Road Dept Guy Foy, Clerk Kimberly Peacock

Discussion was held relative to funding for the repaving of Lindsey Lane.

Commissioner Hall said that the actual condition reads that the developer will approach the Flathead County Road Department regarding sharing expenses to pave Lindsey Lane.

Commissioner Hall asked specifically where Lindsey Lane was located. Commissioner Hall said that he wanted Michael Pence to write a letter referencing Field Stone Subdivision to Schellinger Construction from the Commissioners stating that they are not in favor of supporting the paving of Lindsey Lane at this time due to budgetary constraints.

**FINAL PLAT: EVERS CREEK NORTH**

[10:47:32 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Surveyor Jim Burton, Planner Rebecca Shaw, Clerk Kimberly Peacock

Shaw reviewed the application submitted by Chuck Dooley with technical assistance from Jackola Engineering for Final Plat approval of Evers Creek North, a subdivision creating two residential lots. This property is accessed from Evers Creek Connection Road off of Star Meadows Road. Preliminary Plat approval was granted on July 31, 2006, subject to 14 conditions. All conditions have been met. Staff recommends approval.

Commissioner Lauman made a **motion** to approve Final Plat for Evers Creek North. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

TUESDAY, APRIL 3, 2007

(Continued)

**FINAL PLAT: STRONG ESTATES, LOT 3**

[11:00:44 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Planner Rebecca Shaw, Joseph Kauffman, Clerk Kimberly Peacock

Others absent:

Assistant Michael Pence

Shaw reviewed the application submitted by Shirley and George Isackson with technical assistance from Big Sky Surveying for Final Plat approval of Strong's Estates, Amd Plat Lot 3, a subdivision creating two residential lots. This property is accessed from Strong Lane off of Hodgson Road. Preliminary Plat approval was granted on June 6, 2006, subject to 10 conditions. All conditions have been met. Staff recommends approval.

Commissioner Lauman made a **motion** to approve Final Plat for Strong Estates, Lot 3. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

**PRELIMINARY PLAT: JUSTIN SUBDIVISION**

[11:15:57 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Planner Rebecca Shaw, Justin Haveman, Clerk Kimberly Peacock

Others absent:

Assistant Michael Pence

Shaw reviewed the application submitted by Earl Brown with technical assistance from Paul Stokes and Associates for Preliminary Plat approval of Justin Subdivision, a one lot minor subdivision with a remainder. This subdivision is proposed on 32.76 acres and is located on the east side of Foothills Road near Jewel Basin Road.

Commissioner Lauman made a **motion** to approve a variance for Justin Subdivision. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve Staff Report FSR 07-01 as findings of fact. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve Preliminary Plat for Justin Subdivision. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

**CONDITIONS**

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
2. Driveways will conform in all locations to maximum grade standards [Section 3.6(E), FCSR]
3. Each lot shall have a building site (minimum 40 foot by 40 foot square pad) on existing undisturbed terrain of 30% or less slope and each building site must be able to be accessed by a minimum 12 foot wide drive with a maximum 10% slope. [FCSR 3.6]
4. Any street lighting shall be located within the subdivision and shall be shielded so that it does not intrude onto adjoining properties. [Section 3.9 J. 5., FCSR]
5. New electrical and telephone utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
6. All water and sewage treatment systems shall receive final approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(A, B & C) and 3.15(A), FCSR]
7. During construction of infrastructure improvements, no silt-laden water or excess shall flow to downstream areas. Erosion control measures are required and shall be enforced. [Section 3.13, FCSR]
8. The applicant shall comply with reasonable fire suppression and access requirements of the Creston Rural Fire District. A letter from the Creston Rural Fire District's representative stating requirements have been met shall be submitted with the final plat materials. [Section 5.3.B.1., FCSR]
9. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
10. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
11. The design and development of the subdivision shall contain satisfactory building sites properly related to topography and shall preserve the natural terrain, drainage, existing topsoil, trees, natural vegetation, wildlife and fish habitats to the extent possible. [Section 3.2, FCSR]
12. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
13. The applicant shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]

TUESDAY, APRIL 3, 2007

(Continued)

14. The following statements will be placed on the face of the plat applicable to all lots:
- a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
  - b. All utilities shall be placed underground.
  - c. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
  - d. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
  - e. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
  - f. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
  - g. Lots may be subject to steep terrain and driveways shall be approved by the local Fire Marshal or Fire Chief as suitable access prior to the start of combustible construction.
  - h. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal. These include, but are not limited to grizzly and black bears, mountain lions, moose, elk and deer. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
    - I. Dogs must be kept under owner control at all times.
    - II. Residents must use bear-proof garbage containers.
    - III. Remove obvious sources of food.
    - IV. Birdfeeders must be over 10 feet off the ground and out of the reach of deer and other big game.
    - V. Compost piles are prohibited unless secured by electrical fencing.
    - VI. Pets should be fed indoors and no pet food shall be left outdoors.
    - VII. Fencing must not impeded movement of wildlife.
  - i. 

Waiver of Protest

Participation in Special Improvement District  
[per County Resolution 503-M]
1. \_\_\_\_\_ (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.
15. All required improvements will be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, will be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
16. The final plat will be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
17. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

**MEETING WITH DWAYNE KAILEY/MDOT RE: MAINTANANCE OF MDOT ROAD ABANDONMENT & BIG MOUNTAIN ROAD**

1:00:51 PM

Members present:

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

County Attorney Jonathan Smith, Road Dept Guy Foy, Dwane Kailey, Clerk Kimberly Peacock

Others absent:

Assistant Michael Pence

The Board continued this meeting at 1:00 and discussion held relevant to the maintenance of portions of Big Mountain Road that will be abandoned when the new construction is completed.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 4, 2007.

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**WEDNESDAY, APRIL 4, 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 A.M. on April 5, 2007.

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**THURSDAY, APRIL 5, 2007**

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

**8:30 a.m. Commissioner Lauman to AOA TAB meeting @ Eagle Transit**  
**12:30 p.m. Core Vales Workshop 2 Commissioner's Meeting Room**  
**4:00 p.m. Long Range Planning Task Force Land Use Committee meeting @ Solid Waste District Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 6, 2007.

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**FRIDAY, APRIL 6, 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. No meetings scheduled**

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

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