
MONDAY, APRIL 9, 2007

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

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 10, 2007.

TUESDAY, APRIL 10, 2007

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

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

Charles Lapp spoke in regards to a high fire risk map that he questions the accuracy of. He has spoken to DNRC, Mark Peck and the company that provided the map, in which he was told that when the map was put together it was based on where there was a need for wildfire mitigation. It was then stated that this information was transferred through the GIS Department and was then made a fire risk map. The map shows the North Fork area as being a low risk fire area; what the map was intended to show is that it was a low priority for thinning with a small population and few structures. Lapp also spoke about road standards, developers being responsible for fire mitigation and the city parks master plan.

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

CONSIDERATION OF REQUEST FOR TEMPORARY ROAD CLOSURE: E. RESERVE DRIVE & MOUNTAIN VIEW DRIVE

[9:00:58 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Clerk Diana Kile

Discussion was held relative to the closure of E. Reserve Drive and Mountain View Drive for a one day closure.

Commissioner Hall made a **motion** to approve the temporary road closure request. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

BOARD APPOINTMENT: KALISPELL PLANNING BOARD

[9:05:59 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Lauman made a **motion** to appoint Mr. Clark to the Kalispell Planning Board. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF APPROVAL OF SETTLEMENT: BUDGET FINANCE VS. FLATHEAD COUNTY

[9:08:00 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Debbie Boreson, Clerk Diana Kile

The County Attorney's office recommendation to the Commission is to approve the settlement request.

Commissioner Lauman made a **motion** to approve the settlement request with Budget Finance and authorized the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

[9:15:34 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Fairgrounds Director Jay Scott, Clerk Diana Kile

Discussion was held relative to the fairgrounds being busy and things going well.

Commissioner Brenneman questioned the procedure in making appointments to run the 4-H barns.

Jay Scott then explained his procedure for appointments to the barns. Also discussed was horse racing and a decision that the fair board needs to make in regards to racing.

MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER

[9:30:15 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Juvenile Detention Director Laurie Rebuck, Clerk Diana Kile

It was reported that the state audit is next week in which grant money is dispersed according to needs for detention services. Rebuck then spoke about North Dakota's approach to keeping juveniles out of detention centers; the alarm system work that is on going and the feasibility of a quiet room.

PUBLIC HEARING: ANNEXATION TO WHITEFISH RURAL FIRE DISTRICT/ REMMEL, ET AL

[10:15:26 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Clerk Diana Kile

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

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

Jonathan Smith stated that the annexation request is to include 4 home sites into the Whitefish fire service area.

Commissioner Hall made a **motion** to adopt Resolution #2029A to annex property into the Whitefish fire service jurisdiction. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

RESOLUTION NO. 2029A

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

WHEREAS, the Board of Commissioners has received a petition signed by owners of land located in the Flathead County Fire Service Area to be transferred to the Whitefish Fire Service Area;

WHEREAS, Section 7-33-2401(4), M.C.A., allows the Board of Commissioners to alter the boundaries of the fire service areas;

WHEREAS, the Board of Commissioners passed a resolution of intention (Resolution No. 2029) and conducted a public hearing on April 10, 2007, after publication of legal notice on March 26 and April 2, 2007, to receive protests and comments relating to the amendment to the boundaries of the Whitefish and Flathead County Fire Service Areas, and has considered the protests and the public comment received; and

WHEREAS, the Board of Commissioners has determined that amending the boundaries of the Flathead County Fire Service Area and the Whitefish Fire Service Area as petitioned by the landowners is appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby amends the boundaries of the Whitefish and Flathead County Fire Service Areas to transfer the following properties from the Flathead County Fire Service Area into the Whitefish Fire Service Area:

The following tracts in Township 31 North, Range 21 West, P.M.M., Flathead County, Montana: Section 15: Tracts 7A, 7B, and 7G; and Section 16, Tract 2 in the N½, NE¼ SE¼.

Dated this 10th day of April, 2007.

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

ATTEST:
Paula Robinson, Clerk

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

By: _____
Dale W. Lauman, Member

By: /s/ Diana Kile
Diana Kile, Deputy

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: BOULDER RIDGE TRAIL, GHOST TREE ROAD, SCARY TREE TRAIL, JENNINGS LAKESIDE ROAD, MOONLIGHT TRAIL, KITCHEN LANE, TIP TOP LANE AND WUNGALI DRIVE ROAD NAMING

[10:16:47 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Hall made a **motion** to authorize the publication of the public hearing for road namings. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

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

Road generally running northerly off Blackmer Lane and located in the SW ¼ of Section 14, Township 29 North, Range 20 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of April, 2007, at 10:15 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **BOULDER RIDGE TRAIL**.

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

Dated this 10th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By: /s/ Diana Kile
Diana Kile, Deputy

Publish on April 14 and April 21, 2007.

NOTICE OF PUBLIC HEARING

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

Road generally running northerly and easterly off the proposed Scary Tree Trail and is located in Section 10, and in the SW1/4 of Section 3, and in the SE1/4 of Section 4, all in Township 31 North, Range 23 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of April, 2007, at 10:15 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **GHOST TREE ROAD**.

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

Dated this 10th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 14 and April 21, 2007.

NOTICE OF PUBLIC HEARING

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

Road generally running westerly and southerly off Farm to Market Road and connecting to the north R/W of Star Meadows Road and being located in the W1/2 of the SW1/4 of Section 10 and in the NW1/4 of Section 15, both in Township 31 North, Range 23 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of April, 2007, at 10:15 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **SCARY TREE TRAIL**.

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

Dated this 10th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 14 and April 21, 2007.

NOTICE OF PUBLIC HEARING

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

Road generally running westerly off East Lakeshore Drive and located in Government Lots 1 & 2 and in the NE4NW4 of Section 14, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of April, 2007, at 10:15 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **JENNINGS LAKESIDE ROAD**.

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

Dated this 10th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 14 and April 21, 2007.

NOTICE OF PUBLIC HEARING

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

Road generally running southerly off MT Highway 35 and located in the S 1/2 of the NE 1/4 and Govt. Lot 2 of Section 6, Township 28 North, Range 20 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of April, 2007, at 10:15 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **MOONLIGHT TRAIL**.

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

Dated this 10th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 14 and April 21, 2007.

NOTICE OF PUBLIC HEARING

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

Road generally running westerly off MT Highway 206 and located in the SW1/4 of the SE 1/4 of Section 4, Township 29 North, Range 20 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of April, 2007, at 10:15 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **KITCHEN LANE**.

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

Dated this 10th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 14 and April 21, 2007.

NOTICE OF PUBLIC HEARING

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

Road generally running northerly off Highland Meadow Road and located in the N 1/2 of the NE 1/4 of Section 10, Township 27 North, Range 22 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of April, 2007, at 10:15 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **TIP TOP LANE**.

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

Dated this 10th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 14 and April 21, 2007.

NOTICE OF PUBLIC HEARING

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

Road generally running westerly and northerly off Lower Lost Prairie Road and located in the SW1/4 of the SW1/4 of Section 20, Township 27 North, Range 24 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **25th day of April, 2007, at 10:15 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **WUNGALI DRIVE**.

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

Dated this 10th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 14 and April 21, 2007

CONSIDERATION OF SITE OBSERVATIONS/ COUNTY OFFICES: AEGIS ENGINEERING, INC.

[10:19:52 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Clerk Diana Kile

Discussion was held relative to a visual inspection of the Courthouse by Aegis Engineering.

Commissioner Hall made a **motion** to authorize the Chairman to sign a letter of intent to approve the inspection of the Courthouse. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS MENTAL HEALTH MEDICAID MATCH

[10:21:52 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Clerk Diana Kile

Discussion was held relative to continuing the DPHHS document for signature until the \$12,000.00 can be explained.

Commissioner Hall made a **motion** to continue the document for signature. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: AMEND FEE SCHEDULE & CREATE ADVISORY BOARD/ FLATHEAD COUNTY FIRE SERVICE AREA

[10:22:29 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, OES Director Mark Peck, County Attorney Jonathan Smith, Clerk Diana Kile

Discussion was held relative to changes to be made to Resolution #1550B, in which it was agreed upon to change.

Commissioner Hall made a **motion** to adopt Resolution #1550B with the amended changes, which will establish an Advisory Board, change the fee schedule and to approve the Notice of Passage of Resolution of Intent and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

RESOLUTION NO. 1550 B

WHEREAS, the Board of Commissioners of Flathead County, Montana, created the Flathead County Fire Service Area in 2002 to provide funds for fire-fighting services outside of the cities, the established fire districts in Flathead County, and the State and National forests;

WHEREAS, the Board of Commissioners determined in Resolution No. 1550A that the Flathead County Fire Service Area would be governed under the provisions of Section 7-33-2403 (1) (a), M.C.A., which allows the Board of Commissioners to govern and manage the affairs of the area;

WHEREAS, the Board of Commissioners has determined that an advisory board composed of residents of the Flathead County should be established to provide advice to the Board of Commissioners in the management of the Flathead County Fire Service Area; and

WHEREAS, the Board of Commissioners has been advised that an amendment to the fee schedule implemented by the adoption of Resolution No. 1550A in 2002 should be considered, as follows:

	<u>CLASSIFICATION</u>	<u>CURRENT FEE</u>	<u>NEW FEE</u>	<u>RATE</u>
CLASS 1	Single Family Home & Business Operated out of home/outbuildings/ storage facilities	\$40/year	\$90/Year	1.00
CLASS 2	Rural Business - Low Risk (Restaurants, Hotels, Motels)	\$100/year	\$250/Year	2.50
CLASS 3	Rural Business - High Risk (Bulk Plants, Gas Stations)	\$200/year	\$350/year	5.00
CLASS 4	Condominiums and Multi-Family First Unit Additional Units	\$40/year \$20/year	\$90/Year \$45/Year	1.00 .50
CLASS 5	Industrial - Fee to be determined by Board based upon the size of the structure and other variables, i.e. schools, etc.			

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that it intends to create the Flathead County Fire Service Area Advisory Board to provide advice to the Board of Commissioners in the management of the Fire Service Area.

BE IT FURTHER RESOLVED that the Board of Commissioners intends that the Flathead County Fire Service Area Advisory Board will be composed of members appointed by the Board of Commissioners as follows:

- one resident from the North Fork Fire Service area;
- one resident from the Middle Fork Fire Service area;
- one resident from the Fire Service Area west of Kalispell;
- one resident of Flathead County at large; and
- one resident of Flathead County active in a current fire fighting role.

BE IT FURTHER RESOLVED that the Board of Commissioners intends to amend the schedule of rates to be charged to owners of structures within the Flathead County Fire Service Area as set forth above.

BE IT FURTHER RESOLVED that the Board of Commissioners shall conduct a public hearing on the **1st day of May, 2007, at 10:30 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 and to the establishment of the Flathead County Fire Service Area Advisory Board.

BE IT FURTHER RESOLVED that notice of the passage of this resolution of intention shall be given pursuant to the provisions of Section 7-1-2121(1), M.C.A.

Dated this 10th day of April, 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 _____
Dale W. Lauman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
FLATHEAD COUNTY FIRE SERVICE AREA

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 1550 B) on April 10, 2007, to amend the fee schedule of the Flathead County Fire Service Area and to create an advisory board composed of one resident from the North Fork Fire Service area, one resident from the Middle Fork Fire Service area, one resident from the Fire Service Area west of Kalispell, one resident of Flathead County at large, and one resident of Flathead County active in a current fire fighting role. The proposed amendment to the fee schedule is as follows:

	<u>CLASSIFICATION</u>	<u>FEE</u>	<u>FEE</u>	<u>RATE</u>
CLASS 1	Single Family Home & Business Operated out of home/outbuildings/ storage facilities	\$40/year	\$90/Year	1.00
CLASS 2	Rural Business - Low Risk (Restaurants, Hotels, Motels)	\$100/year	\$250/Year	2.50
CLASS 3	Rural Business - High Risk (Bulk Plants, Gas Stations)	\$200/year	\$350/year	5.00
CLASS 4	Condominiums and Multi-Family First Unit Additional Units	\$40/year \$20/year	\$90/Year \$45/Year	1.00 .50
CLASS 5	Industrial - Fee to be determined by Board based upon the size of the structure and other variables, i.e. schools, etc.			

A public hearing will be held on the **1st day of May, 2007, at 10:30 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 written protests from property owners of the property described above and receive general protests and comments relating to the proposed amendment of the fire service area rates, and to the creation of an advisory board as set forth above.

DATED this 10th day of April, 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
Diana Kile, Deputy

Publish on April 14 and April 21, 2007.

MEETING W/ MARTEL CONSTRUCTION RE: BIGFORK

10:30:22 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Road Dept Guy Foy, Fred Sterhan, Duke Goss, Clerk Diana Kile

Discussion was held relative to a storm drain issue that occurred this spring in Bigfork on the south side of Grand Avenue across from the school on the north east corner. Duke Cross said that the drain filled up with debris in which he has cleaned out. Discussion included a cost effective solution to the problem.

MEETING W/ PECCIA & ASSOCIATES RE: EXPLANATION OF ROAD STANDARDS

11:04:54 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, County Attorney Peter Steele, Road Dept. Guy Foy, Planning & Zoning Director Jeff Harris, Planner Rebecca Shaw, Thor Jackola, Ardis Larsen, Jeff Larsen, Clerk Diana Kile

Discussion was held relative to the background of the Road Standards project that started in the summer of 2006 with the Road Department wanting to organize standards for the county Road Department. The process involved the Road Department, County Attorney, Flathead County Planning & Zoning Department, Brian Mitchell with Pecca & Associates, Jackola Engineering and a Geo Science office. The document proposed is considered a draft document in which they tried to incorporate the Montana Public Works Standard Specifications, Flathead County Subdivision Regulations, Montana DEQ as well as the Flathead County Board of Commissioners. In this document they tried to integrate a common standard type document that could be used by design and construction engineers.

Jeff Harris said that he could speak in regards to the relationship with the Subdivision Regulations in that he stated that when they first started with the Subdivision Regulations re-write that there was interested in establishing typical cross sections for road designs. With part of the concern being that the county did not have any standards. Pecca & Associates was used to develop the standards in conjunction with surveyors and engineers to begin to develop the typical sections for cross sections for roadways. In doing this they found that the Road Department had contracted with Thor Jackola to write the Road Standards and after finding out this, they did not want to duplicate efforts and would prefer to see all of the road standards and road designs in the County Road Design Manual at which point the Planning & Zoning Office had Pecca work with Jackola to move everything out of the Subdivision Regulations into the Road Design manual. The Road Design manual is referenced in the draft Subdivision Regulations in regards to design and construction standards. Also discussed was the timing with the Road Design Manual needing to be adopted prior to the Subdivision Regulations.

Guy Foy spoke of his concerns in regards to references in the Road Design Manual in which Jackola has been very good about explaining to him. He then said that he appreciated everyone's participation and involvement in putting the manual together.

MONTHLY MEETING W/ MARK PECK, OES

11:34:27 AM

Members present:

Chairman Joseph D. Brenneman

Members absent:

Commissioner Dale W. Lauman
Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, OES Director Mark Peck, Stephen Stanley, Clerk Diana Kile

Discussion was held relative to NIMS compliance issues that need to be finished for the year 2006, in which an establishment of a joint information center concept is being discussed to develop a public information team. Also discussed were ICS 300, ICS 400 and ICS 402 training for elected officials in which Peck stated that he is checking on a regional course to hold training for. He then stated that every grant that goes out of the county for public safety needs to have his signature on it that will confirm that the county is NIMS compliant. Peck also stated that he has briefed the fire chiefs in regards to Regional County Incident Management Teams, in which they were overall supportive, with few complaints. Also stated was that a course will be put on by FEMA that Flathead County will be a pilot for that will save the county \$20,000.00; this course will be 6 days long with training on weekends and evenings.

Stephen Stanley spoke in regards to the Swan Hill radio site in which he is asking for a letter from Flathead County for permission to cross the property in order to reach the radio site.

1:15 p.m. Commissioner Brenneman to 911 meeting @ Justice Center
4:00 p.m. Long Range Planning Task Force Affordable Housing Committee meeting @ Earl Bennett Bldg.

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

WEDNESDAY, APRIL 11, 2007

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

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

Rick Breckenridge commented on the proposed subdivision changes and stated that the recent modifications show the disdain for rule of law in that the subdivision regulations are going to be more stringent. Under MCA 5.11 it says that they have to have a pure review study. He then spoke about the stream setback bill being dead; in which the setbacks now in the new subdivision regulations have no basis in statute law or regulations. He then stated that the subdivision regulations need to go back and everything that is in them that refers to being more stringent than a comparable state rule, law or regulation needs to be taken out. He then said that the county needs to be prepared to either follow the law or be prepared to litigate; that the county needs a pure review study on road standards, stream setbacks and groundwater.

Charles Lapp commented on the process in the subdivision regulations in which he realized the day before the meeting that there was a different set of regulations that he did not have. He then came to the public hearing and made comments on the subdivision regulations and then found out yesterday that there is now stream setbacks that have been included into the subdivision regulations. It was then stated that the stream setback in the last two legislative sessions have been denied at the state level and he questioned how it got into the subdivision regulations.

Jeff Larsen spoke about working with the subdivision regulations and stated his concern with the Planning Office not listening to public comments. He then spoke about the 4 hour public hearing on the subdivision regulations and feels like the regulations have now been made worse than before. Larsen stated that the subdivision regulations need to be taken back to the volunteer committee. Also stated was with the new information in the subdivision regulations that a public hearing needs to be held.

Christine Fincher spoke on behalf of the Realtors Association and stated that when you go on-line to view the draft you can view the original information, present law and the new law which is underlined and makes it easier to view and understand what is going on. She then read an e-mail she received from Michael K. Cook a land use attorney in Helena. The letter stated that the county is attempting to add 2.5 pages of brand new never before seen regulations dealing with stream site setbacks. They are also adding an entirely new variance procedure in addition to the standard variance procedure already in the regulations. He currently has not seen the current variance procedures to see if the material differs from the stream side setbacks variance procedures; at the very least it will add confusion. The e-mail then said bottom line the county cannot adopt these regulations without another public hearing without violating constituent's rights to due process. Fincher then stated that the draft is where you can make changes and add things in, and with the information she has received you can not consider that you have already had a public hearing when the setbacks were not in the announcement.

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

MEETING W/ RSVP ADVISORY COUNCIL

[9:00:43 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, RSVP Director Bobbie Kelly, HR Director Raeann Campbell, AOA Director Jim Atkinson, Eddy Lou Benson, B. Marcia Wise, Robert T. Wise, Dick Taylor, Thomas James, Thale Balding, Esther Hutchinson, Roxy Larsen, Marie Basaraba, Tina Frownfelter, P. Stuart, Vic Verkuehlen, Joe Decker, Shirley MacLachlan, Adeline Schumacher, Doug Gilbertson, Jim Rehbein, Clerk Diana Kile

Mike Pence stated that the RSVP Board and others that are here want an opportunity to meet with the Commissioners in regards to the concept of the reorganization of RSVP.

Dick Taylor, Chairman of the RSVP Advisory Board said that RSVP is a national volunteer organization that invites adults 55 and older to use their life skills to help within the community, which has been operating in the Flathead Valley successfully for 30 years, with over 500 volunteers that give thousands of hours of their own time. He then spoke about the commissioner's proposal to take RSVP from a stand alone independent department and place it under AOA, in which the RSVP Advisory Board unanimously disagrees with. He then stated what his concerns are with the merger.

Patti Stuart spoke in regards to the RSVP staff not being paid by the county and stated that they are a stand alone organization and questioned what the benefit would be to the county if the programs were combined. She feels it needs to be a stand alone program and doesn't feel they should have to answer to any other level of management.

Marcia Wise stated that she sees no reason for the organization to be placed under AOA. She then spoke about RSVP being dedicated to the community with its many volunteers; not just to senior citizens.

Joe Decker a member of the RSVP council stated that he is very impressed with the staff of RSVP with their dedication. He referred to a memo from Michael Pence that spoke of changes being difficult and it was stated that he agreed with that. He spoke about retiring from government work and dealing with a lot of re-organization work in the government; the changes that stuck out to him were the loss of physical control and shared staff. He then spoke about RSVP running efficiently now and sees no reason for changes.

Eddy Lou Benson the past bookkeeper of RSVP spoke about the job being a 20 hour a week job; with the job involving helping staff with mailings and office operations as well as bookkeeping. She then stated to have someone else do that as well as their 40 hour a week job could not be done efficiently.

Roxy Larsen a site manager for a Senior Citizen Center stated that sites could not function without volunteers. Larsen then stated that they have a paid janitor as well as one other paid person on staff. She then questioned how the county could benefit from the change.

Claire Hafferman stated that she has served on the AOA Board for several years and has had a look on both sides of the program. It was then stated that AOA deals with senior programs, meal on wheels, senior help at homes and the bus system. RSVP volunteers deal with all kinds of services and individuals in the community and she sees no benefit of putting these services together.

Doug Gilbertson president of Whitefish Golden Ager's Senior Citizen Center spoke of serving on various boards within the county. He then questioned what is happening with the RSVP Board and the AOA Board. It was stated that the RSVP Board use to be on equal ground with the AOA Board and now RSVP stature is being demoted.

Jim Rehbein, Chairman of the AOA Board stated that he is not in favor of the change and stated that he feels RSVP is not getting a fair shake.

Commissioner Lauman made a **motion** to take the comments received under advisement. Commissioner Hall **seconded** the motion.

Brenneman commented that this was not a merger and had nothing to do with a merger. He then stated that other counties do not even have an RSVP director and the ones that did paid less than what Flathead County is paying. With comments that were received they are being told that the program is absolutely perfect with no changes needing to be made with no consideration of how to make it better.

Aye - Brenneman, Hall and Lauman. Motion carried unanimously.

SUBDIVISION REGULATIONS WORKSHOP

9:34:25 AM

Members present:

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

Others present:

Assistant Michael Pence, County Attorney Peter Steele, Planning & Zoning Director Jeff Harris, Planner Kirsten Holland, Fred Hodgeboom, Scott Santa, Adrienne Maxwell, Douglas Knutson, Greg Carter, Ardis Larsen, John Middleton, Brenda Twete, Erica Wirtala, Christine Fincher, Clerk Diana Kile

Chairman Brenneman stated that this is not a public hearing and then spoke of the goals for the workshop. It was then stated that numerous comments have been received in regards to people not being aware of the last up to the minute changes that are being considered with that being a result of the function of the process, in that they are trying their best to come up with the subdivision regulations that are required, and as they go about making changes they are continually considering improvements.

Commissioner Lauman stated that the perception is that they are going to adopt subdivisions regulations today; with that not being so. He then spoke about the notes that he took during the public hearing on March 28, 2007, and from that public hearing it was asked that they slow the process down and involve the public. Lauman then stated with the legislature still being in session and making changes that could affect the Growth Policy and Subdivision Regulations, it would not be the best move to adopt anything until the legislature ends. He then stated that he would like to see more time taken and go back to a public involved committee and study and hammer it out with the Planning Board and Planning Department and come back with revisions that all comply with state law, rules and regulations and make the document better than what it is.

Commissioner Hall stated that he reflects Commissioner Lauman's views and then spoke about the Growth Policy being a good document. It was then stated that he would like to see a good document come from the workshops for the Subdivision Regulations.

Peter Steele stated that MCA says that the Subdivision Regulations need to be based on the Growth Policy. He then stated that in 2005 a lot of requirements were made by the legislature that were proposed to be in the Subdivision Regulations. Steele then spoke about the county not having Subdivision Regulations that are pursuant to statute, which leaves them open to challenges. He then stated that the recommendation would be to pass the Draft Subdivision Regulations, knowing that they can be changed and sent back to the Planning Board for recommendations; if they can't do that then he would recommend that the controversial issues be taken out and return those to the Planning Board. He urged the commission to not sit on this for 6 more months, with them knowing that it can be changed.

Commissioner Hall questioned how they could take out parts of the document and have a complete document.

Jeff Harris stated that they would not suggest that an entire section be taken out; there are subsections that can be pulled out with them still maintaining a complete document.

Jeff Harris then reviewed the summary that was compiled with all written and oral comments received by the Planning Board for the Draft Subdivision Regulations public comment period on April 10, 2007

At the Planning Board workshop some of the general comments raised by the public include: inadequate public comment, review process flawed, definition changes, opposition to cluster developments, preservation of farmland, remainders, impact fees, property right issues, takings, 8 foot depth to groundwater requirement, stream setbacks, water, sewer, floodplains, signage postings, parkland requirements, secondary accesses, paving requirements, bike paths, dust control, high fire hazard areas, environmental assessments, phasing and private agendas.

The options and the goals for the workshop were then stated:

- Stay with the old regulations and send the Subdivision Regulations back to the Planning Board
- Delay until the legislature is over; staying with the same Subdivision Regulations
- Schedule a date and adopt the new Subdivision Regulations

- Adopt interim Subdivision Regulations with the understanding that portions will be sent back to the Planning Board

Commissioner Hall then stated that he does not like any of the options and would like to proceed with the workshop.

Chairman Brenneman then stated that if Commissioner Hall and Lauman were of the opinion of staying with the old Subdivision Regulations, then he questioned why they would spend time working through the Subdivision Regulations if they were going to send it back to the Planning Board.

Jeff Harris stated that he spoke with the Chairman of the Planning Board and his desire was to not have to review the entire document.

Commissioner Hall questioned what percentage of the document would need to be changed, in which Jeff Harris stated approximately less than 10 percent.

Chairman Brenneman then spoke about changes that were suggested by the Planning Board that would be taken out; minor clustering, lots with a remainder, stream set back issues and secondary access roads.

Commissioner Hall stated that he is not comfortable adopting the new Draft Subdivision Regulations even taking out the above parts, until he has had a chance to go all the way through them.

Chairman Brenneman then stated that they cannot adopt the new Draft Subdivision Regulations today. He then spoke about Commissioner Hall's suggestion to take time and read through the Draft Subdivision Regulations, and then come back with another workshop and talk about specific changes they would like to make. At that time they would then proceed with the understanding that they are going to be adopting interim regulations at some point in the near future.

Commissioner Lauman questioned what was coming in May and June for the partial interim period.

Jeff Harris stated that what is backed up the Commission will see in July.

Kirsten Holland then spoke about some zone changes and subdivisions that are up and coming waiting for the Subdivision Regulations to be in place.

Jeff Harris then stated that they would walk the commission through some interim changes so they would understand where staff is coming from.

Commissioner Lauman then stated that if they could adopt some interim regulations, until they have had time to study, analyze, receive public input and involvement in the regulations that will be permanently adopted, he feels that is what is desired with the e-mails and public comments received with the public being involved in the process. He then questioned if the 2005 legislature regulations were adopted in the Flathead County regulations.

Peter Steele stated that in 2005 the legislature did a huge re-write on the subdivision regulations and in order to adopt the new regulations they had to have a Growth Policy in place.

Commissioner Lauman then questioned how the subdivisions that are in the process now, will be addressed being under the old Subdivision Regulations.

Peter Steele stated that they will come in under the old Subdivision Regulations and will have to go through sufficiency reviews.

Jeff Harris stated that once sufficiency is gone through they will be locked into the old regulations.

Chairman Brenneman questioned the subdivisions that are brought to them with them not having regulations that are not in compliance with the Growth Policy.

Discussion was held relative to the 2005 Subdivision Regulations in regards to implementing them into the Draft Subdivision Regulations.

General discussion was held in regards to the direction the commission would like to go.

Commissioner Lauman stated that he is not comfortable adopting the old regulations with the 2005 regulations not incorporated into the old regulations; that we need to adopt something beyond the old regulations and the new proposed regulations that would work for an interim period of time until we adopt a total Flathead County Subdivision package.

Chairman Brenneman then stated that they have decided to not adopt the old regulations and that they would proceed with interim regulations.

Jeff Harris then spoke about there being a general understanding that the interim regulations would be replaced.

Commissioner Lauman then spoke about the public comparing the new regulations with the old ones, which did not incorporate the 2005 changes that have not been made.

Jeff Harris spoke about the public not being aware that in every land use subdivision related lawsuits one of the counts against the county is that they are not in compliance with state subdivision regulations.

General discussion was held relative to explanations to the following:

Flathead County Development Code: Page 1-2 in which planning staff changed language.

Flathead County Development Code: Chapter 2 – in which definitions were reworded after public comments.

Jeff Harris spoke about Chapter 3 which pertains to zoning.

Flathead County Development Code: Chapter 2, Page 2-12 - Remainder language discussed (Requested that the Planning Board look at)

Flathead County Development Code: Chapter 4, Page 4-6 - Was changed by planning staff per state statute regulations MCA 76-3-511 per Peter Steele.

Flathead County Development Code: Chapter 4, Page 4-7 4.1.5 Restrictive Covenants: wording was changed by planning staff to shall instead of may. (This will be considered at a later time)

Flathead County Development Code: Chapter 4, Page 4-8 4.1.10 (c) Public Hearing and Notices: wording was changed by planning staff to shall instead of may.

Flathead County Development Code: Chapter 4, Page 4-9 4.1.11 Application Deadlines and Fees were explained to the Commission. (This will be considered at a later time)

Commissioner Hall questioned Erica Wirtala in regards to her thoughts on applications fees; in which she explained a situation where she asked for an application fee back that was for \$11,000.00. The applicant was told that the project would be denied out right and saw no sense with going forward with the project; at which time they received a portion of the application fee back.

Flathead County Development Code: Chapter 4, Page 4-10 4.2.3 (d) First Minor Subdivision Exceptions

Flathead County Development Code: Chapter 4, Page 4-11 4.2.4 (a) (iii) First Minor Subdivision Cluster Development

Flathead County Development Code: Chapter 4, Page 4-18 4.2.21 (a) First Minor Subdivision Cluster Development (Suggested that this be pulled out and sent to the Planning Board)

Flathead County Development Code: Chapter 4, Page 4-19 4.3 Subsequent Minor Subdivisions

Flathead County Development Code: Chapter 4, Page 4-23 4.4.10 (c) Phased Major Subdivision Plat Submittals (Will be sent back to the Planning Board)

Flathead County Development Code: Chapter 4, Page 4-25 4.4.11(c) (iii) Major Subdivision Public Hearing, Consideration and Recommendation (This will be considered at a later time)

Commissioner Hall questioned Ardis Larsen in regards to a denial vote by the Planning Board as to if the applicant is made aware of the findings of fact.

Flathead County Development Code: Chapter 4, Page 4-32 4.4.30 Major Subdivision Cluster Development (Will be pulled out and sent back to the Planning Board)

Flathead County Development Code: Chapter 4, Page 4-35 4.5.5 Subdivisions Created For Lease or Rent

Flathead County Development Code: Chapter 4, Page 4-36, 37 4.5.6 Manufactured Home Park Standards (b) (ii), (i)

Flathead County Development Code: Chapter 4, Page 4- 39 4.6 (a) (iii) Condominiums (This will be considered at a later time)

Flathead County Development Code: Chapter 4, Page 4-40 4.6 (e) Condominium title transactions

Flathead County Development Code: Chapter 4, Page 4-42 4.7. Subdivision Design Standards

Flathead County Development Code: Chapter 4, Page 4-42 4.7.5 Planning Considerations

Flathead County Development Code: Chapter 4, Page 4-45 4.7.7 (n) Lots (Suggested that this be deleted out of interim regulations and refer it back to the Planning Board)

Flathead County Development Code: Chapter 4, Page 4-51 4.7.13 Stream Riparian Setback Requirements (Suggested that the entire section be pulled)

Flathead County Development Code: Chapter 4, Page 4-54 4.7.15 Dust Control and Air Pollution (May to shall was changed by planning staff – will be referred to the Planning Board)

Flathead County Development Code: Chapter 4, Page 4-55 4.7.17 Access (Suggested that (b) be taken out)

Commissioner Hall questioned Mr. Carter in regards to access, in which he stated that they represent several properties that this will affect. Mr. Carter was then informed that the section he was concerned about 4.7.17 (a) the language was changed from "shall" to "may" and (i) & (ii) had been taken out already. (4.7.17 (b) will be sent back to the Planning Board)

Flathead County Development Code: Chapter 4, Page 4-57 4.7.18 Road Design and Construction Standards (4.7.18 (c) will take out paid for by the subdivider; this change was suggested by the commission)

(Refer subsection back to the Planning Board) 4.7.18 (d)

Flathead County Development Code: Chapter 4, Page 4-58 4.7.19 Roadway Improvements (Refer back to the Planning Board; yet keep it in and change the number of cars to 200 for the Interim Regulations)

Flathead County Development Code: Chapter 4, Page 4-60 4.7.21 Walkways and Pedestrian/ Bicycle Paths Easements

Flathead County Development Code: Chapter 4, Page 4-30 4.7.22 (c) Water Supply Systems

Flathead County Development Code: Chapter 4, Page 4-60 4.7.23 Sewage Treatment

Flathead County Development Code: Chapter 4, Page 4-61 4.7.24 (c) Solid Waste (Language changed by commission from shall to may with bear proof containers)

Flathead County Development Code: Chapter 4, Page 4-64	4.7.26 (g) (ii) Parkland Dedication (Will be left in and referred to Jed Fisher, Weed & Parks Director)
Flathead County Development Code: Chapter 4, Page 4-65	4.7.28 Fire Protection (Jeff Harris will check with local Fire Chiefs to see what their thoughts are; for the interim the old regulations will be used)
Flathead County Development Code: Chapter 4, Page 4-66	4.7.29 High or Extreme Fire Hazard Areas (will be removed and replaced with the old Subdivision Regulations and sent to the Planning Board)
Flathead County Development Code: Chapter 4, Page 4-68	4.8 Division of Land Exempt from Subdivision Review
Flathead County Development Code: Chapter 4, Page A9	Appendix C – Environmental Assessment

General discussion was held relative to the next steps to take in regards to adopting Interim Subdivision Regulations and the procedure that should be followed in doing so.

Chairman Brenneman stated that what is needed are the proposed Interim Subdivision Regulation to be considered; which will be posted on the Flathead County Planning & Zoning Website for tentative adoption in 30 days. It was then stated that the commission will schedule a date for next week in regards to considering what to do next; at which time another Workshop and or Public Hearing will be scheduled. .

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

THURSDAY, APRIL 12, 2007

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

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

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

9:01:27 AM

Members present:

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

Others present:

- Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Debbie Shoemaker, Clerk Diana Kile

Harris reported the quarterly activity report statistics for the Planning and Zoning Office. Discussion was held relative to the cost of printed copies of the Growth Policy; population reports that were presented to the commission; annual work plan for the year; loss of 3 employees and replacement of them and a request from Tutvedt's for another access onto Church Drive.

COS REVIEW: MUONIO

9:30:54 AM

Members present:

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

Others present:

- Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Bob Erickson, Terry Muonio, Debbie Shoemaker, Clerk Diana Kile

Harris reported on the Muonio family transfer in which Eva Muonio is transferring property to her husband Terry Muonio.

Commissioner Lauman made a **motion** to approve the Muonio family transfer request. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. **Opposed** – Brenneman. Motion carried by quorum.

PUBLIC HEARING: MINIMUM STANDARDS FOR DESIGN & CONSTRUCTION/ ROAD & BRIDGE DEPT.

10:00:18 AM

Members present:

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

Others present:

- Assistant Michael Pence, Road Superintendent Guy Foy, Planning & Zoning Director Jeff Harris, County Attorney Peter Steele, Karl Schrade, Heidi Desch, Jeff Larsen, Bruce Weaver, Russ Crowder, Paul McKenzie, Dawn Marquardt, Debbie Shoemaker, Charles Lapp, John Zimmerman, Thor A Jackola, Tom Gorton, Noel Gorton, Rick Breckenridge, Clerk Diana Kile

General discussion was held relative to the standards for design and construction of the Flathead County Road & Bridge Department.

Chairman Brenneman reviewed the process in which Thor A. Jackola described the process happening with the road standards; with it being a collaborative effort between Peccia & Associates, Jackola Engineering and the Road Department.

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

Jeff Larsen an Engineer representing the Montana Environmental Consultants Association presented the commission with handouts and then commented on them in regards to concerns from the association. The concerns included:

The written specifications that the county has in FC-1 through FC-6 he feels should be deleted out of the document. He then stated that the Montana Public Works Standard Specification Manual is the Bible that is used by Engineers for doing infrastructure projects. The manual was prepared by the Montana Society of Engineers so they would have uniform construction standards across the state of Montana; with every set of plans that are prepared by him as a Civil Engineer using the document. He then stated that the problem in writing a separate document like has been done, is that the manual he presently uses is revised on a regular basis and would make the county specifications out of compliance, unless it is continually being revised. It was then stated that there is no reason to write the specifications that have been written when a document like this is available to use; with it being an extremely professional document. Also recommended is the deletion of FC-7 through FC-45 with the Montana Public Works Standard Specification Manual having all the documents in it.

AASHTO Manual which is prepared by Engineers in all 50 respective states has different design criteria for different types of roads. The problem the engineering group has with the new road standards is that the standards do not comply with the AASHTO Manual; with the new manual being over designed with more being required in widths, in which he feels there is no basis for.

Detail FC-3 in the handout that was presented on the analysis that was done on the arterial typical section; the additional cost per mile based on width alone would be \$316,000.00 for every mile of arterial road constructed. He then questioned why we are trying to over design the roads to the point of it costing so much extra; other consequences to the county would be extra cost for maintaining roadways. It was then suggested that the county adopt the AASHTO Standards and listen to the top professional engineers in every respective state in the United States. Also suggested was to get rid of all the sections in the Montana Public Works Standards Spec's as well as the details that are in there.

If you adopt these sections every time the Montana Public Works Standards Specifications are revised Flathead County will have to revise the road standards, or they will be out of compliance with the Standards Specifications:

Section FC1 -17 he questioned if the county had a PE to inspect the work.

Section FC3 - 028 requires testing at the counties discretion; who in the county is qualified? Is the county going to take the liability for engineering on a project?

Section FC3 – 02F obtain county approval to blast for excavation. Who in the county is qualified to provide blasting permits?

Section FC7 – 02B county approved storm water drainage shall be provided for all road right-of-way storm water run-offs in accordance with all applicable local, state and federal regulations. What is the county going to do? Montana DEQ requires a PE to review PE work. He questions why we need another layer of review when a professional engineer designs it and a professional engineer from DEQ reviews it.

Section FC7 – 02B (b) a culvert must be designed by a professional engineer, but a bridge just needs to meet county road and bridge requirements. Who at the county Road and Bridge Department is qualified to design bridges?

Section FC7 – 03 where conditions require, the county or their designated agent may require the furnishing and placing of geo textiles. Who at the county is qualified to perform engineering to determine when geo textiles are required? Does the county have a qualified PE?

In conclusion the document needs a considerable amount of work to make it a usable document. The impression was that the text was copied from a set of specifications for a particular project and it would be much better for the county to adopt the Montana Public Works Standard Specifications. It would also be better for the county to adopt the AASHTO Standards or a large amount of public revenue and gravel resources will be wasted, and we will get much less road for every dollar spent. Montana has participated and adopted AASHTO Standards; MCA 76-3-511, which will require a pure review study, to make requirements more stringent than the state requirements are. It was then stated that there is no justification for the grossly over designed typical sections. It appears there is an attempt to make road building in the Flathead so expensive, that no one including the county will be able to afford the building of any new roads. He then spoke about the work that he did with the road standards that was not used and asked that the commission look at FC3-F36 in regards to structural thickness.

Larsen then spoke about structural section analysis and the process followed. He stated that you do not typically build your structural strength with asphalt; with it being the most expensive material. You try to build it with the gravel to make the road strong enough to hold the asphalt. When you go to 4 inches of asphalt you have to do it in 2 lifts; that is required by the standard specifications. A huge extra expense is created by doing 2 lifts; with it being a 70 percent increase in cost. He then stated that when he did typical sections he tried to keep a 3 inch lift of asphalt on the local road to try to keep the cost down with there being no engineering basis for a 4 inch lift. Larsen stated that he is in favor of having great county roads, but that they need to be based on sound engineering principals and accepted documents.

Bruce Weaver spoke as a representative of road building companies in the valley. Weaver stated that he read through the document and both from a cost aspect with over engineered road designs and from public comment made that he feels many are not being listened too, with him not seeing anything that has come out of the comments. It was then stated that the standards that are being proposed are greater standards than are required on the Chicago O'Hare runway. He questions why they are even being considered, with the extra cost involved in building and maintaining the roads. He spoke about affordable housing in the valley and stated that if these standards are adopted, it will double the cost of lots. Also stated was that the Flathead County Road Standards need a considerable amount of review to reflect to the AASHTO Standards.

Rick Breckenridge addressed the pattern that he feels seems to be developing where people are invited to be included in the system, and then their information is cast aside and taken out. He then spoke about being assured that the road design

standards would meet AASHTO Standards. When he did a word search on the Flathead County Road Standards he found that AASHTO only appears in the document 4 times, in which all 4 times it deals with testing of material only; nothing in regards to road design. He then stated that over the past year he has kept a copy of every RFP that the county has put out for paving and every one of the RFP's ask for a 3 inch lift of asphalt. If was then questioned if a 4 inch lift has been so needed and is what the standards call for, then why is the county historically not practicing what they are asking for. The road designs as they are written now are rated for 60 MPH traffic. As far as the standards go, it was stated that these drafts need to be in compliance with MCA 511 and if they are going to exceed state statues, guidelines or regulations, then there is a process that needs to be gone through. Hwy 93 was discussed in regards to being 12 feet wide and the regulations are asking for a county road that is wider than Hwy 93. He wants the standards to be in compliance with Montana guidelines.

Charles Lapp spoke about the subdivision standards in regards to the late comer's agreement, in which the county collects the late comer's fee from persons wanting to connect to the county road improvement, and will subsequently see that the developer receives the payment. When you read the late comers agreement in the Subdivision Regulations, it says that the county will try to collect them; it puts the burden back on the developer to try to collect the late comer's fees. Also discussed was cost of roads, DEQ requirements and rural arterial paved streets in which a 40 foot paved top surface is required.

Paul McKenzie spoke on behalf of F.H. Stoltz Land & Lumber and stated some general observations on the Road Standards. McKenzie stated that the application of the cookie cutter design standard was problematic, in which he suggested that they go back to the forms standard in regards to what is the intended type of use for the road. With all the standards they talk about an 18 inch gravel lift; in which some places that might be appropriate. He then cautioned them to stay away from set design standards and to allow the engineering community the flexibility to develop and engineer a product that is applicable for the type of use in the location that it is in. McKenzie also stated that there is no talk about level of service in the document; all the design standards talk about paved roads and he questioned when you would hit the threshold on a gravel road as to when it would have to be paved. Also questioned was the talk of sewer and water design in the road standards manual; to his knowledge the county does not have any water or sewer services right now, and he wonders why so much time and effort was dedicated to the issue. Within the document he found inconsistencies such as on page 31, table 3 that describes road development standards for local, collective and arterial roads; the standards are inconsistent with the drawings that are in the back. He then spoke about the economic impact and stated that whether we like it or not our economy is based on growth in the valley and we can drive away our growth and development either by under regulation or over regulation.

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

Commissioner Lauman stated that like the Subdivision Regulations we need to look at the Road Standards manual.

Commissioner Hall made a **motion** to take under advisement the Road Standards Manual. Commissioner Lauman **seconded** the motion.

Commissioner Hall stated that he would like to hear from Guy Foy, in which Guy Foy stated that he would look at the comments and see what they look like and decide from there if a board review or workshop is needed.

Commissioner Hall questioned the deadline and stated that in the past AASHTOO has been used and questioned what would be used when they get to the point of adopting interim Subdivision Regulations.

Jeff Harris stated that adjustments would be made; or that the state book Jeff Larsen had might be an option to adopt for an interim.

Chairman Brenneman stated that the information received today is quite valuable and is exactly the sort of information they need to make good public policies and appreciated those that took the time to speak.

Aye - Brenneman, Hall and Lauman. Motion carried unanimously.

MEETING W/ CARL SCHRADER RE: ROADS

11:04:31 AM

Members present:

Chairman Joseph D. Brenneman

Commissioner Gary D. Hall

Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Road Superintendent Guy Foy, Planning & Zoning Director Jeff Harris, Carl Schrade, Clerk

Diana Kile

Carl Schrade a farmer on Wishart Road spoke in opposition of the action plan that was submitted to the DEQ in regards to dust problems. The action plan outlines options available for landowners who want to take responsibility for the road dust in front of their homes. He stated that the county is transferring their responsibility to property owners, in which he is opposed. He then read statistics on various gravel roads in the county that contribute to the dust problems. Also stated was that the roads need to be supported by those using them, not just those living on them.

General discussion was then held in regards to RSID's and taxes.

CONSIDERATION OF MAJOR LAND USE PERMIT: WHEELER FAMILY PARTNERSHIP/ CALURS

11:31:47 AM

Members present:

Chairman Joseph D. Brenneman

Commissioner Gary D. Hall

Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Planner George Smith, Clerk Diana Kile

George Smith reviewed the application for a Major Land Use Permit submitted by Wheeler Family Partnership/ Calurs to allow for placement of a non-commercial guest cabin on one tract of land in the Middle Canyon Area Zoning District. This property is 6.50+ acres located at 818 Ross Point Drive on Lake Five. The applicant is requesting a permit to place a two bedroom family guest log-cabin dwelling on a single parcel of land, which will be used for family use only.

Commissioner Hall made a **motion** to adopt Staff Report FCMU 06-01 as findings of fact and to approve the Major Land Use Permit for Wheeler Family Partnership/ Calurs. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

PERSONNEL MATTER

11:36:06 AM

Members present:

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

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, HR Director Raeann Campbell, Clerk Diana Kile

Commissioner Lauman made a **motion** to approve the employment contract for Jeff Harris. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

TAKE ACTION: ROSE CROSSING NO. 2

11:34:50 AM

Members present:

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

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Clerk Diana Kile

Chairman Brenneman read into the minutes that Rose Crossing No. 2 is now a dead file.

DISCUSSION RE: DEVELOPMENT OF COSTING STUDY FOR JUSTICE CENTER SPACE PLANNING

11:45:49 AM

Members present:

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

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Ed Corrigan, Sheriff Mike Meehan, Under Sheriff Pete Winger, Justice Court Mark Sullivan, David Ortle, District Court Stu Statler, IT Director Vicki Saxby, Kathy Frame, Vicky Eggum, Justin Breck, Bonnie Olson, John Weaver, Clerk Diana Kile

Discussion was held relative to a costing study to be done by Architect Design Group on the Justice Center.

This proposed study would basically figure out how much space the departments in the Justice Center need over the next 20 to 25 years and then how that might be done in the current building in regards to adding on to it. They would not actually draw up plans for the building; it would be a general configuration.

Kathy Frame stated that the plan would include all departments at the Justice Center in regards to expansion of them, verses moving everything off site for expansion purposes. They would like to see the feasibility of what can be accomplished with the building and the land that is presently there if it is at all feasible.

Chairman Brenneman then stated that from the study we would have the documentation necessary to go to the voters to see if this is something they are willing to support.

Bonnie Olson stated that what was done a couple of years ago with the study was more in reference to the Sheriff's office and did not include the Justice Center departments, which they now know from the study that was done that they are looking at a 20 year growth plan in which they need to start planning now.

Commissioner Hall then questioned why a RFP was not put out for this proposal.

Jonathan Smith said it was under \$20,000.00 so was not necessary. Also discussed was the contract, in which a couple of changes need to be made in regards to insurance provisions for independent contractors, and to change the language where the architect says that they own the plans to say that the county owns the plans.

Commissioner Lauman made a **motion** to authorize the chairman to sign a contract that reflects the proposed changes on the contract. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: ROOFING CONTRACT/ COURTHOUSE

11:55:50 AM

Members present:

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

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Weed & Parks Director Jed Fisher, Don Mills, Clerk
Diana Kile

Discussion was held relative to the roofing contract for the courthouse for \$49,999.00.

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

12:00 p.m. Commissioner Brenneman to Bigfork Steering Committee Public Forum @ Bethany Lutheran Church
2:00 p.m. Commissioner Lauman to AOA Board meeting @ Kalispell Senior Center
4:00 p.m. Long Range Planning Task Force meeting @ Earl Bennett Bldg.
6:00 p.m. Fair Board meeting @ Fair Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 13, 2007.

FRIDAY, APRIL 13, 2007

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

9:00 a.m. Commissioner Lauman to Audit Committee meeting @ Commissioners' Meeting Room

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