
MONDAY, APRIL 16 2007

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

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

[9:03:53 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, AOA Director Jim Atkinson, HR Director Raeann Campbell, Cheryl Talley, Robin Boon, Kim Thomas, Clerk Diana Kile

Discussion was held relative to the county being the coordinator for MDOT for public transportation within Flathead County, in which they are required to go through a process for anyone who gets 5311 money and are responsible to monitor it. Atkinson reported they had to eliminate the contract with Special Friends, because of problems they have run into. Also discussed was the Glacier Park buses in regards to drivers, cost of running the buses and passenger shelters at bus stops. It was reported that the Transportation Advisory Board projected they would give 44,950 rides this year and YTD they are now at 33,700; the rides per hour is about the same, but the dollars per ride has increased significantly with them expanding routes.

Cheryl Talley said a decision needs to be made in regards to dispersion of the buses during the off season. A summary of the counties responsibilities in the cooperative agreement with the Department of Transportation was presented to the commission. The Department of Transportation has asked that the county be a clearing house for any vehicles that they would not use within the county to be dispersed around the rest of the state. Also discussed was the problem they have run into in leasing out vehicles to FVCC in regards to insurance concerns that need to be resolved. It was then stated that she would be meeting with representatives from Jim Lynch's office, in which they would like to lay out a plan for being able to disperse the vehicles; so she needs to know if the agreement is going to be changed.

Discussion was then held in regards to a lease agreement with the park that would require them to cover their own insurance during the time that they would be using the buses.

Robin Boon stated that if the lease agreement did not have a provision in it that they would need to be primary when they have the buses; that language would be needed in the lease that states, "you are responsible on a primary basis when you have the vehicle". Also discussed was that MACo is uncomfortable with the situation and are wondering why a Transit Authority is not being formed.

Jonathan Smith said that a Transit Authority would just be another entity and would have to have insurance like the county does.

Chairman Brenneman then said that if we are obligated to farm the buses out, then all we would need to do is require proof of insurance. He then stated that if our policy is to require proof of insurance then MACo would be protected; that all that would be required is for the county to specify what the requirements are.

Robin Boon said she would like Flathead County to investigate the formation of a Transit Authority.

Jim Atkinson stated that his concern with a Transit Authority would be that it would change their funding source, with them receiving rural transportation funds. Also discussed was senior home repair, nutrition and long term funding from the state.

PUBLIC HEARING: CREATION OF FOX HILL ESTATES WATER DISTRICT

[9:35:00 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Randy Wolff, Laura Keller-Wolff, 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.

Randy Wolff a resident in Fox Hill Estates Phase 1 questioned how the creation of the water district would affect him.

Jonathan Smith then said that they would not be able to expand without the consent of the property owners.

Chairman Brenneman stated that it will only apply to Phase 4.

Commissioner Hall made a **motion** to adopt Resolution #2032 to create Fox Hill Estates Water District. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

WHEREAS, the Board of Commissioners of Flathead County, Montana, received a petition, pursuant to Section 7-13-2204, M.C.A., signed by 100 % of the owners of all property within the proposed district, requesting the creation of a county water and/or sewer district to be known as the Fox Hill Estates County Water and/or Sewer District;

WHEREAS, the Board of Commissioners also received a petition requesting the appointment of Terry Leighty, Mark Leighty, and Dan Leighty as the three initial members of the Board of Directors of the Fox Hill Estates County Water and/or Sewer District, also signed by 100 % of the owners of all property within the proposed district, pursuant to the terms of Section 7-13-2231, M.C.A.;

WHEREAS, the Board of Commissioners of Flathead County, Montana, published notice, on April 2 and April 9, 2007, of a public hearing on the petition to create a county water and/or sewer district to be known as the Fox Hill Estates County Water and/or Sewer District;

WHEREAS, after publication of said legal notice, the Board of Commissioners conducted the public hearing, on April 16, 2007, regarding the proposed creation of the Fox Hill Estates County Water and/or Sewer District; and

WHEREAS, the Board of Commissioners considered, at said hearing, the petition and those appearing thereon, and considered the fact that no written protests were filed with the county clerk and recorder prior to said hearing, by or on behalf of owners of taxable property situated within the boundaries of the proposed district.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of Flathead County that the petition complies with the requirements of the provisions of parts 22 and 23 of Chapter 13, Title 7, M.C.A.

BE IT FURTHER RESOLVED that the Fox Hill Estates County Water and/or Sewer District is hereby created.

BE IT FURTHER RESOLVED that the boundaries of said proposed Fox Hill Estates County Water and/or Sewer District are those set forth in said Petition and on Exhibit A hereto.

BE IT FURTHER RESOLVED that the next regular election for the Fox Hill Estates County Water and/or Sewer District shall be held in November of 2007.

BE IT FURTHER RESOLVED that Terry Leighty, Mark Leighty, and Dan Leighty shall be the initial members of Board of Directors, and shall serve until the election and qualification of their successors at the next regular election to be held in November, 2007.

BE IT FURTHER RESOLVED that of the three member of the board of directors elected at the November, 2007, election, one of said directors shall serve a term of 2 years and two shall serve terms of 4 years; at their first meeting after said election, the directors shall determine by lot which of them shall serve the term of two years. Members of the board of directors elected in November, 2009, and thereafter will serve terms of four years.

Dated this 16th 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: /s/ Dale W. Lauman
Dale W. Lauman, Member

ATTEST:
Paula Robinson, Clerk

By: /s/ Diana Kile
Diana Kile, Deputy

Certificate of Dedication
"Exhibit A"

We, Dan and Sam Leighty, the undersigned property owners of Fox Hill Estates do hereby certify that we have caused to be surveyed, subdivided and platted into lots as shown by the plat hereunto included, the following described tract of land, to-wit:

A Tract of land, situated, lying, and being in the East half of the Northwest Quarter and in the Northeast Quarter of the Southwest Quarter of Section 10, Township 28 North, Range 20 West, P.M., M., Flathead County, Montana, and more particularly described as follows to-wit:

BEGINNING at the Northeast corner of the Northwest Quarter of Section 10, Township 28 North, Range 20 West, P.M., M., Flathead County, Montana, which is a found iron pin on the center line of a 60 foot county road known as Mennonite Church Road; Thence along the east boundary of said NW ¼ and along the East boundary of the Northeast Quarter of the Southwest Quarter of said Section 10, S00° 03' 59" W 3951.68 feet to a found iron pin and the Southeast corner of said NE ¼ SW ¼; Thence along the South boundary of said NE ¼ SW ¼ S89° 09'04" W 831.60 feet to a found iron pin; Thence NORTH 3406.40 feet to a set iron pin; Thence N88° 30'00"E 775.72 feet to a set iron pin on the westerly R/W of a 60 foot private road and utility easement; Thence along said R/W N00° 03'59"E 536.92 feet to the North boundary of said NW ¼ and the centerline of said Mennonite Church Road; Thence along said North boundary and along said centerline N89° 38' 27" E 60.00 feet to the point of beginning and containing 66.008 ACRES; Subject to and together with a 60 foot county road as shown hereon; Subject to and together with all appurtenant easements of record.

THE ABOVE DESCRIBED TRACT OF LAND SHALL HEREAFTER BE KNOWN AS: FOX HILL ESTATES, PHASE 4.

The above described tract of land is to be known and designated as Fox Hill Estates, Phase 4, Flathead County, Montana. I hereby certify that legal access to all lots within this subdivision is provided by Mennonite Church Road and the internal subdivision roads per Section 76-3-608-(3) (d), MCA.

The lands included in the roadways, park and common areas shown on said plat are hereby granted and donated to the lot owners forever. The roadways dedicated on this plat are private in all respects; however said roadways shall be open to

public service use. The owners agree that the County has no obligation to maintain the roads hereby open to public service use. The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private providing or offering to provide telephone, electric power, gas, cable, television, water or sewer service to the public, the right to the joint use of and easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.

Dan Leighty
Property Owner
Fox Hill Estates, Phase 3 & 4

Sam Leighty
Property Owner
Fox Hill Estates, Phase 3 & 4

Diana Leighty
Property Owner
Fox Hill Estates, Phase 4

MEETING W/ JOHN KLASSEN RE: FIRING RANGE

[9:39:23 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Erica Wirtala, Sean Frampton, Martin Laskey, Michele Larsen, Robert Rice, Tony Martin, Rachel Phillips, John Klassen, Tim Bartholomew, Narda Wilson, Clerk Diana Kile

John Klassen spoke in regards to his concern with a trap and skeet shooting range west of Whitefish that a neighbor plans to develop. It was then stated that a bulk of the neighbors are totally opposed to it. He then presented the commission with a petition with 125 signatures on it in opposition to the shooting range. Klassen then stated that with the petition there are letters from the Audubon Society, Jay Diest a wildlife photographer and the Superintendent of Public Instruction, Linda McCulloch. Klassen said that he feels the children in Bissell school have a right to peace and quiet and that a shooting range ¼ mile away from the school seems ridiculous.

Narda Wilson a private land use consultant presented a map to show the area of concern. She then stated that she was contacted by the neighbors to try to address the issue of a private gun club that is going in at Tally Lake and Farm to Market Road. Wilson then said that the neighbors have a few options as far as how to address this issue with interim zoning or Part 1 zoning, that can be put into place if 60 percent of the property owners within an area petition zoning, then it would go to the Planning & Zoning Commission; which would be the three county commissioners, county surveyor, city official and two appointees. She then questioned how quickly this could be done for consideration and respectfully requested that the commissioners consider the Part 1 zoning with 80 percent of the property owners in the area being in favor of zoning. Wilson then proposed that they would provide a certified list of property owners, everyone inside the district and within 100 feet of the district and get the footwork done to help expedite the process.

Commissioner Hall questioned Jonathan Smith in regards to the possibility of the Sheriff signing off, with an approval or denial in which at that time the commission can then approve or deny.

Jonathan Smith said that it would be a process, but not a very clear process; that there is a statute that says if one has been approved it is forever approved. He then said that they do not advise creating more Part 1 zoning with it being less specific and hard to enforce. Smith then spoke about the legislature passing a policy in 1991 protecting the right to have shooting ranges that is pretty broad, in that you can zone certain areas to not allow shooting ranges. He then said that in this case it is difficult for these people to protect their property in this instance, because shooting ranges are preferred by our state legislature. He then spoke of his concern in having to go through the whole process of interim zoning, in which the Supreme Court said the procedure that must be used is 76-2-205 that will take over a month to do.

Sean Frampton representing, Mr. Hayes stated that it is his clients desire to have a private gun facility in Whitefish; that it would not be a gun club for public use or membership. Frampton then stated that he visited the site and saw no safety concern at all given the distance and also saw no problem with noise for the school in his opinion. He then stated that it is more like a half a mile away from the school separated by dense forest. He then spoke about the area being well known for hunting with plenty of shooting going on there. He then said from a legal perspective in his opinion he feels Mr. Hayes' rights are vested at this point with no zoning out there, and to pass something to contravene what he has already started might present an issue in that regard. It was stated that Mr. Hayes would like to work something out with the neighbors, to sit down with them and if there are any issues with noise, he is willing to plant whatever trees are necessary or do whatever is necessary to mitigate the noise problem.

Commissioner Hall questioned if it was a private club for his use now, if it could be turned over into a public gun club later.

Sean Frampton stated that would not be his intention in any way to make it a membership club that it is simply a facility for a shooting range that he wants to have. He then said that it is his understanding that if you are in the county you can build whatever structure you like and that you can fire shotguns in the county.

Chairman Brenneman then stated that Mr. Hayes may decide to sell the property with the shooting practice being established and the next owner having other plans.

Rachel Phillips a land owner in the area said that it is her understanding that Mr. Hayes owns property here, so he does have a vested interest in the community and then questioned what constitutes private verses public. Phillips then said if you have a vested interest in the community and you have 40 friends that are going to go out and shoot, how private is that.

Chairman Brenneman then said vested in effect means that he has started the club at this point, so even if zoning were to be enacted this afternoon, he would have already had this in place and you can't zone retro actively.

Rachel Phillips then said that her question is what constitutes private and what limitations does private have. She then questioned Mr. Hayes' vested interest in the community.

Sean Frampton stated that he does not know the extent of what Mr. Hayes is talking about in terms of friends, but he knows it is no where near 40.

Chairman Brenneman said that we have a general request to consider zoning in this area and we have people who have expressed interest in zoning this area. He then commented that you have to be careful of unintended consequences if zoning is enacted; in that it may or may not be able to prevent a shooting range and may or may not meet the other needs of the community that is wishing to bring it forward. It was then stated that they as a commission have adopted a policy that they have discussed at length during the zoning process of interim emergency zoning, that was adopted down on the lake and as a commission they supported the legal advice they received, saying that they are going to follow the statues as we understand them involving the requirement for a public hearing. He then asked if it was the desire of the commission to change that view of the policy.

Commissioner Hall stated that he had an uneasy feeling with Mr. Hayes having offered to meet with the neighbors to see if they could work out a solution, and that we are setting things in motion with that aspect not having been worked through yet. He then said that the man has not had his day in court yet with the neighbors.

Michelle Larsen a neighbor that lives right across the street said that she has personally spoken with Mr. Hayes and he has told her that he is planning on shooting two hours a day, seven days a week from June through October. Larsen then stated that is a lot of shooting and she feels the noise will be a problem and is also concerned about the property being sold.

Chairman Brenneman stated that the options before them are that the neighborhood certainly has the right to proceed with the request for zoning and strongly encouraged them to meet with Mr. Frampton, also discussed was covenants being placed on the property.

Jonathan Smith then said that he feels there may be a grandfathering issue, where he may have done enough already to go ahead, even if they did zone the property. It was then stated that as long as they are going to do interim zoning, following the same process as regular zoning, they might as well look at regular zoning rather than interim zoning.

Jeff Harris said that they had an opportunity to sit down with the neighbors and walk through some of the options. He then said that when they talked about interim zoning, he did not feel that interim zoning made any sense there; that it made sense from their perspective, but as the statues are reviewed you do interim zoning as you are doing other things.

PRELIMINARY PLAT: JEWEL BASIN RANCH, AMENDED PLAT OF LOT 1

[10:18:05 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 Eric Giles, Erica Wirtala, Clay Morgan, Leo Gallin, Jon Capan, Ted Zach, Norma Zach, Clerk Diana Kile

Giles reviewed the application submitted by Cole Family Trust c/o Ted Zach with technical assistance from Sands Surveying for preliminary plat approval of Jewel Basin Ranch; a minor subdivision that will create a two lot subdivision on 24 acres proposed from an existing subdivision lot located off of Foothills Road. The proposal includes access from a private internal subdivision road to one lot and an individual driveway from the county road on the other lot. Each will have individual septic and private wells.

Commissioner Hall made a **motion** to adopt Staff Report FPP 06-69 as findings of fact as amended. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Wirtala spoke about a variance request in regards to traffic accessing onto Foothills Road in condition 1, condition 7 in regards to fire hazards will be replaced with; The subdivider will continue to mitigate for fire safety by participation in the Bigfork Fire Mitigation Program to reduce fuels and fire danger on the property. A certificate from the Bigfork Fire Department will be issued before final plat as authenticity of participation. A cash-in-lieu of tanker recharge unit payment, of a mutually agreed-upon amount between the Bigfork Fire Chief and the applicant, will be made before the application of final plat. Condition 13 (f) - (3) in regards to wildlife attractants will be changed to read: Prohibiting wildlife attractants such as salt, mineral licks, bait or feed. Condition 19 will be added to read: The subdivider will provide a copy of the recorded deed restrictions for Lots 2, 3 and 4 of Jewel Basin Ranch, which provides no further subdivision of the noted lots.

Commissioner Hall made a **motion** to approve preliminary plat of Jewel Basin Ranch Lot 1 with amended conditions. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONDITIONS

1. A variance will be granted by the Flathead County Board of Commissioners to Section 3.9(C) for access to Lot 2 via a residential driveway onto Foothill Road [Section 7.1, Flathead County Subdivision Regulations]
2. The subdivider will receive physical addresses in accordance with Flathead County Resolution #1626. All addresses and roadway names will appear on the final plat. Street addressing will be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
3. A road identification sign and stop sign will be installed at the intersection of the internal subdivision road and Foothill Road [Section 3.9(I)(8), FCSR] All road signs will be metal with reflective letters. [Section 3.20(C), FCSR].
4. The applicant will show proof of a completed approach permit from the Flathead County Road Department for Lot 2 and the internal subdivision road serving Lot 1, indicating the approaches have been built and received final inspection. [Section 3.8(A), FCSR]

5. Access for Lot 1 via the existing internal subdivision road will be maintained. Proof of an agreement between all parties utilizing the road easement for access will be required for final plat, including all parcels to in the original Jewel Basin Ranch Subdivision. A notarized copy of this agreement will be provided with the final plat application. [Section 3.9(J)(3), FCSR]
6. 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]
7. The subdivider will continue to mitigate for fire safety by participation in the Bigfork Fire Mitigation Program to reduce fuels and fire danger on the property. A certificate from Bigfork Fire Department will be issued before final plat as authenticity of participation. A cash-in-lieu of tanker recharge unit payment, of a mutually agreed-upon amount between the Bigfork Fire Chief and the applicant, will be made before the application of final plat.
8. The stormwater drainage, individual water wells and individual septic treatment systems for the subdivision will be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A), FCSR]
9. 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]
10. Existing trees, ground cover, and other vegetation will be retained in accordance with Section 3.2, FCSR.
11. The applicant will obtain a letter from the local postmaster, indicating the applicant has met the postal service's requirements for mail delivery in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
12. A 15-foot bicycle and pedestrian easement will be established on the property along Foothill Road. [Section 3.18(A), FCSR]
13. The following statements will be placed on the face of the final plat applicable to all lots:
 - a. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities will be placed underground.
 - c. Lot owners are notified 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 users' agreement will govern maintenance of the internal subdivision road and tanker recharge facility. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
 - 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. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area, including elk, bear, and mountain lion, and are reminded that feeding big game is illegal, as it not only has negative impacts on the animals themselves, it increases the presence of dangerous predatory animals. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
 1. Keeping dogs under owner control at all times.
 2. Using bear-proof garbage containers, stored inside garages or other secure facilities.
 3. Prohibiting wildlife attractants such as salt or mineral licks, bait or feed.
 4. Removing obvious sources of food.
 5. Securing wildlife attractants such as pet food or barbecues indoors.
 6. Limiting the use of or prohibiting bird feeders.
 - g. Limiting the type and height of property or perimeter fencing.
 - h. Only class 'A' or 'B' fire rated roofing materials are allowed on structures within the development.
 - i. Defensible space as discussed in Appendix 'G' of the Flathead County Subdivision Regulations will be applied to all internal subdivision roads and all lots within the subdivision.
 - j. This subdivision is located in an agricultural/silvicultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm and the right to active timber management on adjoining properties will not be restricted as a result of the development or occupancy of this subdivision.
 - k. No lot will be further subdivided.
 - l.

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.

14. The applicant will contact the Superintendent of Schools, and if required install a school bus drop-off/pick-up areas at a location approved by the Superintendent of Schools. This location will be indicated on the face of the final plat.
15. The applicant shall contact Montana Fish, Wildlife, and Parks and incorporate all concerns of the Department into the Conditions, Covenants and Restrictions for Jewel Basin Ranch Amended Lot 1. A copy of the signed and recorded Conditions, Covenants and Restrictions demonstrating the restrictions will be submitted for final plat approval.
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 subdivider will provide a copy of the recorded deed restrictions for Lots 2, 3, and 4 of Jewel Basin Ranch which provides no further subdivision of the noted lots.

FINAL PLAT: RIVER PARK AT ASHLEY CREEK #2

[10:36:30 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Planner Traci Sears-Tull, Planner Eric Giles, Jay Wolfe, Stephanie Wallace, Erica Wirtala, Clerk Diana Kile

Sears-Tull reviewed the application submitted by Russell Swindell with technical assistance from Sands Surveying for final plat approval of River Park at Ashley Creek #2; a subdivision creating one residential lot and a 3.588 acre park. This subdivision is located south of Kalispell off Lower Valley Road. Preliminary plat approval was granted on November 8, 2005, subject to 20 conditions. All conditions have been met and staff recommends approval.

Commissioner Lauman made a **motion** to approve final plat of River Park at Ashley Creek #2. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

MEETING W/ CRAIG OSTERMAN, TREASURE ST. ALLIANCE RE: PETITION FOR INVENTORIED ROADLESS

[10:47:49 AM](#)

Members present:

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

Others present:

Craig Osterman, Dave Skinner, Fred Hodgeboom, Clarice Ryan, Clerk Diana Kile

Craig Osterman spoke about a petition that he is putting together under the Bush Roadless Rule in regards to flexile management on roadless areas. Osterman stated that the Governor of Montana decided not to move forward with the petition and sued on behalf to stop the Bush Roadless Rule; now with the Bush Roadless Rule and the Clinton Rule being appealed the Wyoming case will be coming back with new roadless rules being in litigation. Osterman then stated that through talking with Mark Ray, the under Secretary of Agriculture for Natural Resources in the environment and Mr. Cook that sits on the Civilian Advisory Committee for reviewing the petitions, that it came to his attention that they have the opportunity as citizens in the counties of Montana to move forward under the Administrative Procedures Act to submit; how to manage roadless areas in Montana. This will be submitted to Mark Ray and he will move it on to his Citizens Advisory Committee. He then stated that Mark Ray likes the idea, because he is seeing some good results of what the committees have produced with the petitions that he is seeing, helping him to review the management in each state of how his forest service is doing, from basically a citizens stand point. It was then stated that his goal is to get at least 12 counties together and submit the petition, and they would then ask the governor to look at it. Also discussed was a possible letter of support from the Governor that he would like the counties to ask for. It was then stated that pro active management seems to be the consensus among the 17 counties. A draft will be presented to the commission for consideration.

FINAL PLAT: CRYSTAL CREEK SUBDIVISION

[11:09:36 AM](#)

Members present:

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

Others present:

Planner Eric Giles, Dawn Marquardt, Debbie Shoemaker, Clerk Diana Kile

Giles reviewed the application submitted by Tri-Fam, LLC with technical assistance from Marquardt Surveying for final plat approval of Crystal Creek Subdivision; a subdivision creating five residential lots. This subdivision is located off of the North Fork road in Columbia Falls. Preliminary plat approval was granted on November 10, 2005, subject to 15 conditions. Staff recommends approval.

Commissioner Hall made a **motion** to approve the SIA for Crystal Creek Subdivision. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve final plat of Crystal Creek subdivision. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

FINAL PLAT: ROCKY TOP SUBDIVISION

[11:30:06 AM](#)

Members present:

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

Others present:

Planner Eric Giles, Brooke Howard, Sarah Arrigoni, Clerk Diana Kile

Giles reviewed the application submitted by Steve and JoAnne Russell with technical assistance from Montana Mapping for final plat approval of Rocky Top Subdivision; a subdivision creating three residential lots. This subdivision is located off of Horseshoe Drive, off of Mt. Hwy 35 in the Many Lakes area. Preliminary Plat approval was granted on January 23, 2006, subject to 18 conditions. Staff recommends approval.

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

FINAL PLAT: THE CREEK

[11:46:51 AM](#)

Members present:

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

Others present:

Planner Kirsten Holland, Jane Eby, Clerk Diana Kile

Shaw reviewed the application submitted by Jeremy Boyes with technical assistance from Eby and Associates for final plat approval of The Creek, a subdivision creating one residential lot with a remainder. This subdivision is located off Hwy 2 West, just west of Whalebone Drive. Preliminary plat approval was granted on February 10, 2004 with an extension granted on February 10, 2007, subject to 8 conditions.

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

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

TUESDAY, APRIL 17, 2007

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

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

Russell Crowder spoke representing American Dream Montana and presented the commission copies of US Supreme Court 483 U.S. 825 Nollan v. California Coastal Commission and US Supreme Court 512 US 687 Florence Dolan v City of Tigard, US Code Title 42, Chapter 21, Sub Chapter I, 1981 (Equal Rights Under the Law) US Code Title 42, Chapter 21, Sub Division I, 1983 (Civil Action for Deprivation of Rights)

It was requested that the following be entered into record: Flathead County Commissioner Dale Lauman has received a copy of this material, Flathead County Commissioner Joe Brenneman has received a copy of this material, that a copy of this material was left with Flathead County Commissioner Gary Hall with the Clerk of the Flathead County Commission and that a further copy was given to the Clerk to be entered into the record of this meeting. These documents were presented to these individuals prior to Flathead County Commission acting on the adoption of the new "DRAFT" Flathead County Subdivision Regulations.

What this means is as of this day forward if any of the civil liberties affirmed by the United States Supreme Court in the two cases handed to the Commission are denied any property owners in Flathead County, whoever is involved in that, that has been noticed of these cases is now subject to civil action. In other words it is not just the county that can be sued; that he wants you to understand clearly that if a property owner in Flathead County finds themselves in that position, that American Dream Montana will see that this material is given to the property owner as well as the documentation that this commission has been served. Please consider this judicial notice.

It was stated that he had two more to deliver to the Flathead County Attorney and the other will be delivered to Mr. Jeff Harris, Director of Flathead County Planning and Zoning.

Allen Skare spoke in regards to a road that goes into Blaine Creek Estates that he is questioning if it was built to specs. It was stated that the material that was put on the road was regular pit run and that crushed concrete was put on top of that. Skare stated that he went to the planning board and received a copy of the specs that the road was to be built to. He then said that the whole road should be dug up and shale should be put there. Skare also questioned why no drainage was put in and questioned what he could do. He was advised that the commission would check on the road.

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

BI-MONTHLY MEETING W/ JED FISHER, WEED/ PARKS/ MAINTENANCE

[9:09:22 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Weed & Parks Director Jed Fisher, Clerk Diana Kile

Fisher stated that Johnson Controls will be bringing forth a proposal for where efficiencies can be improved and upgrade the county buildings under the Johnson Controls plan. He then reported on the courthouse roof, generator roof, replacement of stairs at the Juvenile Building and also requested that money be re-appropriated to accommodate the Justice Center lobby carpet needs. It was then stated that he has an issue with the insurance requirements in that he spent four hours getting the proper information from a contractor in regards to their insurance, and that some of them are charging \$100.00 to supply the information. He then spoke about this affecting his budget with all the vendors that he works with. Discussion then included Stillwater Christian School in which it was stated that the asking price is 4.7 million dollars; the Stillwater Christian School Board and Dr. Heine want to see Flathead County Parks and Recreation in the building and have agreed to meet with the Park & Recreation Board and potentially work out some in-house deal, where they will carry the paper with some financing arrangement. Fisher also reported on negotiations going on with the lease of Conrad Complex and a request from the Department of State Lands to expand into Lincoln and Lake Counties for spraying two to three miles into their counties, in which he stated that he will check with Jonathan Smith, Raeann Campbell and Robin Boon for insurance requirements.

MONTHLY MEETING W/ DEBBIE PIERSON, GRANT WRITER

[9:26:28 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Grant Writer Debbie Pierson, Clerk Diana Kile

Pierson reported that the application period opened for the Assistance to Firefighters Grant that will be due on May 4, 2007, that she is working on now. It was stated that everything is looking good so far, with only about 25 percent of the applications that are funded. Pence questioned what the total amount of the grant would be, in which Pierson stated that she is not sure yet and is waiting for a second vendor quote, but that it is about \$915,000.00 total with the match portion being about \$185,000.00 that will come from the 911 tax funds. Also discussed was the grant writer's workshop at the Blackfeet Community College on May 1 and May 2 that Pierson will be attending, Browns Field Phase I assessment, affordability housing and the possibility of a grant for a water/sewer district.

OPEN BIDS: CHEMICALS/ WEED DEPT.

[9:34:20 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Weed & Parks Director Jed Fisher, Clerk Diana Kile

Bids received from:

Wilbur-Ellis Company	500 Gallons Tordon 22K Herbicide	\$ 79.00	=	\$39,500.00
	65 Gallons Transline Herbicide	\$290.00	=	\$18,850.00
	400 Gallons Curtail Herbicide	\$ 31.00	=	\$12,400.00
	200 Gallons of Aquatic Labeled 2, 4-D	\$ 10.75	=	\$ 2,150.00
	7 Gallons Lontrel	\$500.00	=	\$ 3,500.00
CHS	500 Gallons Tordon 22K Herbicide	\$ 78.43	=	\$39,215.00
	65 Gallons Transline Herbicide	\$296.45	=	\$19,269.25
	400 Gallons Curtail Herbicide	\$ 34.37	=	\$13,748.00
	200 Gallons of Aquatic Labeled 2, 4-D	\$ 9.80	=	\$ 1,960.00
	7 Gallons Lontrel	\$536.04	=	\$ 3,752.28

Commissioner Lauman made a **motion** to take under advisement the chemical bids from Wilbur-Ellis Company and CHS. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: GREY OWL LOOP, SUMMER TRAIL, LINEMAN TRAIL, DEER CREEK ROAD AND BEAR CANYON ROAD NAMING

9:37:20 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Lauman made a **motion** to authorize the publication of the above road namings and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. 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 **GREY OWL LOOP**.

Road generally running southerly of & westerly off Deer Creek Road and located in the NE4NE4 Section 1, Township 26 N, Range 21 W and in the NW4NW4 of Section 6, Township 26 North, Range 20 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **3rd day of May, 2007, at 10:00 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 **GREY OWL LOOP**.

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

Dated this 17th 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 21 and April 28, 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 **SUMMER TRAIL**.

Road generally running easterly off Forest Service Road #2909 and located in the SW4SW4 Section 26 and the S2SE4 Section 27, Township 30 North, Range 24 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **3rd day of May, 2007, at 10:00 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 **SUMMER TRAIL**.

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

Dated this 17th 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 21 and April 28, 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 **LINEMAN TRAIL**.

Road generally running westerly off Deer Creek Road and located in Gov't L.3 & 4 & SE4NW4 of Section 1, Township 26 North, Range 21 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **3rd day of May, 2007, at 10:00 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 **LINEMAN TRAIL**.

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

Dated this 17th 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 21 and April 28, 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 **DEER CREEK ROAD**.

Road generally running southerly off the already existing Deer Creek Road and located in the E ½ of Section 1, Township 26 North, Range 21 West, P.M.M., Flathead County, Montana. This will rename the existing Bear Mountain Road to Deer Creek Road.

The public hearing will be held on the **3rd day of May, 2007, at 10:00 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 **DEER CREEK ROAD**.

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

Dated this 17th 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 21 and April 28, 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 **BEAR CANYON ROAD**.

Southerly portion of the existing Deer Creek Road located in the W½ of Section 1, Township 26 North, Range 21 West, P.M.M., Flathead County, Montana. This will rename the south portion of the existing Deer Creek Road to Bear Canyon Road.

The public hearing will be held on the **3rd day of May, 2007, at 10:00 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 **BEAR CANYON ROAD**.

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

Dated this 17th 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 21 and April 28, 2007.

BUDGET AMENDMENTS

9:45:25 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Finance Director Laurel Raymond, IT Director Vicki Saxby, Under Sheriff Pete Wingert,
Karen Moore, Dick Morrow, Clerk Diana Kile

Commissioner Lauman made a **motion** to approve budget amendment resolution #2033. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum

BUDGET AMENDMENT RESOLUTION NO. 2033

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

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2006-2007; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 17th day of April 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By:/s/Diana Kile
Diana Kile, Deputy

COUNTY OF FLATHEAD						
GENERAL JOURNAL VOUCHER						
Finance Copy						
						VOUCHER NO.:
Date Issued	4/6/2007	Budget Amendment			Entered by: Dick M	
DATE OF RECORD:	4/20/2007	Resolution #	2033			
Fund	Dept	Account	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2933	190	3331152		STEP DUI/SEATBELT	20,657.00	
2933	190	331153		FIXED PRICE DELIVERABLE	1,250.00	
2933		172000		REVEUNE CONTROL		21,907.00
2933	0190	420150	120	TRAFFIC		7,996.00

				CONTROL/Overtime		
2933	0190	420150	141	TRAFFIC CONTROL/Unemployment		18.00
2933	0190	420150	142	TRAFFIC CONTROL/INDUSTRIAL Accident		292.00
2933	0190	420150	143	TRAFFIC CONTROL/Health Ins		418.00
2933	0190	420150	144	TRAFFIC CONTROL/FICA		571.00
2933	0190	420150	146	TRAFFIC CONTROL/Sheriff Retirement		80.00
2933	0190	420150	147	TRAFFIC CONTROL/Medicare		133.00
2933	0190	420150	212	TRAFFIC CONTROL/Small Equipment		2,250.00
2933	0190	420150	231	TRAFFIC CONTROL/Gas, Oil		250.00
2933	0190	420190	120	SEAT BELT CAMPAIGN/Overtime		7,673.00
2933	0190	420190	141	SEAT BELT CAMPAIGN/Unemployment		18.00
2933	0190	420190	142	SEAT BELT CAMPAIGN/Industrial Accident		292.00
2933	0190	420190	143	SEAT BELT CAMPAIGN/Health Insurance		386.00
2933	0190	420190	144	SEAT BELT CAMPAIGN/FICA		553.00
2933	0190	420190	146	SEAT BELT CAMPAIGN/Sheriff Retirement		849.00
2933	0190	420190	147	SEAT BELT CAMPAIGN/Medicare		128.00
2933		24200		EXPENDITURE CONTROL	21,907.00	
Explanation					43,814.00	43,814.00
EXPLANATION BOOD 4TH QUARTER 2006 FEDERAL FISCAL YEAR CARRYOVER AND FFY 2007 STEP CONTRACT # 2007-23-01-10						

Commissioner Lauman made a **motion** to approve budget amendment resolution #2034. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum

BUDGET AMENDMENT RESOLUTION NO. 2034

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

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2006-2007; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 17th day of April 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Diana Kile, Deputy

COUNTY OF FLATHEAD			
GENERAL JOURNAL VOUCHER			
Finance Copy			VOUCHER NO.:
Date Issued	3/27/2007	Budget Amendment	Entered by: Dick
DATE OF RECORD:	4/20	Resolution #	2034

Fund	Dept	Account	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2964	0190	331125		Budget Amendment for Suicide	30,000.00	
2964		172000		Revenue Control		30,000.00
2964	0190	440113	210	Youth Suicide/Office Supplies		5,000.00
2964	0190	440113	228	Youth Suicide/Educational Supplies		1,000.00
2964	0190	440113	380	Youth Suicide/Training Services		1,000.00
2964	0190	440113	398	Youth Suicide/Contracted Services		23,000.00
2964		24200		Youth Services	30,000.00	
<u>Explanation</u>					60,000.00	60,000.00
Record Budget Amendment for Youth Suicide						

Commissioner Lauman made a **motion** to approve budget amendment resolution #2035. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum

BUDGET AMENDMENT RESOLUTION NO. 2035

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

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2006-2007; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 17th day of April 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Diana Kile, Deputy

COUNTY OF FLATHEAD GENERAL JOURNAL VOUCHER						
				Finance Copy	<u>VOUCHER NO.:</u>	
Date Issued	4/5/2007	Budget Amendment			<u>Entered by: Dick</u>	
DATE OF RECORD:	4/20/2007	<u>Resolution #</u>	2035			
Fund	Dept	Account	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
1000	0244	396100		Other Internal Service Rev/IT Charge	6,361.00	
1000	0244	172000		Revenue Control		6,361.00
1000	0244	500800	380	Phone Support/Training Services	1,200.00	
1000	0244	500800	212	Phone Support/Small Equipment	100.00	
1000	0244	500800	120	Phone Support/Overtime	4,110.00	
1000	0244	500800	143	Phone Support/Health	352.00	
1000	0244	500800	145	Phone Support/Pers	284.00	
1000	0244	500800	144	Phone Support/FICA	255.00	
1000	0244	500800	145	Phone Support/Medicare	60.00	
1000	0244	242000		Expenditure Control		6,361.00
<u>Explanation</u>					12,722.00	12,722.00

Record Budget Amendment (Phone Support) Internal Service Revenue

The reading and review of the Edward Byrne Memorial Justice Assistance grant was read into the minutes on 4/17/07, in which the Flathead County Sheriff's Office wishes to purchase Stinger Trooper spikes strips that will enable the Sheriff's Office to provide a more professional service to the general public.

Commissioner Lauman made a **motion** to endorse the application request. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #07-07-5-31-028-0

[10:00:05 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Clerk Diana Kile

Discussion was held relative to a fetal alcohol contract.

Commissioner Lauman made a **motion** to approve DPHHS Contract #07-07-5-31-028-0 and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum

DOCUMENT FOR SIGNATURE: EMPLOYEE CONTRACT/ HARRIS

[10:31:38 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

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

Discussion was held relative to the signing of the Planning & Zoning Directors contract.

QUARTERLY MEETING W/ MIKE MEEHAN, SHERIFF

This meeting was not held.

CONSIDERATION OF LAKESHORE VARIANCE: PEARSON

[10:34:17 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Planner George Smith, Craig McGilliuray, Clerk Diana Kile

Smith reviewed the Lakeshore Permit application submitted by Larry Pearson requesting a variance. The property is on the north end of Flathead Lake adjacent to Bigfork Harbor Village. The dock project proposed by Mr. Pearson would involve a major variance. Mr. Pearson has asked for a variance from Section 4.3 of the Lakeshore Regulations, which establishes a maximum dock length of 100 feet and a minimum depth of lake water of five feet.

Commissioner Lauman stated that he was familiar with the area.

Chairman Brenneman stated that the decision before them is whether this will require a major variance.

Commissioner Lauman then stated that he would agree that it would require a major variance.

Commissioner Lauman made a **motion** that the commission deems this to be a major variance. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT.

[11:00:11 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:
Clerk Diana Kile

Commissioner Lauman made a **motion** to approve the print bid from North Star Printing for 250 prescription books for \$52.00 and 1,000 Montana Breast & Cervical Health letterhead paper for \$82.00. Also approved was a print bid from Towne Printer for 3,000 immunization cards for \$77.82. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum

TAX REFUND: SPA AT WHITEFISH

[11:07:00 AM](#)

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

Commissioner Lauman made a **motion** to grant the abatement request for \$963.62 for the Spa at Whitefish. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF LAKESHORE VARIANCE: PUTZIER-EMMERT

[11:15:30 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Members absent:
Commissioner Gary D. Hall
Others present:
Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Planner George Smith, Clerk Diana Kile

Smith reviewed the Lakeshore Permit application submitted by Peter Putzier and Gordon Emmert to construct a deeded shared dock on a common property boundary. The proposed dock would be a modified "T" layout, and will require a minor variance for setback and configuration. A joint use and hold-harmless agreement will be added to the deed of both properties and recorded prior to issuance of the permit. Staff recommends approval of the variance for setback and configuration.

Commissioner Lauman made a **motion** to approve Lakeshore Permit No. FLV 07-02 and authorized the chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum

CONSIDERATION OF METHOD OF INTERIM SUBDIVISION REGULATIONS ADOPTION

[11:31:47 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Members absent:
Commissioner Gary D. Hall
Others present:
Assistant Michael Pence, Planning & Zoning Director Jeff Harris, County Attorney Jonathan Smith & Peter Steele, Marc Liechti, Rick Breckenridge, Ardis Larsen, Johanna Morrison, Charles Lapp, Peggy Mathiason, Clerk Diana Kile

General discussion was held relative to consideration of the subdivision regulations.

Jeff Harris stated that he has taken the commissioners suggestions and created another draft set of interim Subdivision Regulations. It was then stated that the changes would not necessarily require another public hearing with nothing new being added; they have deleted the controversial sections and forwarded them to the Planning Board for review.

Peter Steele encouraged the commission to adopt the interim regulations as soon as they can; that it would be up to the commission if they choose to have another public hearing, with the Planning Board scrutinizing the sections sent back to them.

Chairman Brenneman questioned what the rules and regulations would be if they were to accept written comments.

Peter Steele then said they could give a Notice of Intent to adopt Interim Subdivision Regulations on a particular date.

Jonathan Smith then said all that would be needed would be to put it on the agenda.

Chairman Brenneman spoke of the concern with interim regulations and a desire for more public comments, so that they can adopt a better document, not because of further obligation.

Jeff Harris then stated that you might want to consider a second public hearing; that it would be one thing to allow for public comment, and then questioned how you would differentiate between written comment and oral testimony.

Commissioner Lauman stated that he would not be comfortable adopting the interim regulations at this point with the items that were taken out and with the large amount of public concern. He then spoke in favor of another public hearing and proposed that we advertise for another public hearing in May and adopt a week later.

Commissioner Lauman made a **motion** to have another comment period with the intentions of adopting the Subdivision Regulations 1 week later. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Discussion was then held in regards to holding the meeting in the evening from 5:00 p.m. – 8:00 p.m., with the purpose of the meeting to improve the Subdivision Regulations.

12:00 p.m. Commissioner Lauman to speak at Evergreen Rotary Club @ First Interstate Bank
3:00 p.m. Commissioner Lauman to FEBC meeting @ FVCC
7:00 p.m. Special Fair Board meeting @ Fairgrounds Office

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

WEDNESDAY, APRIL 18, 2007

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

7:30 a.m. Commissioner Lauman & Commissioner Brenneman to Economic Development Roundtable @ FVCC, Business & Social Science Bldg, Rm, 109
11:00 a.m. County Attorney meeting @ Co. Atty's Office
12:00 p.m. Commissioner Brenneman to DUI Task Force meeting @ The Summit
4:00 p.m. Commissioner Hall to Kalispell Transportation Committee meeting @ Kalispell Chamber of Commerce
5:00 p.m. Commissioner Lauman to "Unwind" @ Hampton Inn

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

THURSDAY, APRIL 19, 2007

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

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

Jack Tuhulske an attorney representing Middle Canyon group stated that he would like to make a couple of point that he would like addressed. He then said that the public deserves to understand the basis for the settlement that will be discussed, and he presumes that once that agenda item is reached, that unless the commission calls one of them up, that it will not be open for public comment. Tuhulske then stated that the issues he thinks are important and that the public has a right to understand with the commission contemplating a course of action that is dramatically different from what happened in January 2006; where he thinks the commissioners acting in the interest of the community, and at least at the time believed consistent with their laws, denied a major expansion for Spoklie's gravel permit. They are now entertaining a settlement that would grant him a permit for 24 acres. Tuhulske then asked that the commission address two issues and stated that he would like to be corrected if his statement is wrong. He then stated that it is his understanding that the commissioners, if they approve this settlement that they are doing it not because they think that Spoklie's pit is all of a sudden a good idea, but because they are being told by the attorney's that under the configuration of Montana Law and CALURS that they have no choice but to approve this; that they are compelled to grant the expansion. The next point is that the county planning staff made a number of findings about the adverse environmental affects of the pit that are in the planning staff report in regards to impacts to wildlife, neighborhood, safety of the residents even with the widening of Belton Stage Road, and that those problems have not been resolved. The pit that is being approved now, because you have to approve it, is the same pit that was basically denied, because they thought it was a bad idea and contrary to the health, safety and welfare of the residents. He then said that if he is wrong about that he would like that to be discussed on the record, because it is his understanding that you as the publicly elected body still feel that this pit has problems, offends the neighborhood, offends the integrity of Glacier Park and presents safety and environmental issues and that those have not changed; it is just that they are compelled to approve this. The lateness in which this evolved because there is not apparently going to be a further public hearing, in which he encouraged them to consider that, he would like this to be of record.

Chairman Brenneman stated that the questions would be answered explicitly sometime after 9:00, that it would be inappropriate for them to respond without legal counsel.

Neil Brewster a property owner south of the Spoklie pit commented that he has not seen a settlement or draft, but that it seems to him that what is really at issue is 2 acres that were the Evans pit, that is being cared for due to a 1989 MCA 76. He thinks what needs to be considered is that the pit was approved at two acres, but that it has already expanded to eight and he thinks that if we are looking at a settlement, that the thing that the county needs to consider as compensation is that you are not going to fine this individual for doing this illegal activity. The remainder of the property, which is 30 plus acres he thinks should not be

a part of the settlement or should be delayed, until it can be reviewed by an appropriate group of people and by them so that all the facts can come forward and out of the back room. He then stated that he thinks Mr. Spoklie has already benefited from his illegal activity and that he is not entitled to anymore, and in this settlement the county needs to determine where these two acres actually are; that the pit seems to be moving and that it would be a benefit if the site were surveyed somehow, so that Mr. Spoklie could see what two acres actually look like. Brewster then said that the remaining 34 acres should remain residential and the fact of the manner is, as county commissioners you have been voted into office to represent all of us as citizens and you need to look at the benefit of the whole area in that those of us who plan to retire in the area, unless they can't stand the noise are entitled to a safe and peaceful residential area. Also stated was that the site should be shut down as a public nuisance and that Mr. Spoklie's right to profit from raping the land does not supersede their rights as citizens and property owners of the area and asked that they not go beyond the two acres.

Gail Pauley a year around resident of West Glacier community stated that back in 2003 Mr. Robert Spoklie purchased 35.39 acres of residential property on Belton Stage Road. It became evident very shortly after he purchased the property that he had no intention of using it for residential purposes, instead he began extracting gravel at the rate of up to four truck loads and hour; until he was shut down in 2005, because he was working illegally without a permit. Pauley then stated that you as the commissioners are being pressured into awarding a settlement to a man that has clearly and deliberately broken the law. She then said please, do not fall prey to his demands and threats, that there are defensible arguments that must come forward to the commission and urged that any decision be delayed on the future of this gravel pit, until they have had the opportunity to present their stance to them. It was then stated that you are our elected representatives and we turn to you today to uphold a commitment that you made to us. She then said that a question has come in regards to any kind of an agreement settlement that should be reviewed by the Middle Canyon Advisory Committee before it is settled.

Chairman Brenneman stated that the settlement agreement is yet to be seen by the commission.

Gail Pauley then asked if there was a part of the process where they should be given the opportunity to review the settlement, since it started with that committee.

Chairman Brenneman stated that they can only do what they have the authority to do; that the lawsuit was filed against Flathead County.

Pat McClelland a West Glacier resident for 42 years stated that she came there because of Glacier National Park, where her husband was employed and she volunteered in research. She then said that Glacier National Park is the golden goose on which the economic development of Flathead County is riding and that the eco system of Glacier Park will be diminished and affect the Flathead Valley. If the people of Flathead County wish to exploit the Crown of the Continent they may also need to protect it uses that extend beyond the park boundaries, for the benefit of those that come from all over the world to experience Glacier Park. McClelland then stated that this area has a higher calling than producing gravel; the Middle Canyon Land Use Regulatory System is an effort to regulate appropriate development; development that was inappropriate was not regulated, because it was not going to be there, the Spoklie gravel pit is inappropriate.

Becky Williams a 25 year resident of West Glacier until moving to Columbia Falls, stated that she is deeply concerned about the continued high quality of life in the West Glacier community, and the potential for disastrous long term consequences to Glacier National Park from operations of Spoklie's West Glacier area gravel pit. She then said that she respectfully requests that the Flathead County commissioners not react precipitously to damage claims by Spoklie. It was stated the Middle Canyon Group has brought many parts of the community together in concern for health, safety and the environmental quality of life issues. She then said Mr. Spoklie has totally disregarded any legal mandated permit procedures, and should not be allowed to flaunt community standards and concern in pursuit of his own extremely narrow self interests. Williams then stated that as a new resident of Columbia Falls, she feels that she still has a strong stake in the resolution of this issue with property values county wide all being considered at risk if operations such as Mr. Spoklie's, can flagrantly disregard long held community values, in that all Flathead Valley property owners will ultimately be penalized. She then said that she is a 41 year employee for Glacier National Park and certainly concurs with Pat McClelland's statement about the world heritage issues that affect Glacier Park and will certainly compound into the Flathead Valley.

Monica Yungster questioned if the Spoklie gravel pit was a case of, to have gravel or not have gravel; that is not the question here, it is where to find and how to go about the process, and if we look at the Constitution Article 2, Section 3 of the Inalienable Rights, where people are all born free to have certain rights, that include the right to a clean and healthy environment and the right to pursue life's basic necessities. In enjoying these rights all persons recognize corresponding responsibilities and that is where her interest is today. She then stated that if Mr. Spoklie didn't have all these rights, she would not be here today and then said that she is thankful to be able to stand here today and say that we need to look at the last sentence in recognizing our responsibilities. Yungster then said that all of us in business, in which she has one inside Glacier Park take a chance and are at risk, and sometimes it does not pay off as you desire. When the forest fire came through, she did not hold anyone responsible, she is the one that lost financial gain. Only the person that made the decision is responsible for the consequences being positive, negative financially or otherwise. No one else is, county government is not, the county attorney is not responsible for Mr. Spoklie and our neighbors and elected representative are not responsible for what he does. In this case she would say that only Mr. Spoklie is responsible for his decisions, that when he purchased the property on Belton Stage, it was listed as residential property. He then started a gravel pit under the Middle Canyon Zoning Plan, in which he was familiar with and the gravel pit operations were then shut down, when he did not follow regulations and he is responsible for whatever attempts he has decided to take in regards to certain DEQ files that seem to change with letters appearing, so to her, it is a case of me, my gravel pit and I. Yungster then stated that the Middle Canyon area is zoned in a matter of where citizens took the added responsibility to serve as a buffer zone to Glacier National Park, with the Park belonging to citizens of the State, United States and is basically an International Peace Park. We choose that responsibility noted in Section 3, of Article 2 a long time ago, and Glacier Park supports that and it is noted in our Neighborhood Plan. Grace Hayden has represented the Park and spoken in other county meetings before the commissioners and before the Planning Board to the fact that Glacier Park has no contract to purchase gravel from Mr. Spoklie and that the purchase of gravel from a licensed operator and pit that is not polluted would be more than likely the park services choice. As a business owner in Apgar Village it was stated that she has gone to many National Park service meetings and has learned what is required for federal road projects inside the park, and then suggested that the commissioners are more than welcome to contact the Superintendent of Glacier National Park for the specific

requirements of the process, of how or where the park service will purchase gravel if there is any claim that Mr. Spoklie may have financial loss connected with gravel not sold to Glacier Park. The State of Montana law and the National Government in Washington, D.C., are now working with the Canadian government on the environmental assessment process for the Cline Mine that would cross our border and affect water quality in the North Fork as the trans boundary water that borders Glacier Park. The maintenance of level air one shed for Glacier Park under EPA standards is of equal importance and has been noted by the park service, in which she is stating for the record that the dust from Mr. Spoklie's gravel pit while it was in operation was coming into the Park, which means that the Superintendent of Glacier Park was going to be responsible to uphold and investigate federal and EPA regulations and standards. Yungsters suggestion is that Mr. Spoklie should be given an appropriate acknowledgement of his constitutional rights, in regards to due process of the law, in which she is more than willing to grant to him; but for a situation of allowing Mr. Spoklie to operate a gravel pit next to Glacier National Park, there will never be a win-win achieved my mediation and settlement. This is one case where if the gravel is there it is not a win-win to go get it there for any reason and when there is not a win-win, it was stated the only option is to say, no deal, and she respectfully asked that the commission deny the settlement proposal in regards to the gravel pit on Belton Stage Road and consult the State Attorney. Yungster then stated that it seems as if it would be in the best interest of everyone that the Spoklie gravel pit finds its way back to district court and on its way to the Montana Supreme Court.

Mike Frislie a property owner on Belton Stage with a driveway next to the Spoklie gravel pit, spoke in support of stopping the operation of the gravel pit. He then said that the commission is tasked with a difficult decision for what Spoklie is going to do in the neighborhood and then reminded them about a proposal for an asphalt batch plant on the property that was being done illegally without permits. Frislie then said that if there is a settlement he would like to see things addressed such as, who is going to monitor and regulate what he is doing and also corrective actions for what he has done.

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

QUARTERLY MEETING W/ ANIMAL CONTROL

[8:51:33 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Animal Control Carl Talsma, Clerk Diana Kile

A statistics report was presented to the commission and general discussion was held in regards to Animal Control.

CONSIDERATION OF OFFER ON INDIAN TRAIL PROPERTY

[8:55:47 AM](#)

Members present:

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

Others present:

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

Commissioner Hall made a motion to approve the deed for Linda M. Spangle for property on Indian Trail and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a motion that the money from the sale of property on Indian Trail will be put into the building fund. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Hall and Lauman. Motion carried unanimously.

DISCUSSION & POTENTIAL DECISION/ SPOKLIE V. COUNTY SETTLEMENT

[9:04:23 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, County Attorney Peter Steele, Allen McCormick, Ken Kalvig, Jack Tuhulske, Mark Etchart, Gail Pauley, Dan Bangeman, Neil Brewster, Ann Fagre, Pat McClelland, Becky Williams, Mike Frislie, Heidi Havgin, Karen Connelly, Mary Kay Sinclair, Gail Jokerst, Ingalis Myers, William Myers, Monica Yungster, Clerk Diana Kile

Allen McCormick an Attorney with Garlington, Lohn & Robinson out of Missoula stated that he was appointed by JPIA MACo that represents the county in this case, and is in front of the commission today to recommend that they do something that he knows they do not want to do. This gravel pit issue as a whole has been a very controversial one for Flathead County and they recognize that, and also recognize in particular the difficulty of the process and the contentiousness of the process that they undertook, in regards to Mr. Spoklie's request for an extension permit of his gravel operation. We are aware of the broader community issue and he knows that recommending a settlement of this lawsuit today is something that you do not wish to do. I have been working with land use regulations on a professional level for approximately 14 years, and I can say without a doubt this is one of the most bizarre situations, and bizarre sequences of events that he has ever been involved in. In this case he feels it is fair to say that the decision has been taken out of your hands, because of the way state statues work and because of the way the CALURS regulations were created back in 1994. He then gave the background in which Mr. Evans owned the pit and operated the pit for numerous years, and when the Montana legislature enacted a requirement for permits, Mr. Evans came forward and got a permit for a small two acre area of his operations on this 35 acre piece of property. He got that permit in March of 1991, and in April of 1991, the Montana legislature enacted for the first time clear authority for county commissioners to adopt zoning regulations to regulate gravel operations. Hidden in that, hidden from the perspective that if you opened up your

statue book, you are not going to see this clause and that is the problem here, so hidden in that statue was a savings clause, and what the clause said, was that any contract/ permit that has been issued prior to the effective date of this act, which was April of 1991, and included in that legislative act was a savings clause that said, "no permit issued prior to the effect of this date shall be subject to zoning regulations." That is the beginning of a triggering of events that has lead us to where we are today. Nobody noticed that of course, it is something that as he mentioned when you go to the statue books you are not going to see this thing, you have to dig deeper into the legislative history to find the savings clause, so nobody at the Planning Office noticed this, and Mr. Spoklie didn't notice it, and Mr. Spoklie's counsel didn't even notice this, until after this process was already done. So we have a two acre permit and according to the savings clause it is never subject, can never be subject to any zoning regulations that would be adopted, so how does that get us here today. When you went through the permit process, the biggest issue was; had this gravel operation been abandoned, was it grandfathered so it could continue, or had it been abandoned so that it could not continue. The determination of whether something is grandfathered or abandoned is a function of zoning regulations, you have to look in the zoning regulations to figure out what the definition of abandonment is, and what the definition of discontinuation is, and how do we have the authority. So in determination that this two acre gravel permit had been abandoned for purposes of zoning is by its very nature the application of zoning regulations to something that can never be subject to zoning. To make a determination on grandfathering you have to use zoning regulations and the savings clause says, zoning does not apply to this permit, so unfortunately that regulation, the savings clause enacted in 1991 has told us that permit gets to continue until DEQ says it has been abandoned. That decision was taken out of your hands by virtue of the 1991 savings clause. CALURS didn't come up until 1994, and at that time based on information that he has been given; everybody thought that it was abandoned. Folks with historic knowledge may know differently, but it was his understanding that there was not an effort made with CALURS to deal with the gravel pit issue. Unfortunately nobody knew at the time that this 1991 savings clause was going to tell us that doesn't matter for purposes of zoning whether it was abandoned or not, because zoning is never going to apply to this two acre permit. So still, how does this get us here today? That is the function of CALURS. CALURS has a list of permitted uses, and gravel pits are not in the specific list, but then there is a second category of CALURS that says, if you have an existing industrial use, and of course gravel operations are an industrial use, you automatically get to expand by up to 25 percent without a permit, so CALURS is already acknowledging that industrial uses that exist as of the date of CALURS adoptions, can already be expanded. CALURS then says, if you want to expand more than 25 percent you have to go through a major land use review process, and that is what you undertook; a major land use review process. Unfortunately the way CALURS was written it has a list of criteria that you apply to major land use variance requests, and you see whether or not this requested use meets the criteria on this list. That list was not designed to apply to industrial uses, the list was primarily designed to address commercial uses, and so you run through the list and you quickly recognize that it just doesn't effect or give you the ability to regulate to a certain extent industrial operations. Then there is a nice little line in there that says, if you meet these criteria the county commissioners shall issue the permit. He has checked the interpretation with Jeff Harris, Jonathan Smith, George Smith and other folks in which they had a long meeting and have looked at the savings clause and its effect on the two acre permit, and universally they have reached a very disappointing conclusion; that since you could not have considered this grandfathered because of the 1991 savings clause, CALURS all but automatically guarantees the expansion permit. I highly recommend that you go in and change CALURS at your next opportunity; that change cannot apply to the Spoklie gravel operation, but it will fix this problem of your inability to regulate industrial uses within the CALURS area. CALURS is pretty clear, it already prohibits new industrial uses, it may be that if you do a land use survey out there, that there are no more industrial uses that could be expanded, but to be on the safe side, we should take a hard look at re-writing CALURS so that this kind of a problem does not happen again. One way to do that is to declare all industrial uses as non-conforming uses and trigger the conditional use permit process, but because CALURS right now, automatically allows expansion of existing industrial uses, up to 25 percent and then it kicks you into a major land use review for over 25 percent. It is not a non-conforming use; it is actually a conforming use, a legal conforming use under the CALURS regulations. I know that there are folks, Jack Tuhulske representing the neighborhood group that has a difference of opinion, and he thinks they have done as much research as they can to try to figure out a way that you can in fact regulate this and that they can continue this lawsuit, and we have been unsuccessful in finding a legal argument that they feel comfortable in proceeding with that will not subject you to significant amounts of attorney fees, as well as the potential for paying damage. The worst case scenario here is that obviously the mistakes made here were entirely unintentional, but unfortunately in the worst case scenario not only would you have to pay damages for issuing a cease and desist letter that should not have been granted, but that a permit could also be awarded by the court, so then in addition to having a permit as originally requested, you may in fact be subject to paying damages for issuing the cease and desist letter. That has brought us to where we are today, to where I stand in front of you recommending something that I know you do not want to do; something that is not popular. We have worked with Mark Etchart at length to create the settlement agreement that you have in front of you; the size of the pit would be a maximum of 24 acres with no further expansion with only eight acres open for mining at any one time. When the next unit is requested, for instance if you want to expand it to nine acres, there is an obligation to go and re-claim a similar amount of area, so that no more than eight acres is open at any one time. That is a reduction of 10 acres, at least 10 acres of this property that would be eligible for gravel operations and that is being given up forever.

Commissioner Hall questioned Mr. McCormick as to if the copy that was received yesterday, is the same as what he just received and questioned what the change was. He then asked about the two acres that were brought up this morning that they were aware of in that it was originally approved for two acres and then Spoklie expanded it to eight acres, and in his mind the two acres is what it should be and if you want to re-claim that, then you move to the next two acres; that is how we condition gravel pits around here, so why is that not a part of the settlement.

McCormick stated that is because the settlement has been negotiated in term of terms that would be acceptable to both sides. It is open right now with a greater disturbance of eight acres. Mr. Spoklie operated on a DEQ permit to expand the two acres to whatever the size is now.

Commissioner Hall then questioned if that was a carry over from Mr. Evans permit.

McCormick then said that it was a carry over from Mr. Evans permit.

Commissioner Hall then questioned if he went through DEQ to expand from two to eight acres.

McCormick then said that he did, that he took an assignment of the original two acre permit and in the assignment he then asked for an expansion of the operations up to the 24. DEQ went through their normal process and they issued the permit. DEQ should not have done that. It was improper for them to have done that, because DEQ is required to get a letter from the local zoning authority saying that the plan of operation complies with local zoning regulations when they are in effect. DEQ did not do that. DEQ has since pointed the finger at Spoklie, Mr. Spoklie has pointed the finger at DEQ, and we have pointed the finger at DEQ and everybody has said, how did this happen, why didn't you get this; nobody wants to take any blame for it. It is obviously a function of either DEQ or Mr. Spoklie to get that certification and they did not. Unfortunately when we go back and we look at the analysis and we say okay, what if they had come to the Planning Office and asked for that certification; because of the savings clause and because of the way CALURS works, they would have had to say, here it is, it complies with local zoning

regulations. That is why at the present time we have asked for a lot fewer acres total, asked for a number of concessions that Mr. Spoklie would not agree to and Mr. Spoklie has very reluctantly agreed to a number of things in the settlement that certainly benefit the county.

Commissioner Hall then asked why the commission was not involved in conditioning the permit if they were to sign off on it, with them having no say in this. For the Board of Adjustments and the Board of Commission having no say in negotiating the settlement and asked for clarification in understanding that.

McCormick then said that he was not aware that the commission did not have any say to the extent that obviously in litigation when attorney's are invited to participate, we deal directly with the attorney's from the other side, because there can not be party to party discussions unless that is approved ahead of time.

Chairman Brenneman then said that perhaps the misunderstanding is that Commissioner Hall is wishing as we all are that we have this gravel pit and now we are going to take it to the Board of Adjustments and get conditions; yet if I understand you correctly, this savings clause from 1991 precludes that sort of activity from happening.

McCormick then said that is correct that the way CALURS was written precludes you from sending this to the Board of Adjustments even for their consideration of a conditional use permit, which is another thing in CALURS that ought to be changed. There is an argument to be made in the way CALURS was written that has a number of conflicting provisions in it with respect to the use of the word shall and may, in terms of how you had the authority to approve or deny with conditions, and there is an argument to be made that you don't even have the ability to put conditions on this thing. With this being a very serious issue with CALURS that ought to be addressed soon, in which he has alerted Jeff Harris to the concern. What we have done here is Mark Etchart on behalf of Spoklie and I have agreed to disagree on that issue, as well as a number of items. They have said okay we can go to court and we can make a decision on whether or not we have the ability to condition this or we can go ahead and find some middle ground, where both parties can agree to the conditions. The broader question is, I don't know what your internal process is, but we funnel all of our IBS through Jonathan Smith and he passes those on to you. The first version of this came out on Tuesday, and we have been working on negotiations back and forth with Mark Etchart late last night and early this morning to find what will you agree to, and what can I recommend to you to accept.

Chairman Brenneman then said that the only relevant document that they need to consider at this time is the one they have before them.

McCormick then said that the only relevant changes in the document are stylist changes as well as the eight acre maximum number of acres open, because there was no limitation in the one that was sent earlier. Originally he was asking for 15 acres total gravel pit, and they asked for 24 acres; the document that was sent yesterday he was pushing for 20 acres, and they would not agree to a reduction of 24 in place of reducing the size of the pit to 24 acres they agreed to a prohibition of any asphalt or concrete batch plants. Because of the chemicals, odors and fumes he felt was a better trade off to get those out permanently than to worry about a couple of additional acres at the point they were at.

Commissioner Hall questioned where the eight acres were referenced in the document, in which McCormick stated it was under letter "T".

McCormick then stated that as he mentioned it was a maximum of 24 acres, with a 100 foot buffer around most of the property. Eventually the way they would like to do the reclamation and construction of this would be with the down slope towards the rail road tracks, they would basically be creating a gentle sloping bowl down to the rail road tracks, and that is why there is a buffer on just the three sides and not the rail road track side. The hours of operation will be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday, in which they asked for Saturday to be removed and that was not accepted. There would be no crushing allowed from June 15 to August 21 and November 15 to March 12 of each year. There will be some team work necessary for the re-construction of Belton Stage Road with the county being asked to survey the right-of-way for the road and also to clear brush and trees from the road, in which this was suggested by the County Road Supervisor when this process went through that it always works better if the county is the one surveying right-of-ways and clearing brush and trees for road construction, with less concern of citizens wondering what is going on, and this will also ensure that the boundaries are adequately marked to our satisfaction.

Commissioner Hall stated that condition #4 (f) was unacceptable to him, in the fact that they have adopted a policy this year that includes absolutely no paving, with the Road Department taking a \$900,000.00 loss this year. He then said that if the applicant wants to pave the road, that is fine, but the county will not be able to participate; as far as the truck and drum roller that is fine, but they will not be able to provide any hot mix.

McCormick stated that he was alerted to the concern and asked that Mr. Spoklie be solely responsible for providing the hot mix and that request was rejected. As he understands this was an offer by the County Road Superintendent that thought it was a good compromise to get the road paved, in that the county would be willing to do that. Mr. Spoklie will construct a six foot gravel bike path that will parallel Belton Stage Road, with that being part of the reason for the clearing of trees and other brush, and that the county will cooperate with him for where the best location for the path is. Obviously that would be a very nice improvement to get a bike path along that stretch of roadway. Mr. Spoklie will also do all the road construction prep work with the gravel to do so coming out of the Spoklie pit. He is also solely responsible for constructing the gravel bike path.

Commissioner Hall then questioned the hours of operation and stated that he was concerned about the effect this will have on neighbors and Glacier National Parks eco-system, with it being totally unacceptable.

McCormick then said that he does not disagree at all with his reluctance to accept most of these items that are in the settlement, but unfortunately they have reached a conclusion from a legal basis with consultation from county staff, that a lot of these conditions they are getting in there are things that they may not have been able to get in running it through the normal process.

Commissioner Hall then said that Mr. Spoklie didn't even have the courtesy to listen to the testimonies with 31 heartfelt passionate letters that were written.

McCormick then spoke on limitations on travel, with there being two ways to get to the pit that will limit truck traffic to Belton Stage Road, so that it goes directly to Hwy 2. He then said most of these are standards things like comply with DEQ regulations and with the Montana Noxious Weed Act. Also signage requirements, identification sign limitations, parking requirements and having a plan of operations approved and signed by Mr. Spoklie and DEQ, which is a normal process for getting a gravel permit. What they did, they added a provision that says the approved plan of operation must include a provision limiting the maximum

number of acres which are open at any one time for mining operations to eight acres, with this being called rolling reclamation. As you open up the ninth acre you have to re-claim an acre behind you. At the bottom of the settlement they have a statement that both parties acknowledge that future amendments to CALURS or other zoning regulations cannot affect this plan of operations. This is not a negotiated term, it is a statement of law, but it is also a reflection that you do have the power to amend the CALURS regulations to prevent this problem from occurring in the future.

Commissioner Hall then questioned (V) in regards to Mr. Spoklie not being required to obtain a Conditional Use Permit per Flathead County Zoning Regulations.

McCormick then said that the way CALURS is written the only thing that triggers a non-conforming use process, meaning send it to the Board of Adjustments to get a Conditional Use Permit is an existing non-conforming use or variance; with variances they can't be given for land uses, they can only be given for things like bulk requirements, set-backs and height limitations and that sort of thing. With respect to this gravel operation it doesn't trigger a Conditional Use Permit, because it is considered to be a legal conforming use; instead of a legal non-conforming use, the way CALURS works. This is just an acknowledgment of that interpretation of the regulations, but you are correct, anything that is out there that is not related to this plan of operations for the gravel pit would be prohibited, because it does not exist today, and to be a non-conforming use, it must exist in 1994 when CALURS was adopted. Paragraph (W) is an acknowledgement that the county has the obligation to send to DEQ a statement complying with section 82-4-432 (2) MCA. Paragraph (X) is a tiny issue and is their conclusion that the county could not have issued a cease and desist letter with respect to the original two acre permit that needs to be lifted so any operations allowed under that two acre permit could immediately begin, with the same being true for the expansion of the permit. They know it is difficult to make binding, but the time is of the essence to get these road improvements done, with the first step being to get a survey of the boundaries, clearing of brush and then Mr. Spoklie can begin the work of straightening the road and doing the prep work for the hot mix and completing the process. A date of October 1 was arbitrarily picked at which time all that needs to be completed, yet they hope it occurs sooner than that, with heavy truck traffic on Belton Stage Road not being needed any longer than necessary before the improvements are done. The remaining items of the document are standard items. This format that they have used is what is called the Montana Defense Trial Lawyers Standard Release Forms. There is no admission of liability here and that is important, because the legal conclusion in how this bizarre way of the savings clause interacts with CALURS is that the decision has essentially been taken out of your hands. You were not given the opportunity to regulate this gravel operation, because of this connection between the savings clause and CALURS. It is important to have acknowledgment of no liability in here. One of the things that he was asked to do, and he rejected it out of hand was to acknowledge that you have fully considered the environmental impacts and the impact to Glacier National Park and the neighbors and are satisfied that this operation met those kinds of considerations, and he outright refused to include that, since they were not given an opportunity to do that.

Commissioner Hall then thanked Mr. McCormick for refusing to add that statement.

McCormick then said that it was incredibly important to acknowledge that in this process it has been taken out of your hands, that you were not given an opportunity by operation of law to regulate this the way that you would like to, and the way that it needs to be done.

Chairman Brenneman then questioned if the statement would also apply to (W) that would release the county only in the contents of the previous statements.

McCormick then said that is entirely correct and would answer and questions that they might have.

Commissioner Hall questioned Mr. McCormick in regards to his looking for a decision from the commission today and asked if CALURS wanted to have a chance to have input or at least be able to view this before today, in which he then said it probably wouldn't make any difference anyway, since CALURS is clearly written and does not apply.

McCormick then said that is correct, that Mr. Tuhulske and I have had a number of conversations. McCormick then said Mr. Tuhulske is a creative attorney as well as a good attorney and has bent my brain in ways that he didn't feel it could bend on with various interpretations of CALURS and how all these things work, in which he carefully considered in trying to find ways that the interpretation was not correct or at least arguably to the point where they could justify proceeding with the lawsuit. I simply could not reach that conclusion, that the conclusion that he has described today is the only one that he has found legal support for, and it is a very disappointing conclusion.

Commissioner Hall then asked if they were to send this on to the Attorney General for an opinion; could you guess what his opinion might be.

Jonathan Smith then said that the Attorney General was not going to answer questions involved in litigation, that you could ask for his opinion, but he doesn't feel he would give one when they are already this far into litigation. The Attorney General gives opinions before you do anything and doesn't feel that would be a viable option at this point.

Chairman Brenneman then asked Mr. McCormick if in this sphere of influence that the County Commissioners have, that this is the best option you see for us at this time. He then said that however, does not rule out further action outside our sphere of influence in that the commission's sphere of influence does not include constitutional considerations.

McCormick then stated that is correct, that some issues have been raised up and Mr. Tuhulske probably raised them with you this morning, about the constitutionality of the savings clause, as well as the constitutionality of how CALURS worked. That is correct that you are barred at the County Commission level from declaring anything unconstitutional and it always looks particularly bad when you are arguing at your own regulations that you adopted as being unconstitutional, even if you have the authority to do that. That would typically be left up to other groups to make the claims and challenges.

Chairman Brenneman then said that the agreement here in no way precludes such actions from admission of liability.

McCormick stated that is correct, that he would say that other groups such as the Middle Canyon group who are interested in challenging those aspects are certainly not prohibited from doing so by this agreement.

Commissioner Hall stated that he would like Mr. Kalvig to acknowledge the comments.

Ken Kalvig then said that he has looked through the counties file on this matter and that the number of public comments that have been submitted on this issue was very impressive to him. He then said that the public does this on a variety of issues that he and others get involved with here in Flathead County and to not acknowledge that, he feels he would be remiss. It was

stated that he will certainly pass these along to Mr. Spoklie and will read them himself. Kalvig then said that I think Mr. McCormick's comments are correct, that it may be for me and it may be for the folks in the audience and those that have written letters a disappointing result. The comments that he made before this board in January 2005, that in his opinion he didn't think you had any other choice, but to approve it, and he thinks Mr. McCormick has aptly pointed out that sometimes the law requires results that are not popular and sometimes that affects his clients as well. I am happy to pass these along and will tell Mr. Spoklie that he needs to take time to read these.

Commissioner Hall then questioned why Mr. Spoklie was not here today, not just to hear public comment; but that I have some questions for him.

Ken Kalvig then stated that he was not here on advice of counsel with this being a difficult situation for them to be in, and that it is also a passionate situation for those in the audience and he thought it would be best to not have him here in that environment.

Commissioner Hall then said that he wanted Mr. Spoklie to be a part of the proceedings and hear the things that have been said. He then questioned the hours of operations in regards to it being near Glacier National Park and in concern for neighbors.

Ken Kalvig then stated that he would like to defer the question to his co- counsel, Mr. Etchart.

Etchart then answered the question in regards to the hours of operation that is reflected in the settlement being the same hours of operation that the Board of Adjustments recommended in January 2006. There were some concession in the original application that included some Sunday hours and other things. A lot of the conditions that you see alphabetically listed come straight out of the Board of Adjustments recommendations. He then thanked Mr. McCormick and the staff in working through this for the past three weeks from mediation through now, trying to resolve this without the need to drag it into litigation and reaching some common ground.

Chairman Brenneman then said that you failed to answer Mr. Halls question in regards to the hours of operation.

Etchart stated that there was not.

Chairman Brenneman then said, Mr. Spoklie is not willing to consider any reduction in hours.

Etchart then said that they have a delicate balance of things that one side or the other begrudgingly negotiated and one of the things they talked about was hours of operation in which Mr. Spoklie said that he can't close it down any more. He then said it would not be likely to run those same hours every single day, but there will be times that it's going to have to be that long. With the reason being there is significant restrictions on the way he can crush gravel.

Tuhulske stated that he wanted to get a couple of points on the record relative to the agreement. It was then stated that he was not a part of negotiating the agreement and can't stand here today and say that they endorse it. He then said that Mr. McCormick has been very forth right to the extent that he can be without violating his attorney client privileges to keeping him in the loop, and that this is the first of the agreement that he has seen as well. That he was not part of the negotiation process nor were they asked to be part of it, after the initial mediation session three weeks ago that fell apart at the end of the day. He then said that he does have legal arguments that he can make to try to defend the decision that you originally came to under CALURS, with the permitted major land uses talk of industrial activity; it doesn't say gravel pits are one of the major land use exceptions that can be expanded. He thinks the intent of CALURS was very clear, that the pit was not operational at the time of 1994 when CALURS was passed, and so he thinks if you read the intent clearly, the intent was not to allow an expansion with your hands tied. He understands Mr. McCormick's position with them butting heads over these things regularly with him being the person charged with representing the County; he understands if there is a damage claim it doesn't come to his clients. He then made clear that the pit falls on the shoulders of all of Flathead County, but especially upon the people that are going to have to live with this six days a week, 12 hours a day.

Commissioner Hall questioned dust and air quality standards in the area in regards to dust abatement being consistent with DEQ.

Commissioner Lauman stated that for the sake of a vote, after listening to the Attorneys and the options they have, he sympathized with the residents in the area and would also sympathize with the tax payers of Flathead County if they don't agree to this agreement.

Commissioner Lauman made a **motion** to accept the settlement and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion.

Commissioner Brenneman stated that he is profoundly disappointed that the search for profit and money will place in jeopardy a national treasure like Glacier National Park. He then said that we are a country of law and it seems pretty clear to him that their options are extremely disappointing at this point and that the likelihood of a gravel pit being there perhaps without the conditions they have negotiated today is significant in reality. He then stated that as a commission they are not in favor of this gravel pit and have pushed to the limit their influence and ability to regulate this from being expanded. He then said that I personally stand by the findings of fact of the Staff Report that was used to make the initial determination over a year ago, and that has not changed, but that the ability of using the findings of facts has been rendered.

Aye – Brenneman and Lauman. **Opposed** - Hall. Motion carried by quorum.

PUBLIC HEARING: ROAD ABANDONMENT #461 (HOLT DRIVE)

10:00:20 AM

Members present:

Chairman Joseph D. Brenneman

Commissioner Gary D. Hall

Commissioner Dale W. Lauman

Others present:

Assistant Michael Pence, County Attorney Peter Steele, Tawna Inman, Clerk Diana Kile

Peter Steele stated that he would like to continue the public hearing until the road easement is completed.

Chairman Brenneman opened the public hearing on Road Abandonment #461.

Tawna Inman a resident on Holt Drive spoke on behalf of family members and stated her concern with the abandonment.

Chairman Brenneman stated that we are not moving a road, that the abandonment would be a portion of the right of way that has never been built upon.

Peter Steele stated that the abandonment only relates to the Johnson property in that they are trying to correct the right of way boundaries.

Commissioner Lauman made a **motion** to continue the public hearing on Road Abandonment #461. Commissioner Hall **seconded** the motion. **Aye** – Brenneman, Hall and Lauman. Motion carried unanimously

COS REVIEW: GROB

[10:06:00 AM](#)

Members present:

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

Others present:

Planner Kirsten Holland, Sheila Grob, Jim Turner, Clerk Diana Kile

Holland reviewed the Grob family transfer request in which Sheila Grob wishes to split off property to enable her to build a home for her mother to live on.

Jim Turner spoke in regards to the transfer in which Sheila would like to split off a piece of property.

Commissioner Hall made a **motion** to approve the family transfer request. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Hall and Lauman. Motion carried unanimously

COS REVIEW: KNOTT

[10:13:23 AM](#)

Members present:

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

Others present:

Planner Kirsten Holland, Tom Sands, Clerk Diana Kile

Holland reviewed the family transfer request in which R. Knott is requesting to transfer 8 acres to her mother.

Tom Sands spoke in favor of the transfer and stated that he feels it is legitimate.

Commissioner Lauman made a **motion** to approve the family transfer request. Commissioner Hall **seconded** the motion. **Aye** – Brenneman, Hall and Lauman. Motion carried unanimously

QUARTERLY MEETING W/ LAUREL RAYMOND, FINANCE DEPT

[10:22:52 AM](#)

Members present:

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

Others present:

Finance Director Laurel Raymond, Clerk Diana Kile

Raymond reported that the Finance Department is busy working on the budget as well as the pending lawsuit with the Sheriff's Department in regards to deputies' wages. It was then stated that procedures are being put into place to eliminate duplication and to clarify procedures to streamline processes. Raymond also reported on the credit card program, a Century-Tel billing error that was found, CAFRA Annual Report, cleaning up of the general ledger, hiring of a new employee and that the audit has been completed with the exit interview scheduled for May 1, 2007.

Discussion was then held in regards to the air handler that was approved in this year's budget for a request to exchange the air handler money to purchase carpet for the Justice Center.

CONSIDERATION OF HR TRANSMITTAL: CONCESSION SUPERVISOR/ WEED & PARKS

[10:33:53 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, HR Director Raeann Campbell, Weed & Parks Director Jed Fisher, Clerk Diana Kile

Discussion was held relative to re-classification of the Weed & Parks Concession Supervisor to grade 11.

Commissioner Lauman made a **motion** to approve the HR transmittal and authorized the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

- 11:00 a.m.** Commissioner Brenneman to NTIP Conference Call
- 2:00 p.m.** Commissioner Brenneman to Health Board meeting @ Earl Bennett Bldg.
- 2:45 p.m.** Commissioner Lauman to meeting w/ Bev Larson @ Outlaw Inn
- 4:00 p.m.** Long Range Planning Task Force Land Use Committee meeting @ Solid Waste Dist. Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 20, 2007.

FRIDAY, APRIL 20, 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.

- 7:00 a.m.** Commissioner Lauman to Mental Health Council & CDC meeting in Thompson Falls
- 7:00 a.m.** Commissioner Hall to Flathead on the Move Water Forum @ Outlaw Inn
- 2:00 p.m.** Commissioner Brenneman to Hedges School to read to students

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