
MONDAY, APRIL 23 2007

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

12:00 p.m. Commissioner Brenneman to Youth Service Network meeting @ The Summit

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

TUESDAY, APRIL 24, 2007

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

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

Pam Holmquist updated the commission on the feasibility study that Evergreen is working on in regards to picking a site for a sewer system. Holmquist stated that they are presently looking at five different sites and that Andy Hyde met with DEQ in Helena, and they were positive in regards to getting a permit. Holmquist reported that they need to get their name in as soon as possible, but in order to get their name in; they have to have a site picked. It was then stated that out of all the streams looked at so far, it looks like the Flathead River is the only option for discharge with enough flow.

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

DOCUMENT FOR SIGNATURE: N. W. DRUG TASK FORCE LOCAL AGREEMENT FY 07-080

[9:00:30 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

N. W. Drug Task Force Geno Cook, Clerk Diana Kile

Commissioner Lauman made a **motion** to approve the N. W. Drug Task Force local agreement and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF HR TRANSMITTAL: RSVP PROGRAM MANAGER

[9:05:43 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Diana Kile

Commissioner Lauman made a **motion** to approve the HR transmittal for re-classification of the RSVP Program Manager and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF HEALTH BENEFITS 2007

[9:15:43 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

H R Director Raeann Campbell, Clerk Diana Kile

Discussion was held relative to insurance coverage changes.

Commissioner Lauman made a **motion** to approve the insurance benefits change. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

MEETING W/ SHERRY STEVENS WULF RE: MENTAL HEALTH FUNDING CONSORTIUM

This meeting was not held.

Commissioner Lauman made a **motion** to approve the document for signature for mental health. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONTINUATION OF DOCUMENT FOR SIGNATURE: DPHHS MENTAL HEALTH MEDICAID MATCH

[9:42:45 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Diana Kile

Commissioner Lauman made a **motion** to approve county funds to be transferred for the Medicaid match. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF ABATEMENT: ASSESSOR # S002581

[9:41:27 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Diana Kile

Commissioner Lauman made a **motion** to approve tax abatement # S002581. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SUBDIVISION REGULATIONS 2007

[9:42:53 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Diana Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing for the Subdivision Regulations. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

**NOTICE OF PUBLIC HEARING
FLATHEAD COUNTY INTERIM SUBDIVISION REGULATIONS**

The Board of Commissioners of Flathead County, Montana, hereby gives notice, in accordance with Section 76-3-503, M.C.A., that the Board of Commissioners will hold a public hearing to consider proposed Interim Flathead County Subdivision Regulations, adopted pursuant to Section 76-3-501, et seq., M.C.A.

The proposed Interim Flathead County Subdivision Regulations are available for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana. It is also available on-line at the Flathead County Planning and Zoning Department's page on the Flathead County website.

The public hearing will be held on the 15th day of May, 2007, at 6:00 o'clock, p.m., in the Earl Bennett Building conference room, 1035 1st Avenue West, Kalispell, Montana. At the hearing the Board of Commissioners will give members of the public an opportunity to be heard regarding the proposed Interim Flathead County Subdivision Regulations.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

DATED this 24th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 28 and May 5, 2007.

MEETING W/ MARCIA SHEFFELS, SUPT OF SCHOOLS RE: PLEASANT VALLEY SCHOOL PETITION

[10:13:53 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Superintendent of Schools Marcia Sheffels, Susanne O'Connor, Kathy Jackson, Clerk
Diana Kile

Discussion was held relative to Pleasant Valley School and the isolation status that is being requested. Sheffels stated that the isolation status is requested when student enrollment drops below 10 and remains at that level for three or more years. Sheffels then presented the commission the application for classification as an isolated school that states:

An elementary school with fewer than 10 ANB which does not receive approval as an isolated school will be eligible to only one-half the direct state aid provided in the statutory schedules (Section 20-9-306, MCA). The school district must provide the additional revenue to meet the total direct state aid funding. Approval as an isolated school is based on approval criteria cited in 10.30.102, ARM. Approval will be for three consecutive years. At the expiration of the three year period, trustees shall re-apply for classification as an isolated school.

General discussion was then held in regards to the operation of the school.

Commissioner Lauman made a **motion** to approve the isolation status at Pleasant Valley School. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

FINAL PLAT: SKY VIEW ESTATES #2

[10:36:40 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

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

Thompson reviewed the application submitted by Sky View Development, LLC with technical assistance from Marquardt & Marquardt Surveying for final plat approval of Sky View Estates #2, a 25 lot subdivision located on Manning Road between North Somers Road and Farm Road. Preliminary plat approval was granted on January 12, 2004, subject to 10 conditions. All conditions have been met and staff recommends approval.

Commissioner Lauman made a **motion** to approve the SIA for Sky View Estates #2 for \$96,063.00. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve final plat of Sky View Estates #2. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

PRELIMINARY PLAT: JEWEL BASIN HILLS

[10:45:21 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

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

Giles reviewed the application submitted by Roxanne Goode with technical assistance from Marquardt & Marquardt Surveying for preliminary plat approval of Jewel Basin Hills; a four lot minor subdivision proposed on 30.65 acres, located on the east side of Foothills Road near Jewel Basin and south of Krause Basin for single family residential homes. The lots will be served by individual on-site well and septic systems.

Discussion was held relative to fire protection that is covered in condition 14. Language will be added to 14 (f) that will include "Firewise Principles."

Commissioner Lauman made a **motion** to adopt Staff Report FPP 07-02 as findings of fact as amended. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve preliminary plat for Jewel Basin Hills Subdivision with amended fire language. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONDITIONS:

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
2. Driveways will conform in all locations to maximum grade standards [Section 3.6(E), FCSR]
3. Each lot shall have a building site (minimum 40 foot by 40 foot square pad) on existing undisturbed terrain of 30% or less slope and each building site must be able to be accessed by a minimum 12 foot wide drive with a maximum 10% slope. [FCSR 3.6]
4. Any street lighting shall be located within the subdivision and shall be shielded so that it does not intrude onto adjoining properties. [Section 3.9 J. 5., FCSR]
5. New electrical and telephone utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
6. All water and sewage treatment systems shall receive final approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(A, B & C) and 3.15(A), FCSR]
7. During construction of infrastructure improvements, no silt-laden water or excess shall flow to downstream areas. Erosion control measures are required and shall be enforced. [Section 3.13, FCSR]
8. The applicant shall comply with reasonable fire suppression and access requirements of the Creston Rural Fire District. A letter from the Creston Rural Fire District's representative stating requirements have been met shall be submitted with the final plat materials. [Section 5.3.B.1., FCSR]
9. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
10. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
11. The design and development of the subdivision shall contain satisfactory building sites properly related to topography and shall preserve the natural terrain, drainage, existing topsoil, trees, natural vegetation, wildlife and fish habitats to the extent possible. [Section 3.2, FCSR]
12. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
13. The applicant shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
14. The following statements will be placed on the face of the plat applicable to all lots:
 - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities shall be placed underground.
 - c. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - d. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - e. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
 - f. Defensible Space Standards shall be incorporated around all primary structures and lot owners should incorporate "Firewise Principles". [Appendix G, FCSR]
 - g. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal. These include, but are not limited to grizzly and black bears, mountain lions, moose, elk and deer. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
 - I. Dogs must be kept under owner control at all times.
 - II. Residents must use bear-proof garbage containers.
 - III. Remove obvious sources of food.
 - IV. Birdfeeders must be over 10 feet off the ground and out of the reach of deer and other big game.
 - V. Compost piles are prohibited unless secured by electrical fencing.
 - VI. Pets should be fed indoors and no pet food shall be left outdoors.
 - VII. Fencing must not impeded movement of wildlife.
 - h.

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.
15. The applicant will receive a variance to Section 3.9 C of the Flathead County Subdivision Regulations.
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]

[11:06:43 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

County Attorney Jonathan Smith, Debbie Boreson, Finance Director Laurel Raymond, Dick Morrow, Gary Winship,
Clerk Diana Kile

Commissioner Lauman made a **motion** to approve an application certification, Appendix B and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve a certification to follow requirements, Appendix C and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve a management plan, Appendix M and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve the Inter-local Agreement between the City and Kalispell, Appendix R and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: RESOLUTION APPENDIX H TELE TECH HOLDINGS/ CDBG

[11:03:29 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

County Attorney Jonathan Smith, Debbie Boreson, Finance Director Laurel Raymond, Gary Winship, Clerk Diana Kile

Commissioner Lauman made a **motion** to approve Resolution #2036 for the CDBG Block Grant for Tele Tech. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 2036

**RESOLUTION TO AUTHORIZE APPLICATION
APPENDIX H**

WHEREAS, Flathead County is applying to the Montana Department of Commerce for a Community Development Block Grant - Economic Development Program (CDBG-ED) to implement a hiring and training plan designed to train at least 160 full-time employees, and create at least (80) new full time positions;

WHEREAS, Flathead County has the legal jurisdiction and authority to make a training grant to TeleTech Holdings, Inc.; and

WHEREAS, Flathead County agrees to conform with the regulations, statutes, terms and conditions described in the CDBG Certifications for Application.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, that Flathead County agrees to conform with the regulations, statutes, terms and conditions described in the CDBG Certifications for Application, and that Flathead County commits to providing the matching funds as proposed in the CDBG application.

BE IT FURTHER RESOLVED that Joseph D. Brenneman, Chairman of the Flathead County Commissioners is authorized to submit this application to the Montana Department of Commerce; and to provide such additional information as may be required.

Dated this 24th day of April, 2006.

BOARD OF COMMISSIONERS
Flathead County, Montana

By _____
Joseph D. Brenneman, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By Diana Kile
Diana Kile, Deputy

12:00 p.m. Commissioner Brenneman to NTIP meeting in Helena
5:00 p.m. Commissioner Lauman to Lakeside/ Somers Chamber of Commerce meeting @ Vista Linda
5:00 p.m. Commissioner Lauman to Refuse Board meeting @ Solid Waste District Office

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

WEDNESDAY, APRIL 25, 2007

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

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

BI-MONTHLY MEETING W/ KIM CROWLEY, LIBRARY

9:00:17 AM

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Library Director Kim Crowley, Weed & Parks Director Jed Fisher, Brenda Hall, Clerk Diana Kile

Crowley reported that the Tidyman's building is no longer an option for the Library to re-locate and then suggested that they purchase the building they are presently in. She then stated that the building would not be a long term solution with library use on the rise. Crowley then asked the commission for their opinion, in which Commissioner Hall stated that purchasing the building would be a great investment for the county. Commissioner Lauman stated that he was pleased that the Library Board is going to hire someone to help with fund raising.

PRESENTATION OF JOHNSON CONTROLS ENERGY PERFORMANCE CONTRACT

9:15:37 AM

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Weed & Parks Director Jed Fisher, Brenda Hall, Jared Schoch, Mike McCourt, Clerk Diana Kile

Pence stated that Johnson Controls would be presenting their findings on the facilities within the county in regards to energy performance. It was then stated that this presentation is informational and educational only, and that no decision would be made today; they would like it to be on the agenda next week for consideration from the commission.

Jared Schoch then presented a summary on the project scope as to the findings. He reported that the total of the project would be around 6 million dollars, which in turn could generate about \$600,000 of a total savings. Schoch then reported on the different options that were looked at in preparing the report. He then reported on the Solid Waste Landfill gas and energy findings, which will take methane produced and turn it into electricity and then sell it to a utility company. The potential impact of this project would be to modernize equipment in all county facilities for 3.6 millions dollars in capital investments paid by savings; with a savings of more than \$160,000 in annual facility costs and a potential revenue source with the landfill. Discussion then included the Courthouse in regards to bringing it up to accessibility standards, in which the County Attorney said that if you were strictly changing the mechanical heating system you would not need to bring it up to standards; that would only be required if you are doing a major renovation. Also discussed was Flathead Electric and the presentation that will be made to their board in regards to the landfill making enough gas to produce electricity.

MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE DISTRICT

9:33:56 AM

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Solid Waste Director Dave Prunty, Clerk Diana Kile

Prunty reported on how the gas and energy project in which Johnson Controls is proposing will affect the landfill. He then reported on action taken by the Landfill Board in regards to passing a motion to increase the assessment and gate fees with the

proposal being to go up eight percent. The board will have a public hearing next month to pass a resolution to recommend that the commission raise the assessment fee.

Commissioner Hall questioned the increase in which Prunty stated that the capital intense requirements were the main driving factor, with their cash balances dropping dramatically in three to four years.

Prunty then reported that the board looked at the Solid Waste budget with revenue of 6.1 million for the year with expenses being the same. The Board then recommended passing the budget as proposed for the Solid Waste District and also finalized a formal policy for community highway clean up events with the fee being waived. Prunty then reported that a proposal to form a strategic plan to set the direction for the future for Solid Waste is being done; this proposal will analyze every option that they know of in the industry of Solid Waste in regards to expanding the landfill where they are at presently, purchasing property contiguous to where they are at, buying property elsewhere, transporting refuse some where else, building an incinerator or building a material recovery facility and enhancing the site. Prunty also reported they had 127,000 tons of garbage in 2006 with a daily average of 350 tons; with an eight percent growth at Solid Waste they should have a 30 year capacity left. Also discussed was covering of loads, tree buffers, cardboard recycling, container sites and the re-build of entry road

QUARTERLY MEETING W/ BOBBIE KELLY, RSVP

[10:02:53 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, RSVP Director Bobbie Kelly, Clerk Diana Kile

Discussion was held relative to the increase of insurance requirements for volunteers that appears to be adversely affecting Meals on Wheels program and another program with veterans driving veterans to appointments. Kelly reported that a survey was sent out to get a preliminary feel of how volunteers are going to handle the insurance requirements. Discussion was also held in regards to the recognition event that is scheduled for May 5, golf tournament, grants, senior rest area at the fairgrounds and the merger.

PUBLIC HEARING: BOULDER RIDGE TRAIL, GHOST TREE ROAD, SCARY TREE TRAIL, JENNINGS LAKESIDE ROAD, MOONLIGHT TRAIL, KITCHEN LANE, TIP TOP LANE AND WUNGALI DRIVE

[10:15:23 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, GIS Address Coordinator Pete Wessel, Karen Yerian, Norma Good, Mike Muldown, Clerk Diana Kile

Pete Wessel spoke about a situation in regards to the naming of Tip Top Lane, in which the property was purchased after the petition deadline.

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

Mike Muldown spoke in regards to the history of Jennings Lakeside Road and then spoke in favor of the road naming.

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

Discussion was held relative to the naming of Tip Top Lane in which there are five properties on the road, with three that would have access directly to the road where their address would be Tip Top Lane; the other two are corner lots with one already having an address of Highland Meadow and the other would depend on how they chose to access the property.

Commissioner Lauman made a **motion** to approve Resolutions #2037, #2038, #2039, #2040, #2041, #2042, #2043, #2044 for the namings of Boulder Ridge Trail, Ghost Tree Road, Jennings Lakeside Road, Kitchen Lane, Moonlight Trail, Scary Tree Trail, Tip Top Lane, Wungali Lane. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF EXTENSION REQUEST: LAKESIDE ESTATES, PHASE 3,4 & 5

[10:36:49 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Jim Burton, Clerk Diana Kile

Discussion was held relative to an extension request for Lakeside Estates, Phase 3, 4 & 5 with the expiration date of May 10, 2007, to be extended until May 10, 2008.

Commissioner Lauman made a **motion** to approve the extension request for Lakeside Estates Phase 3, 4 & 5 until May 10, 2008. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

AWARD BIDS: CHEMICALS/ WEED & PARKS

[10:39:47 AM](#)

Members present:

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

Members absent:

- Chairman Joseph D. Brenneman

Others present:

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

CHS – Cenex	500 Gallons of Tordon 22K	\$78.43	/ Gallon	\$39,215.00
	200 Gallons of Aquatic Labeled 2, 4-D	\$ 9.80	/ Gallon	\$ 1,960.00
	Product Name – Agri-Solutions			
Wilbur-Ellis	65 Gallons Transline Herbicide	\$290.00	/ Gallon	\$18,850.00
	400 Gallons Curtail Herbicide	\$ 31.00	/ Gallon	\$12,400.00
	7 Gallons Lontrel	\$500.00	/ Gallon	\$ 3,500.00

Commissioner Lauman made a **motion** to award the chemical bids to CHS and Wilbur Ellis as stated for a total of \$75,925.00. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: STATE OCA AGREEMENT/ I.T.

[10:44:51 AM](#)

Members present:

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

Members absent:

- Chairman Joseph D. Brenneman

Others present:

- Assistant Michael Pence, Clerk Diana Kile

Commissioner Lauman made a **motion** to approve the State OCA Agreement and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

PRESENTATION OF COUNTY SUICIDE PREVENTION PLAN BY JOAN SCHMIDT, YOUTH SERVICES NETWORK

[10:46:13 AM](#)

Members present:

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

Members absent:

- Chairman Joseph D. Brenneman

Others present:

- Assistant Michael Pence, Family Services Boni Stout, Joan Schmidt, Clerk Diana Kile

Discussion was held relative to the approval of the Flathead County Suicide Prevention Plan, in which the county would like to raise the awareness in the community with Montana having one of the highest suicide rates in the nation.

Commissioner Lauman made a **motion** to support the Flathead County Suicide prevention plan as presented. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

- 10:00 a.m. Commissioner Brenneman to meeting @ Fish, Wildlife & Parks (till 4)**
- 11:00 a.m. County Attorney meeting @ Co. Atty's Office**
- 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 26, 2007.

THURSDAY, APRIL 26, 2007

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

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

PRELIMINARY PLAT: RIVER HORSE

9:00:59 AM

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Ken Kalvig, Erica Wirtala, Ben Franklin, Tony Clayton, Cristy Wells, Harry J. Fox, Karen K. Franklin, Judy Martinson, Tom Anderson, Steve Streich, Clerk Diana Kile

Jeff Harris reviewed the application submitted by Eze, LLC, Flathead Investors, Inc and Steve & Jill Streich with technical assistance from Sands Surveying for preliminary plat approval of River Horse formerly known as Whitefish River Ranch; a 20 lot subdivision on 80 acres with a package plant septic system and community wells. This subdivision is located at 1328 Trumble Creek Road. Harris also reviewed the history of this subdivision with the changes that have been made in regards to the number of lots.

Commissioner Hall made a **motion** to adopt Staff Report FPP 07-11 as findings of fact. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Harris then presented the conditions from the Planning & Zoning Office that were recommended by staff. Changes accepted by the commission were as follows:

Condition 18 deleted: The developer shall contact the Child Transportation Committee and, if required provide and improve a location for the safe loading and unloading of students.

Condition 37 added: The final plat shall show a building pad and driveways for all lots that have portions of the property within the 100 year floodplain.

Condition 19 (i) added: The lowest floor elevation of all residential structures shall be elevated two feet above the Base Flood Elevation by either fill or by a pier foundation. If fill is used to elevate the building pad or as back fill it shall be graded out to a five to one slope.

Condition 19 (j) added: There shall be no basements or crawl spaces below the Base Flood Elevation.

Condition 19 (k) added: The 100 year floodplain shall not be filled in and any alterations to the areas may need to go through the Flathead County Floodplain Permit process, the Flathead County Conservation District 310 Permit Process, or the Army Corps of Engineers 404 Permitting Process.

Condition 19 (l) added: There shall be no further subdivision of the lots.

Condition 38 added: The existing gravel road on the west side of the common area will be reclaimed.

Condition 39 deleted: Depth to water maps shall be submitted at the time of final plat application.

Condition 31 amended: The area in the 100 year floodplain in Common Area B shall remain as undeveloped, landscaped open space in perpetuity.

Condition 6 amended: The developer shall dedicate and build a public bike pedestrian path within a 15 foot easement along the Trumble Creek Road frontage and also along the southerly portion of River Horse Run to connect with the public Riparian Access along Whitefish River and shall extend eastward from the approximate high water mark of Whitefish River not less than 100 feet, and shall be dedicated for public use and access as shown on the preliminary plat. Condition 6 was superseded and is discussed below.

Condition 15 amended: The applicant will comply with reasonable fire suppression and access requirements of the Evergreen Volunteer Fire District. A letter from the Fire Chief stating that an agreement has been made and that the improvements have been installed shall be submitted with the final plat application.

Condition 33 amended: Upon approval of preliminary plat of River Horse Subdivision the applicant shall have 30 days to determine in writing, whether to vacate the preliminary plat approval of Whitefish River Ranch South Subdivision or River Horse Subdivision. Whitefish River Ranch Subdivision shall be automatically vacated if the applicant fails to determine which subdivision should be vacated within the 30 day time period.

Condition 6 (new) amended: The developer shall dedicate and build a bike pedestrian path within a 15 foot easement along the Trumble Creek Road frontage and also along the southerly portion of River Horse Run to connect with the Public Riparian Access along Whitefish River. The portion of the Public Riparian Access along Whitefish River shall extend eastward from the approximate high water mark of Whitefish River, not less than 100 feet and shall be dedicated for public use and access as shown on the preliminary plat. The ponds are excluded from the Public Riparian Access Corridor. The Riparian Access Corridor along the Whitefish River shall be left in a natural state to allow for the movement and habitation of wildlife.

Condition 22 & 24 deleted

Condition 40 deleted: A building setback of 200 feet from the high water mark of Whitefish River and shall be maintained and delineated on the face of the final plat.

Condition 7 amended: The developer shall dedicate an additional 10 feet of road right-of-way along Trumble Creek Road, a dedicated collector.

Condition 29 deleted: Phasing plans shall be submitted at the time of final plat application.

Condition 41 added: The 60 foot emergency egress shown on the preliminary plat shall be designated as a 60 foot road and utility easement on the face of the final plat.

Condition 42 added: A 60 foot dedicated road and utility easement shall be designated on the face of the final plat between lots 19 and 20.

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

Conditions

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
2. The private, internal subdivision road shall consist of a 60-foot right-of-way, minimum 20-foot paved driving surface, and a 55-foot radius cul-de-sac and be designed by a licensed, professional engineer and upon completion of construction shall be certified by a licensed professional engineer for compliance with AASHTO standards. [Section 3.9, Flathead County Subdivision Regulations]
3. A road identification sign and stop sign shall be installed at the intersections of all internal subdivision roads and the entrance onto Trumble Creek Road. [Section 3.9(I)(8), FCSR]
4. The applicant shall obtain and show proof of a completed approach permit from the Flathead County Road Department for access onto Trumble Creek Road, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
5. Lot owners within the subdivision shall participate in a Road Users' Agreement or Property Owners Association for the internal subdivision roads, which shall require each property owner to bear his or her pro-rata share for maintenance of the private road. [Section 3.9(J)(3), FCSR]
6. The developer shall dedicate and build a public bike/pedestrian path within a 15 foot easement along the Trumble Creek Road frontage and also along the southerly portion of River Horse Run to connect with the public riparian access along Whitefish River (as shown on the preliminary plat). The portion of the public riparian access along Whitefish River shall be extended from the approximate high water mark of Whitefish River not less than 100 feet, and shall be dedicated for public use and access as shown on the preliminary plat. The ponds are excluded from the public riparian access corridor. The riparian access corridor along the Whitefish River shall be left in a natural state to allow for the movement and habitation of wildlife. [Applicant Comment].
7. The developer shall dedicate an additional 10 feet of road right-of-way along Trumble Creek Road, a dedicated collector road. [Two Rivers Master Plan]
8. The developer shall construct a deceleration lane within the 20-foot road reserve for access to the subdivision from Trumble Creek Road according to Flathead County Road Department recommendations. [Two Rivers Master Plan]
9. The developer shall rebuild the portion of Trumble Creek Road, which lies immediately east of and adjacent to the development. This will consist of rebuilding the road to a 24 foot top paved surface built to county specifications. [Applicant and Agency Comment]
10. The developer shall also perform a safety improvement construction of the remainder of Trumble Creek Road from the south boundary of the development southward to Rose Crossing Road. This improvement shall consist of filling, and constructing two-foot gravel surface shoulders on each side of the existing pavement, along with constructing a back slope from the shoulder having a four to one slope to catch with the existing ground within the existing easement. Adjustments to the backslope may be necessary due to the right of way constraints, and shall be approved by the county road superintendent. [Applicant and Agency Comment]
11. Flathead County and the developer shall enter into a "latecomer's agreement," which will be set up to reimburse the developer for a portion of the capital improvements made for the safety improvement construction to the south portion of Trumble Creek Road. Future developments proposed along Trumble Creek Road between River Horse Subdivision to Rose Crossing Road shall participate in this agreement. [Applicant and Agency Comment]
12. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
13. The proposed public water and septic treatment systems for the subdivision shall 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]
14. The applicant must submit a Storm Water Drainage Plan that is certified by a licensed Professional Engineer that will need to be approved and reviewed by the Flathead County City-County Environmental Health Department and the Montana Department of Environmental Quality. [Section 3.12.A]
15. The applicant will comply with reasonable fire suppression and access requirements of the Evergreen Volunteer Fire District. A letter from the fire chief stating that an agreement has been made and that the improvements have been installed shall be submitted with the Final Plat Application.
16. 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]
17. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
18. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities shall be placed underground.
 - c. Lot owners 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 shall govern maintenance of the internal subdivision roads. The roads shall be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
 - e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.

32. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR].
33. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
34. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
35. The final plat shall show a building pad and driveways for all lots that have portions of the property within the 100-year floodplain. [Appendix A (I)(L)].
36. The existing gravel road on the west side of the common area will be reclaimed.
37. The 60 foot Emergency Egress shown on the preliminary plat shall be designated as a 60 foot road and utility easement on the face of the final plat.
38. A 60 foot dedicated road and utility easement between Lots 19 and 20 shall be designated on the face of the final plat.

QUARTERLY JAIL FACILITY TOUR

[10:00:32 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

COS REVIEW: BUCK

[10:40:24 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Planner Kirsten Holland, James H. Burton, Ben Buck, Clerk Diana Kile

Holland reviewed the family transfer request in which Ben Buck wishes to transfer property to his wife and parents.

Discussion was held relative to asking Ben Buck what his intentions were with the property that he proposed to transfer to his wife and parents, in which he stated that he wanted to give the parcels to his minor children, but was told that he could not.

Holland then stated that property can be transferred to minor children, but that they would not be able to sell the parcel until they are of legal age; if they decide to sell it before they are of age, the parent can sign a document that states that they are selling the parcel for the benefit of the minor child.

Discussion was then held in regards to parcel 2 being deeded to his daughter and parcel 3 being deed to his wife Shaney Buck.

Commissioner Lauman made a **motion** to approve the transfer of parcel 2 to Tavia Buck and parcel 3 to Shaney Buck. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF APPROVAL: TRANSPORTATION COORDINATION PLAN/ EAGLE TRANSIT

[10:55:55 AM](#) & [11:06:40 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, AOA Director Jim Atkinson, County Attorney Jonathan Smith, Clerk Diana Kile

Discussion was held relative to the commission reviewing the transportation coordination plan and the application for 5311 funds.

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

Discussion also included the results of a survey that was sent out by Bobbie Kelly and J. R. to volunteers in regards to the insurance requirement changes that have been implemented. Commissioner Hall stated that the county is charged in protecting their liability exposure. Atkinson stated that he sent Raeann Campbell an e-mail on December 8, 2006, that stated his concerns with the requirement. He then said that 80 percent of the volunteers have said that they are unwilling or unable to increase their insurance coverage. Commissioner Hall then said; even though they are being paid per-diem that would cover the extra expense. Pence stated that he heard verbally that most of the drivers did not have a problem with the increase, in which Atkinson stated it was an assumption on his part. Pence then said that if a survey was going to be sent out that they should have also included a letter that explained the reason for the increase in insurance; that if people are educated in a positive way they usually understand why it is being done. Atkinson then stated that the fact of the matter is on May 1, 2007, if they don't have the signatures and policies of 100 volunteers they will not be driving. Atkinson said that an e-mail was sent to Raeann in regards to the policy that states that only county employees will drive county vehicles; in which the volunteers do drive county vehicles to take meals to Columbia Falls and Whitefish. Raeann's return e-mail then said that she did not know that and that it would have been nice to have known before the policy was written. He then stated that the requirements before were proof of a

drivers license and insurance and now they are being asked to submit their policy to show that they are covered with \$300,000.00. Chairman Brenneman then said that the use of the survey as it was worded seems to have questionable value in solving the problem, with the real problem being; how do we get people insured properly so that we can get the activities done. Atkinson stated that his objective was to follow policy and in so doing he needed to find out what the ramifications of the policy is. Pence then asked why a letter wasn't sent out that spells out the reason it is being done and asked that they submit proof of insurance. Commissioner Hall then stated that Pence and Campbell should have been a part of the process and that Bobbie Kelly and J.R. should not have sent this survey out without running it by anyone. Atkinson then said that they would send out the memo that spells out the reasoning for the increase in insurance. He also stated that you can not force volunteers to follow county policy and that he does not have control over it. Commissioner Lauman questioned if there would be any kind of waiver or exclusion clause that volunteers could sign that would say that the county would not be liable. Jonathan Smith then said that you can get a waiver for them, but it would not protect the county from someone they might hurt. Chairman Brenneman then asked where this requirement came from, in which Pence stated that it was through MACo, but was a recommendation through their local insurance agent. Pence then said that the commission could back track the decision and stay with the minimum limits if they want to take on the risk. Jonathan Smith stated that for years the county has had volunteers driving for the county. Atkinson then stated that as of May 1, he will adhere to the policy, unless he hears otherwise.

CONSIDERATION OF ADOPTION OF RESOLUTION: FIRE SEASON 2007

11:25:28 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 Lauman made a **motion** to approve Resolution #2045 that will extend the fire season May 1 through September 30, for the 2007 fire season. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2045

WHEREAS, The Board of Commissioners, Flathead County, Montana, has the authority, pursuant to Section 7-33-2205, M.C.A., to establish fire seasons annually, during which no person may ignite or set any forest fire, slash burning fire, land-clearing fire, or debris burning fire within areas of the County which they so designate, without the individual or other person desiring to ignite or set any of the above mentioned fires, having obtained an official written permit for such a fire from the recognized protection agency for that protection area;

WHEREAS, burning permits are typically required during the May 1 through September 30 State Forest Fire Season; and

WHEREAS, the Board of Commissioners, Flathead County, Montana has determined that the following fire season and the fire protection areas, as below set forth, should be set.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby establishes a fire season for the year 2007 to run from May 1 to September 30, 2007, inclusive.

BE IT FURTHER RESOLVED, that the protection area to which this resolution applies is the entire Flathead County area, except the three Incorporated Cities in Flathead County and the areas inside the City Limits thereof. This does and shall include all private, State and Federal lands within Flathead County, outside the Cities.

BE IT FURTHER RESOLVED that the recognized protection agencies for the designated protection areas are the Rural Fire Districts, and Fire Service Areas authorized under State law to provide fire protection within their districts and the Department of Natural Resources and Conservation, Glacier National Park, and Flathead National forest, authorized to provide fire protection on certain private, Federal and State land.

BE IT FURTHER RESOLVED, that any person desiring to ignite or set any forest fire, slash-burning fire, land-clearing fire or debris-burning fire within the jurisdictional area of any of the above enumerated protection agencies during the May 1 to September 30 period, or any extension thereof, must first obtain an official written permit from that particular agency.

BE IT FURTHER RESOLVED, that this resolution will take effect on May 1st, 2007.

PASSED AND ADOPTED this 26th 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

CONSIDERATION OF PRINTING BIDS: AOA

[10:59:34 AM](#)

Members present:

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

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Hall made a **motion** to approve the print bid with Cenveo for 10,000 mail envelopes for \$309.20. 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 27, 2007.

FRIDAY, APRIL 27, 2007

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

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 30, 2007.
