
MONDAY, JANUARY 21, 2008

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

COUNTY OFFICES CLOSED – MARTIN LUTHER KING JR. DAY

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 22, 2008.

TUESDAY, JANUARY 22, 2008

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

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

[9:04:48 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Atkinson reported that he would be having another meeting with Sherry Stevens-Wulf in regards to Gateway West Mall. He then stated that the buses will start running commuter services from Columbia Falls, Whitefish and Kalispell by February 3, 2007. Atkinson also reported that 1,166 units were provided for Information and Assistance to seniors in November 2007. He then added that 2,989 home delivered meals were provided and 2,398 congregated meals were provided in November 2007.

CONSIDERATION OF ADOPTION OF RESOLUTION: AMENDED RESOLUTION #2116/ ARMORY

[9:26:44 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Atkinson reported that Resolution #2116 states that Jim Atkinson would make decisions on the Armory and they sent back a deficiency stating that the person that signed the Resolution is the person that has to make the decision.

Commissioner Lauman made a **motion** to approve Resolution #2116A that will amend the original Resolution. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

RESOLUTION NO. 2116 A

WHEREAS, certain real property owned by the United States, located in the County of Flathead, State of Montana, has been declared surplus and is subject to assignment for disposal for homeless or public health purposes by the Secretary of Health and Human Services under the provisions of Section 203(k)(1) of the Federal Property and Administrative Services Act of 1949, as amended, and rules and regulations promulgated pursuant thereto, more particularly described as follows:

**Sonsteli Hall USARC
1110 2nd Street West
Kalispell, MT 59901-4202**

WHEREAS, the Flathead County Agency on Aging, needs and can utilize said property for public health purposes in accordance with the requirements of said Act and the rules and regulations promulgated thereunder of which this Board is fully informed, including commitments regarding use and time such use shall commence.

NOW THEREFORE, BE IT RESOLVED, that Flathead County has legal authority, is willing, and is in a position financially and otherwise to assume immediate care and maintenance of the property, and that Joseph D. Brenneman, Chairman, Board of Commissioners, is hereby authorized, for and on behalf of Flathead County, to do and perform any and all acts and things which may be necessary to carry out the forgoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents; the execution, acceptance, delivery, and recordation of agreements, deeds and other instruments pertaining to the transfer of said property; and to authorize the payment of any and all sums necessary on account of the purchase price thereof, including fees or costs incurred in connection with the transfer of said property for surveys, title searches, appraisals, recordation of instruments, or escrow costs, together with any payments by virtue of nonuse or deferral of use of the property.

BE IT FURTHER RESOLVED that if the applicant is unable to place the property into use within the time limitation indicated below (or determines that a deferral of use should occur), it is understood that the County of Flathead will pay to the Department the sum of 1/360 of the fair market value for each month of nonuse, beginning 12 months after the date of the deed, or 36 months where construction or major renovation is contemplated.

BE IT FURTHER RESOLVED that if application is approved, a copy of the application and standard deed will be filed with the permanent minutes of the Board.

DATED this 22nd day of January, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By: /s/ Diana Kile
Diana Kile, Deputy

BI-MONTHLY MEETING W/ MINDY COCHRAN, GIS

[9:32:34 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Clerk & Recorder Paula Robinson, GIS Director Mindy Cochran, Clerk Kile

Mindy Cochran the new GIS Director reported that things are going well in her department and that personnel have been re-arranged. She then stated that there are three big projects being worked on which include, GCDB Project, Addressing Data Model Project and the project that Tom Reynolds was working on prior to his departure that involved moving all of the data from the new sequel server. Cochran then added they are getting ready to roll over to the new tax year, which will include checking the GIS records against the land system records as a cross check. She then also noted that cross training is being done within the department.

QUARTERLY JAIL FACILITY TOUR

[9:53:42 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

MONTHLY MEETING W/ RICK TREMBATH, FIRE WARDEN

This meeting was cancelled.

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

[11:06:39 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Clerk & Recorder Paula Robinson, Staff Accountant Joe Garza, Clerk Kile

Joe Garza reported on work being done in the Finance Department which included, Cindy Dooley working on the 2007 audit and Judy Rollins and staff working on W-2's that will go out in checks this week. It was also noted that he has been working with Grant Writer Debbie Pierson in regards to all the current grants and revamping procedures and policies on credit card purchases, to make sure parameters are defined. Garza also added that the early stages of the 2009 budget are being worked on with Larry Johnson and Miral Gamradt. Also reported were demonstrations will start next week from Black Mountain, CSA and Tyler Technologies for the purchase of new accounting software.

Paula Robinson added that they had hoped to be done with the audit by now; however, Cindy Dooley has been helping out the Superintendent of Schools.

Discussion also included the use of software for school finances.

Paula Robinson also reported that an employee has been brought in to scan all grant files so information can be shared inter-departmentally.

CONSIDERATION OF LAKESHORE PERMIT: DERLATKA

[11:20:00 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Planner George Smith, Clerk Kile

Smith reviewed the application submitted by Jason Derlatka for a permit to build a boat shelter in addition to repairing an existing crib dock. The repair is limited to less than 50% of structure and/or value and does not require a permit. The slip will be covered by a new boat shelter 24 feet long by 12 feet wide. All work will be done from the existing dock during low pool and no heavy equipment will contact the lake.

Commissioner Lauman made a **motion** to approve Lake Shore Permit FLP 08-01. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: DRAPER

[11:30:06 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Planner George Smith, Clerk Kile

Smith reviewed the application submitted by Harold Draper, Draper Trust for a permit to excavate accumulated washed-in lake bottom materials from an existing boat slip appurtenant to a residential dock. The material will be removed from the water and lakeshore protection shore. A keystone block or rip-rap retainer wall will be constructed to stabilize the bank and prevent further erosion for approximately thirty feet of shoreline south of the existing dock. The wall will be constructed at and above the high water elevation. All work will be done during low pool and no motorized equipment will enter the lake during removal operations. Subject to the provisions of NATIONWIDE PERMIT 19; this project is compliant with the US Army Corps of Engineers regulations.

Commissioner Lauman made a **motion** to approve Lake Shore Permit FLP 08-02. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DEQ CONTRACT #208014/ HEALTH DEPT.

[11:46:15 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve DEQ Contract #208014. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: BILL OF SALE RSID #142/ LAKESIDE SEWER DISTRICT IMPROVEMENTS

[11:47:15 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Deb Boreson, Clerk Kile

Deb Boreson reported the Bill of Sale is an agreement with the Lakeside County Water and Sewer District in regards to ownership.

Commissioner Lauman made a **motion** to approve the document for signature for RSID #142 for the Lakeside Sewer District. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TIMBERLAND DRIVE ROAD NAMING

[11:49:07 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:
Chairman Gary D. Hall
Others present:
Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing and authorized the Chairman to sign. Commissioner Brenneman PT **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 **TIMBERLAND DRIVE**.

Road generally running southerly & westerly off Rhodes Draw and located in the SW4SW4 Section 20, the SE4SE4 Section 19, the NW4NW4 Section 29 and the NE4 Section 30 all in Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **6th day of February, 2008, at 10:15 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **TIMBERLAND DRIVE**.

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

Dated this 22nd day of January, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By: /s/ Diana Kile
Diana Kile, Deputy

Publish on January 26th and February 2nd, 2008.

CONSIDERATION OF HR TRANSMITTAL: SHORT-TERM WORKER/ FAIRGROUNDS AND COMPTROLLER/ FINANCE DEPT.

[11:49:46 AM](#)

Members present:
Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:
Chairman Gary D. Hall

Others present:
Assistant Mike Pence, Clerk & Recorder Paula Robinson, Staff Accountant Joe Garza, Fair Director Jay Scott, Clerk Kile

Scott reported the short term worker will work approximately 90 days and would be selling ads for a Fair book.

Commissioner Lauman made a **motion** to approve the HR Transmittal for a short term worker for the Fair. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

Pence reported the Finance Director position has been revamped from a Finance Director to a Comptroller Position. The employee in the Comptroller Position will report to the County Administrator and Clerk & Recorder.

Paula Robinson noted the Comptroller will report to the Clerk & Recorder on all the financials and report to the County Administrator concerning the budget.

Commissioner Lauman made a **motion** to approve the HR Transmittal for the Comptroller Position. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

MEETING W/ KAITLIN KEITH RE: TURNING LANE ON HWY 2 & SPRING CREEK

[3:32:17 PM](#)

Members present:
Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:
Chairman Gary D. Hall

Others present:
Caitlin Keith, Mikayla Holton, Travis Sudan, Matthew Hobden, Greg Waller, Clerk Kile

Discussion was held relative to the need for a left hand turning lane at the intersection of Spring Creek.

It was stated that research has been done at the intersection and it has been found that there are several cars coming from the west that are waiting to turn left at the flashing light that have to wait approximately one minute to turn.

Commissioner Brenneman PT said that the County Commissioners can request something but that it is a state highway.

It was also noted that they have made several phone calls to Helena.

Commissioner Brenneman PT stated they have already expressed their concern to the MDOT about the intersection. He then said if they would write him a letter summarizing what they have found in their study that he would be willing to write a cover letter to send along with it to the MDOT.

12:00 p.m. Commissioner Brenneman to FVDC meeting @ CDC Office
1:00 p.m. Commissioner Brenneman and Lauman to Community Land Trust Presentation meeting @ Commissioners Meeting Room
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 January 23, 2008.

WEDNESDAY, JANUARY 23, 2008

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

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

Present for public comment included: Jim Bailey, Julia M. Byrnes, Bob Sauer, Barb Sauer, Joe Grana, Allen Butler, Pamela Butler, Bill Breen and Steve Vandehey

Mark Schwager a resident in West Valley stated that he had concerns in regards to the Riverdale Plan with increased commercial usage on Hwy 93; with the proposed mall already making it a bottleneck between here and Whitefish. He then added that there are plenty of other places in the county for commercial development, and feels that along Hwy 93 is not an appropriate area. He then spoke about gravel and mineral extractions being precluded from the plan and now the Planning Board is putting it in. Schwager then asked who benefits from allowing gravel and mineral extraction processing out in the Riverdale Plan.

Commissioner Brenneman then replied that obviously those selling the gravel. He then added that the Commissioners don't have jurisdiction over them, nor should they take jurisdiction over them.

Mark Schwager said that his concerns lie with Koenig's who have the subdivision. He then said that they all know that Mr. Krueger wants to put in a batch plant and gravel pit which is directly to the west of the subdivision, and as the winds blow it will go right into the subdivision; what about the health for the potential people living there. The Riverdale Plan is primarily a residential plan; why are we going through the same hoops again and allowing gravel processing in a residential neighborhood plan.

Jim Bailey a resident in West Valley said that he is hoping the recent Supreme Court decision will have some effect on the Commission, and show to them how important their neighborhood plan is. He then added that to them it is their home and hopes they won't allow that to be ruined by allowing commercialism to come in on top of them and kill their homes and children's activity.

Steve Vandehey a resident in West Valley said that he would like the Commission to take into consideration that this isn't just West Valley they are talking about, that they are talking about the whole county. He then asked Commissioner Brenneman if that was correct.

Commissioner Brenneman PT said yes, everywhere there is AG-40 and AG-80, but they can be restricted.

Steve Vandehey asked if those that live off Hwy 93 in Ponderosa Pines could potentially be looking at a gravel pit in their back yard. He then added to accept something so restrictive where you have no control whatsoever over it; which is what you are here for to have control over these types of issues and protect the county. Vandehey then said to consider the amendment in any form where it doesn't allow you to have any control would be the wrong move. He then asked if it was correct that it is not for the whole county.

Commissioner Brenneman PT said that relatively small portions of the county are zoned, so the areas where it is not zoned, then it would apply.

Steve Vandehey then asked if he had an opinion on the amendment.

Commissioner Brenneman PT said that it would be inappropriate for them to make any decisions at this time during the public comment period when it is not noted on the agenda.

Steve Vandehey also asked if he felt it would be a good idea for them not to have the ability to say "yes" or "no" as to where gravel goes.

Commissioner Brenneman PT said that within the limits of the law they would like to exercise all the appropriate authority they have.

Steve Vandehey then spoke about HB 591 which says that they currently do have the power and control to say no right now. He then added that the ruling that came down allows the Commissioners of any county to prohibit or condition gravel pits anywhere within their county. Vandehey then said that this should strongly be considered, re-written or thrown out.

Bob Sauer a resident in Rhodes Draw questioned a request for a text amendment for the West Valley Plan that was tabled approximately 1 ½ years ago, and asked when it would show up again.

Commissioner Brenneman suggested that he check with the Planning Office.

Bob Sauer then replied that the Commissioners were the ones that tabled it.

Allen Butler a resident in Rhodes Draw spoke in opposition of the text amendment. He then said that he sees no reason why the County Commissions should relinquish their control over where gravel pits can go. Butler further added that he can see gravel pits going in areas that are totally inappropriate.

Tom Clark a resident on Farm to Market Road stated that he too is opposed to the gravel text amendment that will create more problems and not solve anything. He then said that 2 ½ years ago he proposed that the county do an overlay of where the gravel is, the residential areas and where environmental problems may be, and create zones for gravel extractions. Clark then added that this is a short sided approach to a big problem.

Joe Grana a Rhodes Draw resident spoke in support of what has been said and stated that he too is against the text amendment.

Joe Breen a Mountain Meadow Road resident also spoke in opposition to the text amendment. He then said that as far as gravel extraction is concerned the West Valley Neighborhood Plan already allows gravel extraction, but it prohibits the selling of it. Breen then added if you want to extract the gravel for your own benefit then it would be perfectly acceptable, but the Neighborhood Plan prohibits retail sale of gravel.

Discussion was then held relative to open meeting laws.

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

QUARTERLY MEETING W/ BOBBIE KELLY, RSVP

This meeting was cancelled.

CONSIDERATION OF EXTENSION: EASTVIEW CENTER

[9:23:38 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Ardis Larsen, Clerk Kile

Commissioner Lauman made a **motion** to approve a one year extension for Eastview Center. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF EXTENSION: WEST VALLEY VIEWS II

[9:24:51 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Olaf Ervine, Clerk Kile

Commissioner Lauman made a **motion** to approve a one year extension for West Valley Views II. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

BOARD APPOINTMENTS: PRE-RELEASE CENTER WORKING COMMITTEE

[9:25:36 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman PT made a **motion** to appoint Mike Meehan, Jeryl Hollinger, Bonnie Olson, John Bowdish, Steve Breck and Dale Lauman to the Pre-release Center Working Committee. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF ADMINISTRATIVE ORDER ON CONSENT W/ MDEQ

[9:27:18 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Dennis Hester, Clerk Kile

Commissioner Lauman made a **motion** to authorize the signature of the administrative order for MDEQ. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE DISTRICT

[9:30:59 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Solid Waste Operations Manager Dave Chilton, Planning & Zoning Director Jeff Harris, Clerk Kile

Prunty reported that a member recently resigned from the board and an ad will be run to advertise for the position. He then said that the new Chairman for the year is Hank Olson with Bill Shaw as the Vice-Chair. Prunty then reported on the recycling bid contract that was awarded, the land fill gas to energy project that is moving forward and container site consolidations.

Discussions then ensued relative to the recycling program.

PUBLIC HEARING: AG & SAG CLUSTERING SETBACKS TEXT AMENDMENT/ FLATHEAD COUNTY ZONING REGULATIONS

[10:10:00 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Clerk Kile

Harris reviewed Staff Report FZTA 07-01 a Zoning Text Amendment request from Flathead County. The purpose of the request is to clarify that residential clustering setbacks for AG and SAG districts found in the Performance Standards are different than setbacks described in all AG and SAG districts in Chapter III of the Flathead County Zoning Regulations. The Flathead County Planning Board held a public hearing on the proposal on December 12, 2007, at which time a grammatical change was also made to the proposed changes for clarity. The Planning Board unanimously recommended approval to the County Commission. The regulations to be amended are:

- Section 3.04.040 Bulk and Dimensional Requirements (AG-80)
- Section 3.05.040 Bulk and Dimensional Requirements (AG-40)
- Section 3.06.040 Bulk and Dimensional Requirements (AG-20)
- Section 3.07.040 Bulk and Dimensional Requirements (SAG-10)
- Section 3.08.040 Bulk and Dimensional Requirements (SAG-5)

Commissioner Brenneman PT opened the public hearing to anyone wishing to speak in favor or opposition of the text amendment.

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

Commissioner Lauman made a **motion** to adopt Resolution #955GR. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

RESOLUTION NO. 955 GR

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 23rd day of January, 2008, to consider changes to the text of the Flathead County Zoning Regulations proposed by Flathead County and the Flathead County Planning and Zoning Office;

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on January 12 and January 19, 2008;

WHEREAS, the Board of Commissioners heard public comment on the proposed amendments to the Flathead County Zoning Regulations at that hearing; and

WHEREAS, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendments.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and adopts this resolution of intention to amend the Bulk and Dimensional Requirements for Sections 3.04.040 (Agricultural, AG-80), 3.05.040 (Agricultural, AG-40), 3.06.040 (Agricultural, AG-20) 3.07.040 (Suburban Agricultural, SAG-10) and 3.08.040 (Suburban Agricultural, SAG-5) in the Flathead County Zoning Regulations to clarify that residential clustering setbacks for AG and SAG districts found in the Performance Standards are different from setbacks set forth in the AG and SAG districts where clustering is not employed;

BE IT FURTHER RESOLVED, that notice of the passage of this resolution, stating the general character of the proposed changes to the Flathead County Zoning Regulations, that said proposed changes and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the adoption of the proposed changes, shall be published once a week for two weeks.

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

BE IT FURTHER RESOLVED, that if forty percent of the free-holders protest the adoption of the proposed changes, the changes will not be adopted.

DATED this 23rd day of January, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Gary D. Hall, Chairman

By: /s/Joseph D. Brenneman PT
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

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

By: /s/Diana Kile
Diana Kile, Deputy

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intent (Resolution No. 955 GR) on January 23, 2008, to adopt proposed amendments to the text of the Flathead County Zoning Regulations.

The proposed amendments would amend the Bulk and Dimensional Requirements for Sections 3.04.040 (Agricultural, AG-80), 3.05.040 (Agricultural, AG-40), 3.06.040 (Agricultural, AG-20) 3.07.040 (Suburban Agricultural, SAG-10) and 3.08.040 (Suburban Agricultural, SAG-5) in the Flathead County Zoning Regulations to clarify that residential clustering setbacks for AG and SAG districts found in the Performance Standards are different from setbacks set forth in the AG and SAG districts where clustering is not employed.

The Flathead County Zoning Regulations are on file 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. Documents related to the proposed amendments to the text of the Flathead County Zoning Regulations are also on file for public inspection at the Office of the County Clerk and Recorder and the Flathead County Planning and Zoning Office.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed changes to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County whose names appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 23rd day of January, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Diana Kile, Deputy

Publish on January 28 and February 4, 2008.

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 24, 2008.

THURSDAY, JANUARY 24, 2008

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

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

MONTHLY MEETING W/ MONICA EISENZIMER, ELECTION DEPT.

[9:18:34 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Recording Manager Monica Eisenzimer, Clerk Kile

Eisenzimer reported that filing has opened for county and state offices and will close on March 20, 2008. She then stated that some light remodeling is being done in the East Annex that will be used as a counting location on election night. Also noted was safety measures will be taken in regards to possibly installing a security system for ballot security purposes. They are also in the process of recruiting 400 election judges, putting together an Election Task Board and Reconciliation Board. Eisenzimer then reported that an informational open house will be held on March 28, 2008 for candidates that have filed.

PUBLIC HEARING: JONES ZONE CHANGE/ EVERGREEN & VICINITY ZONING DISTRICT

[9:32:42 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Planner George Smith, Dan Jones, Clerk Lawrence

Smith reviewed the request from Daniel and Virginia Jones for a zone change from R-1 Suburban Residential to B-1 Neighborhood/ Professional Business within the Evergreen Zoning District and the Kalispell City-County Planning Jurisdiction Existing Master Plan and Future Land Use Maps. The applicant is proposing an amendment to the Evergreen Zoning District Map for one parcel totaling 4.1 acres on West Reserve, 1/3 of a mile west of Hwy 2. The proposed zone change is not consistent with the planned land designations for this area as identified in the Hwy 93 North Proposed Growth Policy Amendment Map. It does partially conform to the Flathead County Growth Policy Designated Use Map 2006, which indicates the property to be within the area planned for industrial use and the residential neighborhood.

Commissioner Brenneman PT opened the public hearing to anyone wishing to speak in favor or opposition of the zone change.

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

Commissioner Lauman made a **motion** to approve Resolution 797EP. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

RESOLUTION NO. 797 EP

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 24th day of January, 2008, to consider a request by Daniel & Virginia Jones, DBA Northwest Equipment, to change the zoning designation in a portion of the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to B-1 (Neighborhood/Professional Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on January 12 and January 19, 2008;

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

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Evergreen and Vicinity Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning for a portion of the area in the Evergreen and Vicinity Zoning District from R-1 to B-1, described as the boundaries of Tract 5E in Section 33, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

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

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

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

DATED this 24th day of January, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Gary D. Hall, Chairman

By: /s/ Joseph D. Brenneman PT
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By: /s/ J. Lawrence
J. Lawrence, Deputy

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
EVERGREEN AND VICINITY ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 797 EP) on January 24, 2008, to change the zoning designation in a portion of the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to B-1 (Neighborhood/Professional Business).

The boundaries of the area proposed to be amended from R-1 to B-1 are the boundaries of Tract 5E in Section 33, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

The proposed change would change the general character of the zoning regulations applicable to the property from an area intended to provide estate type development normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc., to a neighborhood/professional business district to provide for commercial and professional office uses where such uses are compatible with adjacent residential areas, serving as a buffer between residential areas and other land-use districts; intended to meet the daily needs of those nearby residents living within one (1) mile of the district while not allowing businesses that require outdoor display, sale and/or storage of merchandise, outdoor services or operation, or outdoor consumption of food and beverages; and being formed as an island rather than a strip.

The regulations defining the R-1 and B-1 Zones are on file for public inspection at the Office of the Clerk and Recorder, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana. Documents related to the proposed amendment are also on file for public inspection at the Office of the County Clerk and Recorder and the Flathead County Planning and Zoning Office.

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

DATED this 24th day of January, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By: J. Lawrence
J. Lawrence, Deputy

Publish on January 29 and February 5, 2008.

CONSIDERATION OF BRAKE COMPRESSSION SIGNS/ BIGFORK

[9:47:16 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:
Clerk Kile

Commissioner Lauman made a **motion** to approve the request to send a letter to James Freyholtz with MDOT requesting a compression brake sign in Bigfork. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

OPEN BIDS: TIRES, CRUSHED WASHED GRAVEL, ASPHALT, EMULSIFIED ASPHALT, PROPANE, GAS & DIESEL/ ROAD DEPT.

[10:05::21 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Public Works Director Dave Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Operations Manager Solid Waste Dan Chilcote, Ted Gilbertson, Bruce Atkinson, Dell McManus, Clerk Kile

Tire bids received with bid bonds enclosed from Les Schwab and Tire Rama West:

Tire Rama West	Tires/ New	Firestone	11R24.5	Highway	\$ 265.00
		Firestone	11R24.5	Traction	\$ 305.00
		Michelin	1400R24	Non-Dir	\$ 855.36
		Primex	20.5X25	L-5	\$1,459.05
		Primex	23.5X25	L-5	\$1,875.60
		Firestone P41	225/60R16	All Season	\$ 77.50
		Firestone PVS	225/60R16	Mud/Snow	\$ 72.00
		Firestone	235/85R16	All Season	\$ 105.00
		Firestone	235/85R16	Mud/ Snow	\$ 115.00

Les Schwab	Tires/ New	11R-24.5/14 M-147	Hwy Tubeless	\$ 296.00	
		11R/24.5/14 M-610ZL	Traction Tubeless	\$ 305.00	
		20.5-25/16 G25 L5	Lug Tubeless	\$2,035.00	
		23.5-25/20 G25 L5	Lug Tubeless	\$2,035.00	
		P225/60R-16 97V P6	Blackwall	\$ 91.00	
		225/60R-16XL 102V	Mud & Snow Blackwall	\$ 89.00	
		LT235/85R-16/10	Sport All Season	\$ 132.50	
		LT235/85R-16/10	SST Blackwall	\$ 133.50	
		1400R-24* G2	Lug Tubeless	\$ 650.00	
			Traction Retread		
			11-24.5 PC-7	Traction Retread	\$ 125.00
			11-24.5 PC-14	Highway Retread	\$ 115.00

Commissioner Lauman made a **motion** to refer the tire bids to the Road Department. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

Bids received for 8,000 Tons of Crushed Washed Gravel:

LHC, Inc	bid bond enclosed	\$16.00/T	\$128,000.00
Knife River	bid bond enclosed	\$23.00/T	\$184,000.00
Schellinger Construction	no bid bond enclosed	\$13.00/T	\$104,000.00

Commissioner Lauman made a **motion** to refer the 2 valid bids for 8,000 tons of crushed washed gravel to the Road Department. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

Bid received for Liquid Asphalt:

Montana Refining Company	bid bond enclosed	PG 64-22	\$ 343.33/Ton
		PG 58-22	\$ 343.33/Ton
		SS 1 Tack Oil	\$ 343.33/Ton
Idaho Asphalt Supply, Inc.	bid bond enclosed	PG 64-22	\$ 405.00/Ton
		PG 58-22	\$ 405.00/Ton
		SS 1 Tack Oil	\$ 360.00/Ton

Commissioner Lauman made a **motion** to refer the liquid asphalt bids to the Road Department. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

Bid received for Emulsified Asphalt:

Montana Refining Company	bid bond enclosed	Emulsified Asphalt	\$ 358.00/Ton
Idaho Asphalt Supply, Inc.	bid bond enclosed	Emulsified Asphalt	\$ 390.00/Ton

Commissioner Lauman made a **motion** to refer the emulsified asphalt bids to the Road Department. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

Bids received for Propane:

Northern Energy	bid bond enclosed	Shell/ Conoco	.06 ¢ Delivery Cost/ Gallon
City Service Valcon	bid bond enclosed	HD-5 Unbranded	.05 ¢ Delivery Cost/ Gallon

Commissioner Lauman made a **motion** to refer the propane bids to the Road Department. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

Bid received for Gas & Diesel from City Service Valcon with bid bond enclosed:

City Service Valcon

Delivery cost	REG	DSL #2	DSL #1	DSL#1 ULTRA LOW
Martin City -	.229	.229	.229	XXX
Columbia Falls	.189	.189	.189	XXX
Busch Pit	.259	.259	.259	XXX
County Shop	.159	.119	.119	.119
Bigfork – Sullivan	XXX	.219	.219	XXX
Bigfork – Thoennes	XXX	.219	.219	XXX
Mixing Plant	XXX	.159	.159	XXX
Main Courthouse	.159	.159	.159	XXX
Solid Waste, Dump	.159	.129	.129	.129

Commissioner Lauman made a **motion** to refer the gas/ diesel bids to the Road Department. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: PATROL CARS/ SHERIFF'S OFFICE

[10:01:22 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Sheriff Mike Meehan, Clerk Lawrence

Meehan reported the request is for 4 SUV's and 1 sedan.

Commissioner Lauman made a **motion** to authorize the publication of Call for Bids for Sheriff Vehicles and authorized the Chairman to sign. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for the purchase of four (4) new SUVs and one Sedan. Bid must include the delivery cost to Kalispell, Montana.

Specifications for the SUV and Sedan vehicles are available at the Flathead County Clerk & Recorder's Office, 800 South Main, Kalispell, MT, and at the Flathead County Sheriff's Office, 920 South Main, Kalispell, MT.

Each bidder must deposit with the bid, a bid security in the amount of \$5,000 to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase and sale of said units. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order, bank draft, or bid bond executed by a surety corporation authorized to do business in Montana.

The bidder shall include with his bid, the form of contract to be signed. The terms of said contract, including maintenance and warrant provisions, will be considered in determining the bid which best serves the County's interests. The County reserves the right to negotiate terms of said contracts (excluding prices contained therein).

All sealed bids, plainly marked SEALED BID-SHERIFF'S PATROL VEHICLES must be in the hands of the County Clerk and Recorder, 800 south Main, Kalispell, Montana 59901 on or before **5:00 o'clock P.M. on February 8, 2008**. Bids will be opened and read at **9:30 a.m. on February 11, 2008**, in the Commissioners Office at the West Annex of the Courthouse, 800 South Main, Kalispell, Montana.

The award of bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the Flathead County Clerk and Recorder. Flathead County reserves the right to accept or reject any bid and to waive any irregularities, which are deemed to be in the best interest of the County.

Dated this 24th day of January, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By: /s/ J. Lawrence

J. Lawrence, Deputy

Publish on January 29, and February 5, 2008.

BOARD APPOINTMENTS: TAX APPEAL BOARD, ROGERS LAKE LAND USE ADVISORY COMMITTEE & RSVP

[10:16:14 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Mary Sevier, Clerk Kile

Commissioner Lauman made a **motion** to appoint Roxy Larsen and Tony Yeager to the RSVP Board. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

Mary Sevier reported that the appointment of Lorrie Woods as a representative of Plum Creek to the Rogers Lake Land Use Advisory Committee needs to be rescinded. She then said that a state lease holder needs to be on the Rogers Lake Land Use Advisory Committee, and that David Walsh is the only one that applied that qualifies. Sevier further added that the Rogers Lake Land Use Advisory Committee would be re-doing their by-laws to add a Plum Creek representative.

Commissioner Lauman made a **motion** to rescind the appointment of Lorrie Woods to the Rogers Lake Land Use Advisory Committee. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to appoint David Walsh to the Rogers Lake Land Use Advisory Committee. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to appoint Connie Gress to the Tax Appeal Board. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

FINAL PLAT: LABRANT HILLS

[10:33:19 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Ardis Larsen, Cindy Lewis, Clerk Kile

Hogle entered into record Staff Report FPP 07-57. He then reviewed the application submitted by William Knoll with technical assistance from Larsen Surveying for final plat approval of LaBrant Hills; a subdivision creating 2 residential lots located approximately five miles north of Bigfork on LaBrant Road. The Board of County Commissioners granted preliminary approval on June 5, 2007, subject to 14 conditions. Staff recommends final approval of LaBrant Hills Subdivision.

Commissioner Lauman made a **motion** to approve final plat of LaBrant Hills Subdivision. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

FINAL PLAT: LABRANT HILLS 2

[10:40:18 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Ardis Larsen, Cindy Lewis, Clerk Kile

Hogle entered into record Staff Report FPP 07-58. He then reviewed the application submitted by William Knoll, Jeff Lewis and Cindy Lewis with technical assistance from Larsen Surveying for final plat approval of LaBrant Hills 2; a subdivision creating 2 residential lots located approximately five miles north of Bigfork on LaBrant Road. The Board of County Commissioners granted preliminary approval on June 5, 2007, subject to 14 conditions. Staff recommends final approval of LaBrant Hills Subdivision.

Commissioner Lauman made a **motion** to approve final plat of LaBrant Hills II Subdivision. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

FINAL PLAT: SOMERS STAGE SUBDIVISION

[10:47:48 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Erica Wirtala, Clerk Kile

Broadie reviewed the application submitted by Mackinaw Estates, LLC with technical assistance from Sands Surveying, Inc. and Environmental Consulting; a subdivision creating 5 residential lots. The Board of County Commissioners granted preliminary plat approval on March 23, 2006, subject to 11 conditions.

Commissioner Lauman made a **motion** to approve the SIA and final plat of Somers Stage Subdivision. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

PRELIMINARY PLAT: THE ROCK RESUB. LOTS 1 & 2

[11:01:01 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Olaf Ervine, Fred R. Ricketts, Clerk Kile

Harris entered into record Staff Report FPP 07-28. He then reviewed the application submitted by Rock Partners, LLC with technical assistance from Montana Mapping for preliminary plat approval of The Rock; a major subdivision on 10.080 acres that would create 4 commercial lots on Arcadia Way off of Hwy 2 East, north of Evergreen. The lots will be served by shared septic and water systems.

Harris then reviewed Findings and the Summary of Findings of Fact.

Finding of Fact #8 was changed to: Advanced catch basins may become sources of pollution if they do not receive routine maintenance.

Finding of Fact #13 was added: Staff acknowledges the property to the north is prime development property.

Commissioner Lauman made a **motion** to adopt Findings of Fact as amended by the Planning Board. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

General discussion was held relative to ground water in which Harris explained what the Planning Boards concerns were in regards to the catch basins.

Olaf Ervine noted that the most economical alternative would be that the end user of the lot would fill in the hole and bring it up to grade. He then explained what the advanced catch basin would do.

Condition #18 was removed.

Condition #19 will now read: The drainage swale along the north edge of Arcadia Way must be upgraded to direct all storm water to advanced catch basins along the northern side of the road. These improvements must be in place prior to final plat approval.

Condition #22 will now read: All internal subdivision roads shall be certified by a licensed engineer and constructed in accordance with the Flathead County Minimum Standards for Design and Construction.

Commissioner Lauman made a **motion** to approve preliminary plat of the Rock, Re-subdivision of Lots 1 & 2 with amended conditions. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman 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 4.7.17(iv), FCSR]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road Department (or the Montana Department of Transportation), indicating the approach has been built and received final inspection. [Section 4.7.17, FCSR]
3. Except for sewer and water lines, underground utilities (if placed in the road right-of-way or easement) shall be located between the roadway and the right of way or easement line to simplify location and repair of lines. These underground facilities shall be installed after the road has been brought to grade and before it is surfaced. Utility lines shall be designed by utility firms in cooperation with the subdivider, subject to all applicable laws and all rules and regulations of any appropriate regulatory authority having jurisdiction over such facilities. At the time of final plat, letters shall be provided from the appropriate utilities stating that the lines constructed meet these requirements and any of their additional requirements. [Section 4.7.24, FCSR]
4. Utility easements shall be 10 feet wide unless otherwise specified by the utility company. These easements shall be shown on the face of the final plat. [Section 4.7.24(c), FCSR]
5. The proposed water and sewage treatment systems and storm drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Sections 4.7.21 and 4.7.22, FCSR]
6. The applicant shall submit to the Flathead County Planning and Zoning Office an approved Storm Water Pollution Prevention Plan from the MT DEQ – Water Protection Bureau prior to any construction activity. [Section 4.7.13, FCSR; 75-5-101, MCA]
7. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. If a letter from the fire chief stating that a dead end road for the frontage road is acceptable, the road shall be built to the northern property line and the cul-de-sac be eliminated. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
8. The applicant shall provide an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved and implemented. The Weed Control Plan shall be implemented prior to final plat application. The County Weed Supervisor may charge a fee to inspect the subdivision and approve the implementation. [Section 4.7.26, FCSR]

9. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
10. The developer shall contact the Superintendent of Schools and, if required, provide and improve a location for the safe loading and unloading of students. [Section 4.7.30, FCSR]
11. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.27(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.24, FCSR]
 - 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. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed.
 - e.

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.
 - f. No further subdivision of all lots in the Rock Re-Subdivision of Lots 1 and 2.
12. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.27 FCSR]
13. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 4.4.23 FCSR]
14. Preliminary plat approval is valid for three years. [Section 4.4.20 FCSR]

UNIQUE CONDITIONS

15. An aviation and hazard easement that names both the airport authority and the county as joint grantees must be executed for the property before final plat. The applicant must contact Glacier International Airport for the terms of the easement.
16. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. Federal regulations require that FAA Form 7460-1 be submitted and approved if any structure on the site or equipment used during construction will penetrate a 100:1 slope from the nearest point of the nearest runway. At this site, that translates to an elevation of 3025' MSL.
 - b. This site lies within an area that experiences frequent aircraft overflights and their associated effects. These effects may include smoke, noise, dust, lights and vibrations.
17. A 60 foot access and utility easement along the western edge of Lot 2 northward to the neighboring parcel must be shown on the final plat.
18. All new roads must be built with curb and guttering that directs all stormwater to advanced catch basins. These improvements must be in place prior to final plat.
19. The drainage swale along the north edge of Arcadia Way must be upgraded to direct all stormwater to advanced catch basins along the northern side of the road. These improvements must in place prior to final plat.
20. The design of the stormwater management system must utilize advanced catch basins capable of removing sediments and oils to treat all stormwater. This stormwater management system must be in place prior to final plat.
21. All curb and guttering and stormwater systems must be inspected and signed off on by a licensed engineer, this letter must be included in the final plat application.
22. A road user's agreement must be formed or amended to include and provide for the regular maintenance of the advanced catch basins for Arcadia Way and the new roads. All internal subdivision roads shall be certified by a licensed engineer and constructed in accordance with the Flathead County Minimum Standards for Design and Construction. [Section 4.7.17, FCSR]
23. Septic and water systems shall not be placed in any portion Lots 3 and 4, or in portions of Lots 1 and 2 where depth to groundwater is less than 8 feet, except for pipes used for transportation of water and wastes.
24. An 11 X 17 color copy of the map of depth to groundwater as presented in the preliminary plat application, with the location of the water wells and septic drain fields must be included in the final plat application.
25. Lot 3 shall share water and septic with Lot 2. Lot 4 shall share water and septic with Lot 1.
26. Utility easements for the shared water and septic systems are required and must be shown on the final plat.
27. An updated approach permit including this proposed subdivision must be approved and included in the final plat application for the intersection of Arcadia Way and US Highway 2.

CONSIDERATION OF HR TRANSMITTAL: GRANT WRITER

[11:46:25 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:
Chairman Gary D. Hall
Others present:
Clerk Lawrence

Commissioner Lauman made a **motion** to approve the re-classification of the Grant Writer position. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF EDUCATIONAL ASSISTANCE REQUEST: M. SEVIER

[11:47:26 AM](#)
Members present:
Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman
Members absent:
Chairman Gary D. Hall
Others present:
Clerk Lawrence

Commissioner Lauman made a **motion** to approve the educational assistance request for Sevier. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

5:00 p.m. Road Advisory Committee meeting @ Solid Waste District Conference Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 25, 2008.

FRIDAY, JANUARY 25, 2008

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Brenneman 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 January 28, 2008.
