

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611(2) (b).

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**MONDAY, JUNE 3, 2013**

[Audiofile](#)

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

Chairman Holmquist led the Pledge of Allegiance.

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

Bill Ashe, 1870 Pine Grove Lane spoke against Rosewater Subdivision that would be located near his property. He pointed out concerns he still has that include keeping the lake fresh; dye that will be used; draw down of the lake; monitoring wells; extreme saturation of the soils; replacement of the pond liner; noise concerns; making a letter of credit a requirement.

Ralph Hemp stated he is building a home in Kalispell and explained concerns he still has with Rosewater Subdivision. He pointed out they have come out with an Operations and Maintenance guide that could be changed or abolished once final plat is over. He noted others concerns pertaining to repair of the lake liner; monitoring of the wells and who would be responsible for that; false positive readings of the monitoring wells; potential contamination of Whitefish River.

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

**CONTINUATION OF PRELIMINARY PLAT: ROSEWATER SUBDIVISION**

**10:00:05 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Planning & Zoning Director B. J. Grieve, Planner Alex Hogle, Deputy County Attorney Tara Fugina, Eric Mulcahy, Tom Cowan, Ralph Hemp, Bill Tanner, Bill Ashe, Robin Street, Mark Lister, Bob Herron, Roger Noble, Clerk Kile

Grieve pointed out under Subdivision Regulations that what has occurred with this project is that a subsequent public hearing was held per a decision by the commission. He noted after the subsequent public hearing held on May 8, 2013 that the commission shall not consider any new information regarding the major subdivision application that is presented when making a decision whether to approve, conditionally approve, or deny the proposed major subdivision. He said at this point there have been two public hearings in front of the Planning Board on this subdivision, one public hearing on the PUD in front of the Planning Board, and one public hearing on the PUD in front of Flathead County Commissioners.

Commissioner Krueger noted that for disclosure purposes he wants everyone to know that his son currently farms the property and he himself has nothing to gain from that interaction; therefore, will be participating in the decision for Rosewater Subdivision.

Hogle entered into record FFP 12-02 regarding preliminary plat for Rosewater Subdivision. He pointed out Rosewater Subdivision came to the commission on March 25, 2013 after the Planning Board considered it at an initial public hearing on February 13, 2013. He noted staff presented a report at the March 25, 2013 public hearing held by the commission along with information that was provided by the applicant. Based upon that information as well as public information that you had up to that point, you did request a subsequent public hearing; that hearing did occur on May 8, 2013, and was legally noticed in accordance with Flathead County Subdivision Regulations. The Planning Board was provided specific information leading up to that meeting. On April 24, 2013, they were provided a memo that outlined the content the commission determined to be new information.

- the proposed lake liner system and its potential for leaking
- long-term maintenance and repair
- potential noise impacts associated with the proposed water ski use

In addition to the information related to those topics the Planning Board was also provided the public comment that had been received subsequent to their initial public hearing, along with anything they received up to the date of April 24, 2013. At the second public hearing held by the Planning Board, there were a number of speakers from the public. The Planning Board gave each speaker up to 15 minutes to present comment on the topics that were determined new information. Hogle pointed out the actions taken by the Planning Board are outlined on the addendum from the subsequent public hearing. An amended version of the Planning Boards recommendation is before you now with a recommendation of 35 findings of fact with a substantial change to finding of fact #35. In terms of recommended conditions there are 31 recommended conditions of approval. Hogle reviewed new information that was received since the March 25, 2013 meeting. The applicant in response to concerns identified drafted Rosewater Operations and Maintenance Manual and submitted information they felt was pertinent to noise concerns. The Rosewater Operations and Maintenance Manual identifies a wide range of topics listed in the table of contents; everything from physical descriptions of the lake liner system and lake construction to details regarding maintaining water levels, types of equipment that would be allowed, descriptions of the monitoring wells and proposals they presented for monitoring lake levels, function of the lake, leak detection, details about the actual materials that will be added to the water, etc. The sound map he pointed out portrays how decibel values would essentially be perceived horizontally at various distances from the lake. There was substantial discussion during the public hearing from the Planning Board and from the public he pointed out. Ultimately, the Planning Board felt comfortable that during the PUD element of the development that the placement and use of the water ski lake was placed as a conditional use and that the process would be administered through the Board of Adjustments, and would specifically look at impacts from sound and various other impacts associated with the criteria for a CUP.

Commissioner Krueger made a **motion** to withdraw a previous motion to table on March 25, 2013. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

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Commissioner Krueger made a **motion** to approve the staff report with the amendments or the addendum by the Planning Board and Findings of Fact as have been presented. Chairman Holmquist **seconded** the motion. **Aye** - Holmquist and Krueger. **Opposed** – Scott. Motion carried by quorum.

Commissioner Krueger made a **motion** to approve Rosewater Subdivision with conditions added. Commissioner Scott **seconded** the motion to discussion.

Commissioner Krueger thanked the public, applicants, staff, and the Planning Board and stated this has been a process where we have had many eyes on the project, which I think is very good; this is how we develop good conditions for the application. Krueger pointed out he would like to see that the Operations and Maintenance Manual for the pond included in the conditions.

Grieve noted it currently is condition #29.

Commissioner Krueger asked how he would go about making a simple change in the Operations and Maintenance Manual.

Grieve pointed out currently the way condition 29 reads is that prior to final plat approval of Phase 1, the applicant shall provide an Operations and Maintenance Manual. He noted the Planning Board left it that way because they were happy with what they saw. He stated if you were to want something specific in the manual you would probably want to make an amendment to condition #29. Something along the lines of prior to final plat approval of Phase 1 the applicant shall provide an Operations and Maintenance Manual for the proposed artificial lake, and the rest of that condition goes on to say what the plan shall do. It shall address long term monitoring of the lakes liner system, the plan shall include minimum qualifications of a person or firm. If there is something else you want in the manual you want to include it in condition #29 saying the manual shall include the following.

Commissioner Krueger said specifically what he would like to see is that all the monitoring wells be monitored the same way as the two mentioned with continuous monitoring and data logs. He added I do not want to see this go out in the future and there be questions about whether there is blue dye in there or not for monitoring the level of the aquifer; we will have the information we need.

Grieve asked if the Operations and Maintenance Manual states how many total wells they will be treating.

Hogle pointed out there are a total of six wells and two of them that would be located to the southeast of the lake would actually have electronic full time monitors. The reasoning for that I think is because the perched aquifer that has been mentioned flows from a northwest to southeast direction; so the logic in what they presented if there was an issue it would show up in the two.

Grieve said for example the condition the way it reads right now as amended by the Planning Board it ends with the statement that the plan shall include a method for continuous monitoring of water levels in two monitoring wells located southeast of the lake. You could amend it to say the plan shall include a method for continuous monitoring of water levels in all monitoring wells presented in the manual.

Commissioner Krueger stated that would be perfect.

Grieve clarified the motion on the table right now is to approve with conditions so you would want to clarify that you are looking at the 31 conditions as forwarded by the Planning Board with the amendment to condition # 29.

Commissioner Krueger said the other condition he has would help address noise issues; currently they have a decibel level in there that is good and totally adequate. The other condition pulled from the State of Montana for rules of operating a towing device in the State of Montana says that water skiing and other towed recreation is not allowed between the hours of sunset and sunrise. However, when I questioned that there was some question as to whether that would carry through to a private pond. If we put it in there as an additional condition then I believe that would take care of that.

Grieve said at this point you would want to have a motion to approve with 31 conditions from the Planning Board. In order to clarify what conditions you are thinking of you would want to clarify that it is the 31 conditions and the additional condition #32.

Commissioner Krueger made a **motion** to amend the conditions (31) presented to include those two changes.

Hogle clarified that after adopting Findings of Fact a motion was made by Commissioner Krueger to approve with added conditions. Commissioner Scott seconded the motion to discussion. Now the discussion on the conditions we have two things on the table:

- 1) Amendment to draft condition #29 to include monitoring in all the wells
- 2) Add a new condition that would be condition #32

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**(Continued)**

Commissioner Krueger made a **motion** to amend condition #29 and add condition #32.

Commissioner Scott clarified .... this is an approval to the amendment only.

Commissioner Scott **seconded** the amendment. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

Chairman Holmquist asked the developer if they had any preferences with the mitigation conditions.

Eric Mulcahy representing the applicant said they are okay with the conditions as presented.

Chairman Holmquist noted that for the record she has reviewed all the documentation provided and is basing her decisions on that.

Commissioner Krueger clarified his **motion** was to approve with conditions. He said there were some questions about sanitation, and in reviewing that, I think it was handled in our discussion and review; the fact that we have a Type 2 sanitation system mitigates that issue. With the addition of those two conditions that takes care of the noise issue and pond issue with the Operations and Maintenance Manual. He said I believe that those things have been mitigated and believe this is ready to move forward.

**Aye** – Holmquist and Krueger. **Opposed** – Scott. Motion carried by quorum.

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626B. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road and Bridge Department for the approach of Rosewater Lane onto Rose Crossing indicating the approach has been built and received final inspection and final approval. [Section 4.7.16, FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25, FCSR]
4. All internal subdivision roads (Rosewater Lane) shall be certified by a licensed engineer and constructed and paved at least 22-feet wide in accordance with the *Flathead County Minimum Standards for Design and Construction*, as applicable. [Sections 4.7.16, 4.7.17 FCSR]
5. With the application for final plat, the applicant shall provide a compliant Road Users' Agreement which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
6. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23, FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, as applicable, by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.12, 4.7.20, 4.7.21 FCSR]
8. 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 4.7.28, FCSR]
9. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22, FCSR]
10. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
  - b. All utilities shall be placed underground. [Section 4.7.23, FCSR]
  - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
  - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
  - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]
11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
12. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
13. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
14. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]

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15. 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 4.0.16, FCSR]
16. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13, FCSR]
17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]
18. The proposed phasing plan shall be implemented in accordance with the requirements of Section 4.4.2 of the Flathead County Subdivision Regulations; each development phase submitted for final plat review and approval shall be required to meet all conditions of approval established or identify where certain conditions have been previously met or are not applicable to the particular phase.
19. The proposed extensions and connections of the public water system shall comply with the standards and requirements of the Evergreen Water and Sewer District. A letter from the district stating that the water improvements meet the district requirements shall be submitted with the application for Final Plat. [Sections 4.7.20, 4.7.21 FCSR]
20. Prior to final plat approval of Phase 1, the applicant shall provide evidence that all applicable water right requirements of the Department of Natural Resources Water Resources Division pertaining to the use of Whitefish River water for filling of the proposed lake have been met.
21. A total of 64.249 acres (minimum) of land shall be dedicated as open space and maintained by the Homeowner's Association in accordance with the provisions of Section 4.7.24(d)(i) and (ii) FCSR, and shall be designated on the face of the final plat. The dedication of open space may be made over the course of two phases of development, in accordance with the proposed phasing plan submitted with the application materials.
22. The proposed water supply for fire suppression and hydrants onsite shall meet all applicable requirements set forth in Section 4.7.26(a) of the Flathead County Subdivision Regulations.
23. Stops signs shall be installed at the intersection of Rosewater Lane and Rose Crossing, and at the intersection of the unnamed storage/maintenance access road and Rosewater Lane to ensure safe and efficient traffic flow to, from and within the proposed subdivision.
24. An automated gate installed at the main subdivision entrance off of Rose Crossing shall be equipped with a siren activated opening mechanism meeting the specifications of the West Valley Fire District and the Kalispell Fire Department.
25. A secondary emergency access providing ingress/egress and meeting the applicable requirements for the size and weight of emergency vehicles and apparatus shall be established at a suitable location across Common Area 'F' between Pine Grove Lane and Rosewater Lane. If the access is chained or gated, developer shall provide an access key to the fire district for use in the case of emergency.
26. A bike/pedestrian path easement of compliant width (15-feet) shall be shown on the face of the final plat. [Sections 4.7.19 FCSR]
27. The design and construction of the lake shall include installation of monitoring wells as recommended in the geotechnical report submitted and reviewed with the preliminary plat.
28. Prior to final plat approval of Phase 1, the applicant shall provide an operations and maintenance manual for the proposed artificial lake. The plan shall address long-term monitoring of the lake's liner system and emergency response in the event of a failure of the lake's liner system. At a minimum, the plan should include minimum qualifications of a person or firm contracted to perform the monitoring; method(s) of lake liner repair for various forms of potential damage; method of emptying the lake which will not degrade area soils, impact area roads or adjacent properties, or cause pollution of the Whitefish River, and; establish a mechanism for financial responsibility regarding the cost of long-term monitoring and necessary response/repair of the lake liner. The plan shall include a method for continuous monitoring of water level in all monitoring wells described in the operations and maintenance manual.
29. Prior to final plat approval of Phase 1, the applicant shall provide evidence that a qualified person or firm has been contracted to perform long-term lake monitoring.
30. The final PUD Plan of Rosewater SAG-5 PUD shall be approved by Resolution of the Flathead County Board of Commissioners in order that the proposed subdivision is compliant with applicable local zoning prior to final plat approval.
31. Waterskiing and other towed recreation is not allowed between sunset and sunrise.

**MEETING W/ MIKE CUMMINS, FLATHEAD VALLEY CHEMICAL DEPENDENCY CENTER RE: ALCOHOL SERVICE PLAN UPDATE**

**10:30:38 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Executive Director of FVCDC Mike Cummins, Clerk Kile

Mike Cummins, Executive Director for Flathead Valley Chemical Dependency Clinic explained the center provides outpatient services and prevention services as a non-profit organization for addictions. He noted they run an eight bed women's recovery home, provide evaluations, individual counseling, group counseling, and outpatient treatment services to Flathead County, Sanders County and Lincoln County residence. Cummins said the State of Montana allocates county alcohol tax dollars to the counties from the sales of alcohol, and the commissioners have the prerogative to designate where the funds go. It was noted service is refused to no one who is a resident desiring assistance. The county alcohol tax dollars designated to them this year is \$83,474.

The commission unanimously agreed the Flathead Valley Chemical Dependency Center service is a value to the county.

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**(Continued)**

**CONSIDERATION OF LAKESHORE PERMIT: DELANEY, FLP 13-33**

**10:38:26 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Planner Bailey Minnich, Clerk Kile

Minnich entered into record Lake and Lakeshore Construction Permit FLP 13-33; a standard permit application submitted by Michael & Charlotte Delaney to repair the existing riprap along the shoreline with additional riprap material, clean rock material from inside the existing dock area and repair the entry to an existing swim dock at 277 Flathead Lake Place on Flathead Lake.

Commissioner Scott made a **motion** to approve Lakeshore Permit for Delaney/ FLP 13-33. Commissioner Krueger **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**CONSIDERATION OF LAKESHORE PERMIT: FLATHEAD COUNTY PARKS & RECREATION, FLP 13-40**

**10:40:15 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Planner Bailey Minnich, Clerk Kile

Minnich entered into record Lake and Lakeshore Construction Permit FLP 13-40; an application submitted by Flathead County Parks & Recreation to resupply fill material to an existing beach at Volunteer Park located at 7225 Highway 93 South in Lakeside.

Commissioner Krueger made a **motion** to approve Lakeshore Permit FLP13-40. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**CONSIDERATION OF LAKESHORE PERMIT: NORSKOG, FLP 13-39**

**10:41:38 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Planner Bailey Minnich, Clerk Kile

Minnich entered into record Lake and Lakeshore Construction Permit FLP 13-39; a standard permit application submitted by Jerry Norskog to add fill, a dry stacked riprap rock wall, and landscape the property utilizing trees, shrubs, and large boulders within the Lakeshore Protection Zone at 227 Beach Road in Bigfork.

Commissioner Krueger made a **motion** to approve Lakeshore Permit FLP 13-39. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**CONSIDERATION OF PRINT BID: COMMISSIONERS OFFICE**

**10:43:46 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Deputy County Attorney Tara Fugina, Clerk Kile

Chairman Holmquist stated the request is for 500 business cards for Commissioner Scott. She said the proposal includes addition of a home e-mail address to the cards and stated she personally does not feel their business cards should have a home e-mail address since they are for county business, and not personal business.

Commissioner Scott said his response to that is he currently has put his cell phone and e-mail address on the back of his business cards, so that he is readily available to citizens in whatever means they choose to use to contact him on a 24/7 basis for openness and work with the public. He stated either he can put a label on the back of the card with his contact information or it could be printed on the front of the card; either way, it is still going to be there.

Chairman Holmquist said I believe it is important that we separate our personal lives from our business. She stated I totally agree with being open and honest with the public, which I think we all are. Holmquist said I think we make ourselves very available to the public in many ways, but feel again that using our county business cards for our personal business should not be done, and I believe putting a home e-mail on them is using them for personal business.

Commissioner Krueger said I have a problem in that Flathead County is the one buying them. He said if your home e-mails were requested, would you want us to come to your home to get e-mails off your computer. Krueger said state law says the county is suppose to keep track of all e-mails that go to everyone, and how would we do that. He stated if it does not go through the county server, you are circumventing state law and we cannot approve that.

Commissioner Scott said that would not be circumventing state law.

Commissioner Krueger made a **motion** to deny. Chairman Holmquist **seconded** the motion. **Aye** - Holmquist and Krueger.

Commissioner Scott asked if they are striking his e-mail from the business cards.

Commissioner Krueger said we are not going to print them the way they are.

Commissioner Scott asked how they would be printed.

Chairman Holmquist said I think we follow the protocol we have followed throughout all the years, and Elaine who has done these throughout all the years can assist you with that.

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Commissioner Scott said there have been commissioners in the past who have had their personal phones and other information on their cards.

Commissioner Krueger said yes, and we have made mistakes in the past in Flathead County and we are trying not to do that anymore.

Commissioner Scott asked for an example of how that was a mistake in the past.

Commissioner Krueger said it did not need to be discussed and that it is not right.

Commissioner Scott said there should be logic and rational for your decisions.

Commissioner Krueger said it does not go through the Flathead County server and they have no way of those things to be recorded.

Commissioner Scott asked what would be on his cards now so that they could be ordered.

Chairman Holmquist said just get with Elaine.

Commissioner Scott asked if his personal cell would be allowed.

Chairman Holmquist stated you have had that on there.

Commissioner Scott said so it is just my e-mail then.

Commissioner Krueger said the e-mail is what he has a problem with.

Fugina said as I tell all the board members when I do board training that any communication concerning county business is subject to the public information laws. She said that includes anything on your e-mail, personal e-mail, personal cell phones, and things of that nature; we do not have any control over personal e-mails. She pointed out that even though she could pursuant to a document request, request those from him. The only way an opposing party could guarantee that they get what they are suppose to is to physically capture your computer or the e-mail account which is very problematic and would be a substantial burden for the court and I don't know if they would even do it. She said she always recommends that you keep your business and personal e-mail completely separate.

Commissioner Scott asked if that would apply to cell phones also.

Chairman Holmquist said the cell phone number has to go too.

Fugina said if you do not have a county cell phone, I would not have as much of a problem with a county cell phone listed; just know that those records are a lot easier to capture than e-mails. She pointed out she will be asking each of them to submit to her any text that may have been sent or received about certain subject matters pertaining to an information request received.

Commissioner Scott asked if they should then dispense from giving out their personal cell and e-mail with regard to any county related business whatsoever.

Fugina said that would be her suggestion. She pointed out it has been a long standing practice that the county has paid for county cell phones for use with county business; past commissioners have used their personal cell phones for business.

Commissioner Scott said his personal e-mail and his cell phone records are available for anybody that wants them at any time.

Fugina said I would not want to have to review your personal e-mail to find out the few that would be county business.

Commissioner Scott pointed out that should be noted publically so people can get a cell phone through the county.

Commissioner Krueger said he would be doing that. He stated he personally has not given his cell phone out to anyone.

Chairman Holmquist stated I would recommend we just stick to what we have done in the past, which is their business phone, fax and county e-mail.

Commissioner Krueger said he would agree.

**Opposed** – Scott. Motion carried by quorum.

Commissioner Krueger made a **motion** to approve the print bid to Insty Prints for 500 business cards for \$29.95 with changes to eliminate personal information from the card. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: DECLARATION OF SURPLUS PROPERTY/ LIBRARY**

**10:57:42 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Scott made a **motion** to approve the surplus property from the library. Commissioner Krueger **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

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(Continued)**

**DOCUMENT FOR SIGNATURE: HOSPITAL PROVIDER AGREEMENT/ PATHWAYS**

**10:58:19 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Krueger made a **motion** to approve for signature the hospital provider agreement with Pathways. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #14-07-4-31-161-0**

**10:59:17 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Krueger made a **motion** to approve DPHHS Contract #14-07-4-31-161-0. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**8:30 a.m. Weed & Parks Board meeting @ Weed & Parks Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 4, 2013.

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**TUESDAY, JUNE 4, 2013**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

**10:00 a.m. Commissioner Holmquist: Habitat for Humanity Ribbon Cutting Ceremony @ 2160 Hwy. 93**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 5, 2013.

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**WEDNESDAY, JUNE 5, 2013**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

Chairman Holmquist led the Pledge of Allegiance.

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

**OPEN BIDS: 2013 CRACK SEAL PROJECT/ ROAD DEPT.**

**9:03:25 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Public Works Director Dave Prunty, Clerk Kile

Bids received with bid bonds enclosed from:

Sandon Construction	\$1.20 / unit price
Hardrives Construction	\$1.06 / unit price
Z & Z Asphalt	\$1.0299 / unit price

Commissioner Krueger made a **motion** to take the bids received under consideration. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**AWARD BID: CHEMICALS/ WEED DEPT.**

**9:01:24 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Weed & Parks Director Jed Fisher, Clerk Kile

Fisher recommended the following bids be awarded to CPS Timberland: 360 gallons of Tordon at \$41.05/ gallon, 60 gallons of Transline at \$116.00 / gallon, 100 gallons of 2, 4-D at \$12.70 / gallon, 99 lbs. of Opensight at \$80.34 / gallon, 150 gallons of Banvel at \$41.95 / gallon, 200 lbs. of Perspective at \$73.60 / lb., 80 gallons of Milestone at \$299.73/ gallon.

Fisher recommended the following bid be awarded to CHS/ Cenex: 40 quarts of Lontrel at \$144.13 / quart.

Commissioner Scott made a **motion** to approve the bids as stated. Commissioner Krueger **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.



**WEDNESDAY, JUNE 5, 2013**  
**(Continued)**

**DOCUMENT FOR SIGNATURE: FY2014 DUI PLAN/ HEALTH DEPT.**

**9:10:22 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Clerk Kile

Commissioner Krueger made a **motion** to approve for signature the DUI Plan for the Health Department. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**CONSIDERATION OF PRINT BID: AOA**

**9:11:22 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Clerk Kile

Commissioner Krueger made a **motion** to award the print bid to Kalispell Copy Center for 2,000 registration cards for \$180.00 for AOA. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

Commissioner Krueger made a **motion** to award the print bid to Executive Services for 10,000 envelopes for \$675.00 for AOA. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**BI-MONTHLY MEETING V/ VICKI SAXBY, I.T.**

**9:15:00 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, I.T. Director Vicki Saxby, Clerk Kile

Saxby met with the commission and reviewed the following bi-monthly report.

- **General**
  - Online Policy and Procedures application – now available from OpenCounty – Employee Services. Still a work in progress adding policies to the application as they are submitted to us. When policies refer to documents, other policies or other references, we can add links directly into this application to allow the person to bring up the document to fill out, or review the document referred to in the policy.
  - Cost Recovery for IT Services – Much time was spent working together with Finance to develop a cost recovery model for IT services. I believe that we have developed a model that reasonably matches our Tech personnel costs, in addition to being very easy to administer, which was a goal for all of us.
  - Countywide Phone service – We are scheduled to switch to Bresnan for our County phone service around the end of this month. Additionally, these phone costs will be moved from the Finance department to the IT department for purposes of consolidating all of the Countywide phone costs into a single budget. Finance will continue to bill out the long distance charges to the departments.
- **Network and Tech Projects**
  - IT – Working through some network hardware infrastructure upgrades and clean-up projects; removing older network equipment, which we will try to resell.
  - IT – Classified all of our servers into tiers, rating them from 1-5 in order of priority in the case of failure. I then defined the expected response for each of these tiers.
  - IT – Disaster-recovery practices – practiced a full server recovery, documenting steps for three of our Tier 1 servers, including our primary file server, our firewall server and our Land / Tax server
  - IT – CERF – Working hard to deploy as many replacement computers as possible in an assembly line fashion. The most time consuming part is the actual deployment of the system to the end user along with the one-on-one training.
  - IT – Training – Phishing training for departments still ongoing; Securing the Human training for some departments.
  - IT – Converted our Land / Tax hardware based server to our virtual environment.
  - IT – New server build to replace the one used by Parks and Rec and Records Preservation – Records is moving all of their data from standalone computers to the network so more space was needed and the current server is seven years old, and needed to be replaced.
  - Adult Detention – Completed the jail kiosk station project – allows the public to deposit money into inmate accounts through a computer kiosk.
  - AOA – Many hours have been spent rerouting cables and moving computer equipment and phones into the new configuration. It has been extremely difficult to maintain connectivity to their old Novell network, and to find the physical space to accommodate the connections to the County network along with the connections to the Novell network. We did meet with Lisa regarding the application that they are using on their old network. She has researched other Agency on Aging services around the State and online, and they have not found an application that would provide the features and reporting that they feel they need. I have asked our web developer to begin designing an application that we feel will work for them.
  - Fairgrounds – Placed several loaner computers with their Showworks software at the fairgrounds in preparation for the fair.
  - Finance – Installed a new version of the Eden payroll software; installed one update to this new version
  - Finance – Installed a new version of the Visions financial software
  - Health - Installed a new version of the EClinical electronic health records software
  - Health – Researching a new application which would allow for access to the EClinical software from an iPad on our network.
  - Library – The library has asked if our staff could take over support for the hardware portion of their network. Two of our senior techs spent some time with their outgoing network admin reviewing their network layout.
  - Northwest Drug Task Force – we are still working to bring these 12 people onto our network.
  - Records Preservation – working with staff to audit all computer hardware and software; remove old equipment and software; upgrade equipment as needed, and to bring all workstations onto our network.
  - Road and Bridge – Major upgrade to their Cartegraph road management software
  - WIC – The local WIC office has asked our staff to take over IT support from the State. We will bring them onto our network in October. The State WIC has agreed to the charge for service we submitted using our new cost recovery model.
- **Programmer / Database Administration Projects**
  - Database Administration
    - Archived six years' worth of data from our Land system, which has greatly speeded up many processes.
    - Installed SQL Server on the new Parks / Records server for the Versatile Records Management software database
    - In the process of upgrading our Jade database software to a new version; researching steps and processes, planning and have begun the initial testing on another server.
  - Sheriff's Office
    - Updated a search warrant macro to work with a new version of Microsoft Office.
    - Continued work on an update to their Incident Management software for the mobile clients
    - Completed an update to the Jail Management software for tracking inmates at risk.
    - Modified the process for uploading data from the Jail Management system into the Records Management system.
    - Modified the mobile client software that transfers reports and updated names between the mobile clients and the server.
    - Modified the NIBRS reports sent to the State to conform with new federal requirements.
  - Treasurer
    - Mobile Home Tax billing for 2013 – Modified the tax bill to a new format; modified some processing routines for easier processing; completed the tax processing and verification of process steps for 2013 mobile home taxes.
    - Writs of Execution / Title Searches – continued work on application to handle fees.
    - Created a new screen to display, print or email a complete tax history by assessor number.



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- Began modifications needed to import real estate data from DOR – new format this year.
- Online real estate tax receipts for the May payment were just over \$2 million, representing about 5% of the total receipts.
- Web Projects
  - Countywide – Continued work on online County policies and procedures application.
  - AOA – Beginning design on an application to replace their current DOS based Trakker application.
  - Clerk and Recorder – Completed an online application that allows online access to older recorded documents for members of the public, mainly Surveyors on a monthly or yearly fee basis. Paula has stated that the Surveyor traffic has dropped to zero.
  - Clerk and Recorder – Completed an OpenCounty application which provides online requests for a given record or set of records by County employees. The request will be submitted to Records electronically. They can then review the request and approve or deny with an email back to the requestor when the request is fulfilled. This also allows for tracking these requests for performance measures.
  - Clerk and Recorder – Completed a satisfaction survey for the records requests for performance measures.
  - GIS – Completed a satisfaction survey for GIS request for performance measures.
  - Sheriff – Transferred their entire website to model that will be much easier for them to maintain themselves.
  - Sheriff - Created a new drug activity report form for the public.
  - Maintenance – Completed a satisfaction survey for GIS request for performance measures.

**BI-MONTHLY MEETING W/ MINDY COCHRAN, GIS**

**9:30:00 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, I. T. Director Vicki Saxby, GIS Program Manager Mindy Cochran, Clerk Kile

Cochran met with the commission and reviewed the following bi-monthly report.

**Ongoing Data Maintenance & Projects since our last meeting**

- 44 COS's & 6 subdivision plats have been filed / drafted.
- There have been 40 landowner requested addresses assigned, 5 addresses have been field verified, 40 addresses have been entered via the addressing improvement program, and 47 addresses were entered per city request. We have been having some trouble with the USPS offices related to updating addresses on the effective date of change so we have been trying to stress to them the importance of that.
- Re-addressing program: 3 readdressing projects completed, 5 road naming projects completed & 14 in progress.

**Map Orders & Special Projects since our last meeting**

- We have fulfilled requests for 5 digital data orders, 3 map books, 25 maps & 27 ownership lists, as well as 4 GIS service request since our last meeting. Ownership lists are still double our typical workload, maps at 1.5x the typical workload.
- Requests for GIS services have come from for a variety of entities including several surveying companies, Superintendent of Schools, Health Department, Planning and Zoning, Road and Bridge, Commissioner's Office, Clerk and Recorder, Election Department, County Attorney's.
- Road Department – we have finished inputting data for the newly adopted Functional Road Classifications and updated symbology on all saved maps and website to reflect new road classifications. We are currently working with the road department to update GIS data for "surface types" of roads (i.e. any roads that have been paved since the last update 7 years ago).
- Plat Room – Printed 81 updated maps, double the norm
- Election Department – new boundaries for precincts have been loaded into GIS library and on the IMS site. We have provided address list for precincts and coordinated with the Sec of State's office to update their GIS data.
- Fuel tax calculations were sent to the MDOT – there was 2780 miles of roadway (including 15 new miles) within the county that met the criteria for fuel tax reimbursement this year.
- The next Addressing Workgroup Committee Meeting is scheduled for this Thursday June 6th at 2 pm at FECC conference room. This will be our first discussion with the cities on getting a contract in place in regard to who is responsible for what when it comes to roads/addressing/911.
- We have completed upgrading the IMS website and the GIS database to the new ArcGIS software release.
- West Reserve Bypass– we are continuing to stay in contact with the road department / MDT on the re-addressing that will need to occur when that bypass is completed is ready, as well as the new road signs that will need to be installed for "Old Reserve Drive."
- Tax Audits – 47 districts have been audited, results have been distributed to C&R, Treasurer, Whitefish Fire Service Area, and Finance to work with districts on questions/clean-up.

**CONSIDERATION OF PRELIMINARY PLAT EXTENSION REQUEST: WILLOW VIEW PARK SUBDIVISION**

**9:45:02 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Deputy County Attorney Caitlin Overland, Planner Alex Hogle, Tom Sands, Dawn Marquardt, Eric Mulcahy, Clerk Kile

Hogle reviewed the preliminary plat extension request for Willow View Park Subdivision.

Commissioner Scott made a **motion** to approve the Preliminary Plat Extension Agreement for Willow View Park Subdivision to June 9, 2015. Commissioner Krueger **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**PRELIMINARY PLAT EXTENSION AGREEMENT**

THIS AGREEMENT is to become effective on June 9, 2013, by and between the Flathead County Board of Commissioners ("County") and Gregory A. Sandon ("Developer"), regarding the Willow View Park Subdivision preliminary plat approval.

WHEREAS, § 76-3-610, M.C.A., provides that the governing body and a subdivider may extend the term of a preliminary plat approval for a mutually agreed-upon period of time;

WHEREAS, the statute further provides that the mutually agreed-upon period of time extension must be in writing and dated and signed by the members of the governing body and the subdivider or subdivider's agent;

WHEREAS, on June 9, 2008, Developer received preliminary plat approval for the Willow View Park Subdivision, the initial term of which was set to expire on June 9, 2011;

WHEREAS, on May 23, 2011, Developer received a one year extension to June 9, 2012;

WHEREAS, on April 9, 2012, Developer received a second one year extension to June 9, 2013, which is the date that Developer's preliminary plat is currently set to expire;

WHEREAS, on April 22, 2013, Developer submitted an application for final plat approval of Willow View Park Subdivision in accordance with applicable timeframes set forth in the Flathead County Subdivision Regulations;

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WHEREAS, on May 15, 2013, Flathead County Planning Department Staff was notified of a problematic issue regarding a proposed well protection zone associated with the Willow View Park Subdivision, and on May 21, 2013 Montana Department of Environmental Quality (MDEQ) issued an Order of Revocation of Certificate of Approvals No. EQ # 09-1259 and EQ# 13-1526, which were included in the submitted final plat application for the Willow View Park Subdivision;

WHEREAS, on May 21, 2013, Developer requested an extension in order to address matters associated with the MDEQ Certificate of Subdivision Approval for Willow View Park extenuating circumstances, and

WHEREAS, recognizing unanticipated extenuating circumstances arose during the final plat review period, County and Developer have mutually agreed to extend the preliminary plat approval time for a period of two years.

NOW, THEREFORE, County and Developer in consideration of the mutual covenants contained herein, agree as follows:

1. The term of the existing preliminary plat approval for the Willow View Park Subdivision shall be extended to June 9, 2015.
2. If Developer wishes to extend the preliminary plat again, Developer shall ask County for the extension before May 9, 2015, which will allow the Flathead County Planning and Zoning Office at least thirty days to process Developer's request for an extension.

IN WITNESS WHEREOF, Developer and County have executed this Preliminary Plat Extension Agreement on the date set forth below.

DATED this 5<sup>th</sup> day of June, 2013.

"County"  
BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

"Developer"  
GREGORY A. SANDON

By/s/Pamela J. Holmquist  
Pamela J. Holmquist, Chairman

By: \_\_\_\_\_

By/s/Calvin L. Scott  
Calvin L. Scott, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Gary D. Krueger  
Gary D. Krueger, Member

By/s/Diana Kile  
Diana Kile, Deputy

**CONSIDERATION OF PRELIMINARY PLAT EXTENSION REQUEST: STORLI FARMS**

**9:47:39 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Deputy County Attorney Caitlin Overland, Deputy County Attorney Tara Fugina, Planner Alex Hogle, Tom Sands, Eric Mulcahy, Clerk Kile

Hogle reviewed the preliminary plat extension request for Storli Farms.

Commissioner Krueger made a **motion** to approve the Preliminary Plat Extension Agreement for Storli Farms to June 8, 2015. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**PRELIMINARY PLAT EXTENSION AGREEMENT**

THIS AGREEMENT is to become effective on June 8, 2013, by and between the Flathead County Board of Commissioners ("County") and Christopher Van Twest ("Developer") regarding the Storli Farms Subdivision preliminary plat approval.

WHEREAS, § 76-3-610, M.C.A., provides that the governing body and a subdivider may extend the term of a preliminary plat approval for a mutually agreed-upon period of time;

WHEREAS, the statute further provides that the mutually agreed-upon period of time extension must be in writing and dated and signed by the members of the governing body and the subdivider or subdivider's agent;

WHEREAS, on June 8, 2010, Developer received preliminary plat approval for the Storli Farms Subdivision, the initial term of which is set to expire on June 8, 2013;

WHEREAS, on February 8, 2013, Developer requested an extension, and;

WHEREAS, County and Developer have mutually agreed to extend the preliminary plat approval time for a period of two years.

NOW, THEREFORE, County and Developer in consideration of the mutual covenants contained herein, agree as follows:

1. The term of the existing preliminary plat approval for the Storli Farms Subdivision shall be extended to June 8, 2015.
2. If Developer wishes to extend the preliminary plat again, Developer shall ask County for the extension before May 8, 2015, which will allow the Flathead County Planning and Zoning Office at least thirty days to process Developer's request for an extension.

IN WITNESS WHEREOF, Developer and County have executed this Preliminary Plat Extension Agreement on the date set forth below.

DATED this 5<sup>th</sup> day of June, 2013.

"County"  
BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

"Developer"  
Christopher VanTwest

By/s/Pamela J. Holmquist  
Pamela J. Holmquist, Chairman

By: \_\_\_\_\_

By/s/Calvin L. Scott  
Calvin L. Scott, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Gary D. Krueger  
Gary D. Krueger, Member

By/s/Diana Kile  
Diana Kile, Deputy

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**CONSIDERATION OF PRELIMINARY PLAT EXTENSION REQUEST: HARMONY HOMESITES, PHASES 2 & 3**

[9:48:44 AM](#) & [9:51:00 AM](#)

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Deputy County Attorney Caitlin Overland, Deputy County Attorney Tara Fugina, Planner Alex Hogle, Tom Sands, Eric Mulcahy, Clerk Kile

Hogle reviewed the preliminary plat extension request for Harmony Homesites, Phases 2 & 3.

Commissioner Scott made a **motion** to approve the Preliminary Plat Extension Agreement for Harmony Homesites, Phases 2 & 3 to June 22, 2015. Commissioner Krueger **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

Hogle clarified for the record the actual extension dates would be to June 15, 2015 and not the previous date stated as June 22, 2015.

Commissioner Scott made a **motion** to approve the Preliminary Plat Extension Agreement for Harmony Homesites, Phases 2 & 3 to June 15, 2015. Commissioner Krueger **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**PRELIMINARY PLAT EXTENSION AGREEMENT**

THIS AGREEMENT is to become effective on June 27, 2013, by and between the Flathead County Board of Commissioners ("County") and Kelly Sorg-Smith ("Developer") regarding the Harmony Homesites Phases 2-3 Subdivision preliminary plat approval.

WHEREAS, § 76-3-610, M.C.A., provides that the governing body and a subdivider may extend the term of a preliminary plat approval for a mutually agreed-upon period of time;

WHEREAS, the statute further provides that the mutually agreed-upon period of time extension must be in writing and dated and signed by the members of the governing body and the subdivider or subdivider's agent;

WHEREAS, on June 27, 2006, Developer received preliminary plat approval for the Harmony Homesites Subdivision;

WHEREAS, on February 5, 2009, Developer received a one year extension to June 27, 2010;

WHEREAS, Phase 1 received final plat approval on June 15, 2010, establishing June 15, 2012 as the preliminary plat expiration date for the remaining phases;

WHEREAS, on May 10, 2012, Developer received a one year extension to June 15, 2013, which is the date that Developer's preliminary plat approval for Phases 2-3 is currently set to expire;

WHEREAS, on May 3, 2013, Developer requested another extension, and;

WHEREAS, County and Developer have mutually agreed to extend the preliminary plat approval time for a period of two years.

NOW, THEREFORE, County and Developer in consideration of the mutual covenants contained herein, agree as follows:

1. The term of the existing preliminary plat approval for the Harmony Homesites Phases 2-3 Subdivision shall be extended to June 15, 2015.
2. If Developer wishes to extend the preliminary plat again, Developer shall ask County for the extension before May 15, 2015, which will allow the Flathead County Planning and Zoning Office at least thirty days to process Developer's request for an extension.

IN WITNESS WHEREOF, Developer and County have executed this Preliminary Plat Extension Agreement on the date set forth below.

DATED this 5<sup>th</sup> day of June, 2013.

"County"  
BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

"Developer"  
Kelly Sorg-Smith

By/s/Pamela J. Holmquist  
Pamela J. Holmquist, Chairman

By: \_\_\_\_\_

By/s/Calvin L. Scott  
Calvin L. Scott, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Gary D. Krueger  
Gary D. Krueger, Member

By/s/Diana Kile  
Diana Kile, Deputy

**CONSIDERATION OF PRELIMINARY PLAT EXTENSION REQUEST: COTTONWOOD ESTATES**

**9:50:25 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Deputy County Attorney Caitlin Overland, Deputy County Attorney Tara Fugina, Planner Alex Hogle, Tom Sands, Eric Mulcahy, Clerk Kile

Hogle reviewed the preliminary plat extension request for Cottonwood Estates.

Commissioner Krueger made a **motion** to approve the Preliminary Plat Extension Agreement for Cottonwood Estates to June 22, 2015. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

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**(Continued)**

**PRELIMINARY PLAT EXTENSION AGREEMENT**

THIS AGREEMENT is to become effective on June 22, 2013, by and between the Flathead County Board of Commissioners ("County") and Whitefish Credit Union ("Developer") regarding the Cottonwood Estates Subdivision preliminary plat approval.

WHEREAS, § 76-3-610, M.C.A., provides that the governing body and a subdivider may extend the term of a preliminary plat approval for a mutually agreed-upon period of time;

WHEREAS, the statute further provides that the mutually agreed-upon period of time extension must be in writing and dated and signed by the members of the governing body and the subdivider or subdivider's agent;

WHEREAS, on June 22, 2010, Developer received preliminary plat approval for the Cottonwood Estates Subdivision, the initial term of which is set to expire on June 22, 2013;

WHEREAS, on April 1, 2013, Developer requested a 3 year extension, and;

WHEREAS, County and Developer have mutually agreed to extend the preliminary plat approval time for a period of two years.

NOW, THEREFORE, County and Developer in consideration of the mutual covenants contained herein, agree as follows:

1. The term of the existing preliminary plat approval for the Cottonwood Estates Subdivision shall be extended to June 22, 2015.
2. If Developer wishes to extend the preliminary plat again, Developer shall ask County for the extension before May 22, 2015, which will allow the Flathead County Planning and Zoning Office at least thirty days to process Developer's request for an extension.

IN WITNESS WHEREOF, Developer and County have executed this Preliminary Plat Extension Agreement on the date set forth below.

DATED this 5<sup>th</sup> day of June, 2013.

"County"  
BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

"Developer"  
Whitefish Credit Union

By/s/Pamela J. Holmquist  
Pamela J. Holmquist, Chairman

By: \_\_\_\_\_

By/s/Calvin L. Scott  
Calvin L. Scott, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Gary D. Krueger  
Gary D. Krueger, Member

By/s/Diana Kile  
Diana Kile, Deputy

**CONTINUATION OF TAKE ACTION: WHITEFISH HILLS FOREST, PHASES 2-5**

**9:54:55 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Deputy County Attorney Caitlin Overland, Deputy County Attorney Tara Fugina, Planner Alex Hogle, Tom Sands, Eric Mulcahy, Clerk Kile

Hogle noted on May 23, 2013 consideration began regarding taking action on preliminary plat for Whitefish Hills Forest, Phases 2 – 5. At that time, Eric Mulcahy representing the applicant requested that the commission not terminate the preliminary plat approval, but instead grant an extension. A prior legal case was cited that he thought would establish the capability for the commission to not terminate preliminary plat on the expiration date pending certain circumstances. The commission did on May 23, 2013 suspend taking any action on the matter until today at this time to allow for research on the topic.

Fugina noted the Oldenburg case, which was cited predates the current regulations. The current regulations clearly state that you have to have the extension request in 30 days prior to the deadline, and your request was not received in time; there are not exceptions to that rule. She pointed out the county has been sued more than once for not following these regulations. Fugina reviewed a case whereby the commission granted an extension contrary to our regulations and the court ruled the extension was void.

Commissioner Krueger made a **motion** to not allow an extension of preliminary plat for Whitefish Hills Forest, Phases 2 - 5. Commissioner Scott **seconded** the motion to discussion. He stated it is with regret that he is taking this action today, however, we can't break with our regulations.

Eric Mulcahy said he takes issues with that as they have been granted extensions after the fact by the City of Whitefish, City of Columbia Falls, and the City of Kalispell. He pointed out when he was a planner for the county they would always take an extension within the 30 – 45 days; it was just a matter of course. He said he was on the committee that drafted current regulations on file today, and they purposefully sought that language so that with the planning directors knowledge it doesn't have to come in under the 30 days. The 30 – 45 days is an arbitrary number somebody picked. He explained one of the big conditions placed on the Whitefish Hills project was paving a portion of KM Ranch Road and Stelle Lane that the applicant has done to the tune of \$300,000. The offsite improvements made by the applicant were reviewed and Mulcahy explained the developer has entered into a contract with Paveco for \$550,000 that is 40% complete now. He further said a substantial amount of work has gone into the subdivision and if they do not get an extension, they will have to come back in for another approval. Mulcahy asked what we gain by not extending the preliminary plat, and stated he believes you have a Supreme Court case that says the expiration date is a year and if it comes in close to that, that it is okay. He stated to not grant the extension is going to do nothing but create frustration, and I can see no positive outcome of it.

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Chairman Holmquist said as unfortunate as it is that this has happened, I still feel we have to follow our policies, because if we do open a door once we deviate from our policies.

Hogle pointed out that today the discussion is really meant to be curbed towards whether or not an extension is able to be granted.

**Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

Tom Sands said he is obviously disappointed, and pointed out he has worked with many commissioners and finds it hard to understand how they can take this action. He stated you have a Supreme Court case that says a year is a year...might be a little over a year and you have the ability to act on your own. He reviewed the work already done on the subdivision.

**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 June 6, 2013.

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**THURSDAY, JUNE 6, 2013**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

**SALARY COMPENSATION BOARD MEETING**

1:00:55 PM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Clerk & Recorder Paula Robinson, Sheriff Chuck Curry, Clerk of Court Peg Allison, County Attorney Ed Corrigan, Treasurer Adele Krantz, Supt. of Schools Marcia Sheffels, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Compensation Board Member Cathy Muri, Clerk DeReu

The Compensation Board held discussion regarding a COLA increase for FY13-14. The COLA range discussed was between 2.8 and 3.0.

**8:30 a.m. Commissioner Krueger: TAB meeting @ Eagle Transit**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 7, 2013.

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**FRIDAY, JUNE 7, 2013**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

**10:00 a.m. Commissioner Holmquist & Commissioner Scott: District 10 & 11 meeting in Missoula**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 10, 2013.

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