

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

MONDAY, JUNE 1, 2015

Audiofile

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

Chairperson Holmquist led the Pledge of Allegiance.

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

Olaf Ervin, with Ervin Land Surveying, 1658 North Fork Road, Columbia Falls presented MCA 76-3-610 to the commission. He read a portion of MCA that states:

At the end of this period the governing body may, at the request of the subdivider extend its approval for a mutually agreed upon period of time. Any mutually agreed upon extension must be in writing and dated and signed by the members of the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension.

Ervin explained that his client missed the deadline to submit a preliminary plat extension for Storli Farms. The infrastructure is in and everything is done up to the point of filing for final plat. He said he feels MCA gives the commission discretion to extend approval; I think you have discretion to allow enough of an extension so the planning office can process this final plat application. I have with me the final plat, engineer certification and sign off from the school and everything is in. Ms. Storli did not recognize that she needed to obtain another extension to allow enough time to process the final plat application. Ervin further said I realize this isn't the normal way this is done, yet it isn't the normal circumstance either. Typically when I have one of these that action is being taken on it is because they are not working on it any longer; in this case they have done all the installation and are working on it.

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

OPEN BIDS: 2015 CRACK SEAL PROJECT/ ROAD DEPARTMENT

9:30:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Absent: Commissioner Philip Mitchell

Bids were received with bid bonds enclosed from:	Z & Z Seal Coating	Unit Price	\$1.069
	C. R. Contracting	Unit Price	\$1.02

Commissioner Krueger made a **motion** to take the bids under advisement. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

TAKE ACTION: STORLI FARMS SUBDIVISION

9:32:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Planning & Zoning Director B. J. Grieve, Planner Rachel Ezell, Winifred Storli, Olaf Ervin, Clerk Kile

Absent: Commissioner Philip Mitchell

Ezell reported on June 8, 2010 preliminary plat for Storli Farms Subdivision was granted approval by the commission and on June 5, 2013 a two year preliminary plat extension was granted. The following portion of part of the agreement was read.

If the developer wishes to extend the preliminary plat again, developer shall ask the county for the extension before May 8, 2015 which allows the Flathead County Planning and Zoning Office at least 30 days to process the developer's request for an extension.

As of May 8, 2015 the Planning & Zoning Office had not received anything in terms of requesting a preliminary plat extension; therefore, that is why we are here to take action on the subdivision.

Commissioner Krueger inquired as to the date the preliminary plat approval was granted.

Ezell clarified on June 8, 2010 preliminary plat approval was granted and the extension agreement was signed on June 5, 2013 which extended preliminary approval to June 8, 2015.

Grieve asked for clarification as to what date a letter was sent from the commissioner's office informing the applicants that they needed to file for an extension.

Ezell stated the letter was sent on February 3, 2015.

Commissioner Krueger asked if there were any problems with the applicant requesting their first extension.

Ezell said their first extension was requested within the proper timeframe.

General discussion continued pertaining to procedures for an extension agreement.

Commissioner Krueger made a **motion** to declare Storli Farms preliminary plat a dead file. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

MONDAY, JUNE 1, 2015
(Continued)

BOARD APPOINTMENT: TECHNICAL ADVISORY COMMITTEE

9:38:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Assistant Mike Pence, Clerk Kile

Absent: Commissioner Philip Mitchell

Commissioner Krueger made a **motion** to appoint Marc Liechti to the TAC. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

AUTHORIZATION TO PUBLISH ENVIRONMENTAL ASSESSMENT: RSID #156 (BIGFORK STORMWATER DISTRICT)

9:39:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Assistant Mike Pence, Grant Support Whitney Aschenwald, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Clerk Kile

Absent: Commissioner Philip Mitchell

Commissioner Krueger made a **motion** to authorize publication of the EA for RSID #156 – Bigfork Stormwater District. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

FINDING OF NO SIGNIFICANT IMPACT
TO ALL INTERESTED GOVERNMENTAL AGENCIES AND PUBLIC GROUPS

As required by state and federal rules for determining whether an Environmental Impact Statement is necessary, an environmental review has been performed on the proposed action below:

Project	Flathead County – Bigfork Village Stormwater Improvements Project
Location	Bigfork, Montana
Project Number	WPCSRF Project # C307189
	Total Cost - \$1,562,000

Flathead County, through its April 2008 Preliminary Engineering Report (PER) and December 2009 Facilities Assessment Report, prepared by Morrison Maierle and 48 North Civil Engineering respectively, has identified the need to make improvements along Bridge Street North and Bridge Street South to improve stormwater collection, conveyance and treatment prior to the discharge into the Swan River. The existing stormwater piping at these locations is undersized, does not allow for adequate stormwater capture and there is currently no treatment prior to discharge of stormwater runoff, leading to impacts to Swan River and Flathead Lake water quality standards.

The purpose of the project is to provide a new stormwater collection and conveyance system, treatment to remove silt, sediment, oil & grease, bacteria and nutrients that have been documented to be carried into the Swan River outfall locations by the Flathead Lake Biological Station based on past monitoring. This new collection and treatment system will allow the county to meet MPDES discharge permit limits associated with their MS4 Permit.

A portion of the proposed stormwater improvements project on Bridge Street South near the outfall to the Swan River is within the PacificCorp transformer yard, a state CERCRA (also known as a state superfund) site. Polychlorinated biphenols (PCB) contaminated soils and water may be encountered during excavation. Because the facility is being remediated pursuant to the CERCRA criteria, a person not subject to the planned cleanup order/plan may not conduct any remedial activities, including excavation of soil, on any part of the Facility without written permission from DEQ. Therefore, prior to beginning work, a work plan will be prepared and approved by the DEQ should contaminated soils be encountered during construction. The soils and groundwater if any will be handled and disposed of according to the DEQ-approved work plan.

The DEQ and DNRC are proposing to fund the project with State Revolving Fund low interest loan funds at the county's request. Environmentally sensitive characteristics such as wetlands, floodplains, historical sites, and threatened or endangered species are not expected to be adversely impacted as a result of the proposed project. No significant long-term environmental impacts were identified.

An environmental assessment (EA), which describes the project and analyzes the environmental impacts in more detail, is available for public scrutiny on the DEQ web site (<http://www.deq.mt.gov/ea.mcp>) and at the following locations:

Terry Campbell, P.E. Department of Environmental Quality 1520 East Sixth Avenue P.O. Box 200901 Helena, MT 59620-09011 tcampbell@mt.gov	Debbie Pierson Flathead County 800 S Main Street Kalispell, MT 59901-5400
--	--

Comments on the EA may be submitted to the Department of Environmental Quality at the above address. After evaluating substantive comments received, the department will revise the environmental assessment or determine if an environmental impact statement is necessary. If no substantive comments are received during the comment period, or if substantive comments are received and evaluated and the environmental impacts are still determined to be non-significant, the agency will make a final decision. No administrative action will be taken on the project for at least 30 calendar days after the date of this notice of the Finding of No Significant Impact.

Dated this 1st day of June 2015.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Pamela J. Holmquist
Pamela Holmquist

ATTEST:
Debbie Pierson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish Date:
Sunday June 7, 2015: Daily Interlake

MONDAY, JUNE 1, 2015
(Continued)

DOCUMENT FOR SIGNATURE: DONOR/ DONEE AGREEMENT FOR COURTHOUSE TOWER CLOCK

9:40:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Clerk Kile

Absent: Commissioner Philip Mitchell

Chairperson Holmquist reported an anonymous donor donated \$9,800 to purchase a clock for the Courthouse Tower.

Commissioner Krueger made a **motion** to authorize the document for signature. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: HOSPITAL PROVIDER AGREEMENT/ PATHWAYS

9:41:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Clerk Kile

Absent: Commissioner Philip Mitchell

Commissioner Krueger made a **motion** to approve the document for signature. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: ALLEGIANCE FLEXIBLE BENEFITS PLAN CHECKLIST/ HEALTH BENEFIT PLAN

9:43:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Human Resource Officer Tammy Skramovsky, Clerk Kile

Absent: Commissioner Philip Mitchell

Commissioner Krueger made a **motion** to approve the document for signature. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: EXCESS LOSS INSURANCE

9:44:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Human Resource Officer Tammy Skramovsky, Clerk Kile

Absent: Commissioner Philip Mitchell

Commissioner Krueger made a **motion** to approve the document for signature. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

CONSIDERATION OF H.R. TRANSMITTALS

9:46:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Assistant Mike Pence, Human Resource Officer Tammy Skramovsky, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Clerk & Recorder Debbie Pierson, Clerk Kile

Absent: Commissioner Philip Mitchell

- **POSITION CHANGE – OAI & OAIII TO LAND SPECIALIST/ PLAT ROOM, CLERK & RECORDER**
- **REVISED JOB DESCRIPTION – LAND SPECIALIST/ PLAT ROOM, CLERK & RECORDER**

Skramovsky reported the request is to change the current Office Assistant II and Office Assistant III positions to Land Specialists. Three of the positions are currently classified as an OAIII and one is classified as an OAI, which will result in a grade increase for the OAI position currently vacant.

Commissioner Krueger made a **motion** to approve the H.R. Transmittal office change. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

Commissioner Krueger made a **motion** to approve the revised job description. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

- **NEW POSITION – DENTAL ASSISTANT/ HEALTH CLINIC**

Skramovsky reported the request is to change the current position from 0.25 FTE to 1.0 FTE effective July 1, 2015.

Commissioner Krueger made a **motion** to approve the H.R. Transmittal/ new position. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

- **NEW POSITION – ADMINISTRATIVE SUPPORT SPECIALIST MEDICAL BILLING/ RESIDENCY PROGRAM**

Skramovsky reported the request is to add an Administrative Support Specialist for the Residency Program at 1.0 FTE.

Commissioner Krueger made a **motion** to approve the H.R. Transmittal/ new position. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

MONDAY, JUNE 1, 2015
(Continued)

• **NEW POSITION – LPN OR MEDICAL SERVICE ASSISTANT/ RESIDENCY PROGRAM**

Skramovsky reported the request is to add a total of 2 FTE, which were approved for funding in the FY16 budget. Depending on the applicant pool, the positions can be filled by either a LPN or a Medical Service Assistant. There is potential that these positions can be filled by internal staff by July 1 and there is funding in the current fiscal year to cover it.

Commissioner Krueger made a **motion** to approve the H.R. Transmittal. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

• **NEW POSITION – BEHAVIORAL HEALTH SPECIALIST/ HEALTH CLINIC**

Skramovsky reported the request is to add 2.5 FTE Behavioral Health Specialists, which were approved for funding in the FY16 budget.

Commissioner Krueger made a **motion** to approve the H.R. Transmittal. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

• **REVISED JOB DESCRIPTION – BEHAVIORAL HEALTH SPECIALIST/ HEALTH CLINIC**

Skramovsky reported the request is to update the Behavioral Health Specialist job description.

Commissioner Krueger made a **motion** to approve the H.R. Transmittal. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

• **NEW POSITION – HEALTH PROGRAM ASSISTANT I/ HEALTH CLINIC**

Skramovsky reported the request is to add a Health Program Assistant I, which was approved for funding in the FY16 budget.

Commissioner Krueger made a **motion** to approve the H.R. Transmittal / new position. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: COMMUNITY, COUNSELING & CORRECTIONAL SERVICES AGREEMENT/ JUVENILE DETENTION CENTER

9:52:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Assistant Mike Pence, Deputy County Attorney David Randall, Deputy County Attorney Tara Fugina, Clerk Kile

Absent: Commissioner Philip Mitchell

Commissioner Krueger made a **motion** to approve the document for signature. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

MONTHLY MEETING W/ DAVE PRUNTY, ROAD DEPARTMENT

10:00:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Absent: Commissioner Philip Mitchell

Prunty summarized the following Road and Bridge Department monthly report.

Operations

- ✓ Grading of the gravel road network is proceeding. Valley roads are receiving multiple gradings and pulling of ditches and rebuilding the roads crown are very important. Some citizens become upset when we pull ditches and we try to explain to them the process.
- ✓ Hauling of crushed aggregate (with bentonite) is occurring to multiple roads in the county.
- ✓ Many roads in the Dust Cost Share program will receive a lift of this material before deployment of the mag chloride.
- ✓ Miscellaneous work tasks such as ROW clearing, culvert work and hand patching also occurred throughout the month.
- ✓ The annual cleaning of the Bigfork Stormwater system has been completed. City of Kalispell provided their old vac truck again this year so we appreciate their help.

KM Ranch Road Rehabilitation Project

- ✓ Phase 1 (southern 3 miles of road) of this project will be completed this week.
- ✓ It has proceeded as planned and no major issues have been encountered.
- ✓ In some areas we reduced the width of the road from 22 feet to 24 feet. There are areas that exceeded 26 feet in width. This causes issues with maintenance and maintaining the roads crown.
- ✓ Approximately 5,400 tons of three inch minus has been placed in the project area to build the road up where needed to improve the drainage. Bid quantity was 5,100 tons.
- ✓ Approximately 9,500 tons of .4 inch crush with bentonite have been placed on the road. Bid quantity was 11,000 tons. We will not exceed the bid quantity on this item. Nelcon has run out of bentonite for the mix.

Columbia Falls Stage Road Relocation Project

- ✓ Jackola Engineering has finalized the design plans and Peccia and Associates have completed the easement documents.
- ✓ Deputy County Attorney, David Randall has prepared the buy/sell and easement documents.
- ✓ It was provided to the owners for review and they had no comments.
- ✓ After discussion with Steve Evans we are waiting for his parents to return to Montana to sign on their side (early June).
- ✓ Cost of the easement is \$11,000 via the appraisal performed by Gene Lard.
- ✓ Assuming no issues construction is planned for this summer.

Dust Cost Share Program

- ✓ The bids from contractors for this years' program were due on May 1. This year's cost is \$0.887 per lineal foot. Citizens cost is \$0.4435 per lineal foot. Last year's cost was \$1.0097 per lineal foot but included the contractor providing the grading. This year we have assumed that work/cost.
- ✓ Contracting has been completed.
- ✓ Letters have been sent out to the citizens informing them of the amount of money for their half and are due June 3.
- ✓ We will generate the final list of roads after payment is received from the citizens.
- ✓ The contract requires a start date of on or about June 8.
- ✓ There are 46 miles of roads applied for plus 28.1 miles through the RAC program. This totals 74.1 miles and will be our largest amount of treated roadway in the programs history.

**MONDAY, JUNE 1, 2015
(Continued)**

- ✓ SRS funding has been received by Flathead National Forest but they have not yet been able to inform us of the exact amounts for our projects.
- ✓ We have been communicating with them on the need to establish this amount ASAP so we can have our contractor perform the work now. If this doesn't happen we will need to discuss the costs of a second mobilization and any other associated costs. Worst case is we don't get an answer until the summer is winding down and we won't spray the RAC roads this year.

Crack Seal Project

- ✓ Bids are due today
- ✓ Budget is set at \$150K
- ✓ Project is to be completed by July 27. Our chip sealing work is scheduled to begin on this day.

DOCUMENT FOR SIGNATURE: BUY/SELL AGREEMENT FOR RIGHT-OF-WAY EASEMENT ON COLUMBIA FALLS STAGE ROAD/ EVANS

10:30:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Public Works Director Dave Prunty, Clerk Kile

Absent: Commissioner Philip Mitchell

Prunty reported the buy/sell easement pertains to realigning a portion of Columbia Falls Stage Road roughly 25 feet to the east. The purchase price for the ROW easement is \$11,000.

Commissioner Krueger made a **motion** to approve the document for signature. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: EASEMENT ON COLUMBIA FALLS STAGE ROAD/ EVANS

10:30:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Public Works Director Dave Prunty, Clerk Kile

Absent: Commissioner Philip Mitchell

Prunty reported the easement will allow the road to be moved 25 feet to the east of the existing ROW.

Commissioner Krueger made a **motion** to approve the document for signature. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

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 2, 2015.

TUESDAY, JUNE 2, 2015

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Krueger and Mitchell, and Clerk Pierson 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 June 3, 2015.

WEDNESDAY, JUNE 3, 2015

Audiofile

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

Chairperson Holmquist led the Pledge of Allegiance.

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

Present for public comment: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Rich DeJana, Dave Hadden, Mary JoNaive, C. Cownley, Jeffrey Funk, Kirk MacKenzie, Mark Schurke, Neal Brown, Tom Martinez, Robert Sweet, Bruce Young, Don Murray, Clerk Kile

Dave Hadden, 545 Holt Drive, Bigfork, Chairman of the Community Association for North Shore Conservation reviewed portions of the following letter he submitted to the commission and presented an online petition with 800 signatures.

WEDNESDAY, JUNE 3, 2015
(Continued)

Dave Hadden
545 Holt Drive, Bigfork, MT 59911
406-837-0783

June 3, 2015

Dear Commissioners:

My name is David Hadden, I reside at 545 Holt Drive in Bigfork. I also represent the Community Association for North Shore Conservation (CANSC) as chair of the group. We respectfully ask that you please deny the fifth permit extension for FLP 11-02.

Today I would like to present to you the petition we circulated that has gathered almost 800 names since it was launched last Friday. You have been receiving notifications as people have signed this petition. This is a strong response with the vast majority of signers living in the Flathead Valley, but also a few from repeat, out-of-state visitors.

Thank you for your understanding that we intend this petition to simply be an exercise and expression of your constituents' concern for the bridge project to Dockstader Island.

My comments will focus on your decision today to approve or deny a 5th permit extension. We request that you deny the extension of permit FLP 11-02 for the following reasons:

First reason: The original decision in 2011 to grant this permit was based on inaccurate information.

- The Montana Lakeshore Protection Act prohibits roads and driveways in the Lakeshore Protection Zone. The bridge is both a road and a driveway; it cannot be construed to be anything else.
- The bridge ends within two Lakeshore Protection Zones, including the wetlands on the mainland. The planning office erred in its determination that the LPZ is just a 20' buffer. The regulations state that the LPZ is both the 20' zone inland from the high water mark AND the "adjoining wetlands."
- In addition, the original permit request should have gone to the Planning Board but did not. If you read the Commissioners' verbatim record of that decision, Commissioner Holmquist — who was new to the position at the time — asked, "So, does this go before the planning board?" The applicant's representative responded to the question by saying, "Not if we can help it." And he continued, "...we wouldn't like to see that simply because it opens up a can of worms..."
- Commissioner Dupont then speculated that the property had been in the applicant's family for some time. Again, the applicant's representative misrepresented by responding, "...it's been in the...Dugan family for quite a few years." Commissioner Dupont then said, "Forever." Actually, the applicant's father bought the property in 2002 to develop it as a subdivision and transferred the property to his daughter to avoid subdivision review rules.

Second Reason: The fourth permit extension was meant to be the last, based on the Commissioner meeting minutes of January 26, 2015. The minutes of that meeting indicate that a fourth extension was not usually granted. The minutes of that meeting record: "Chairperson Holmquist noted the original permit was issued in 2011 and said she was in favor of giving him this season to complete the work, but stated she would not be in favor of extending it any further." Commissioner Krueger's motion to extend the permit limited that extension to June 1, 2015, in order to force the applicant to complete his project.

Third Reason: The permit holder has been cited several times since 2014 for violations of the permit. The county planning office issued the first stop work order in April of 2014 because the permit holder (a) built the bridge in a different location than indicated in his application, (b) built the structure 159' longer than the permit allowed, and (c) built the bridge across lot lines not indicated on the original application. Most recently, in May of this year, the permit holder proceeded with building his bridge by first building unpermitted roads across wetlands and the beach area. In these instances the permit holder knew full well that he needed permits for these roads as he has applied and received such permits in the past for work unrelated to the bridge, but chose not to apply for them. The US Army Corps of Engineers issued a cease and desist order against the applicant. He continued to build his bridge anyway. Lastly, the county issued a stop work order — also in May — because the applicant's contractors had severely gouged the lakebed. The applicant has shown genuine disregard for the privilege of the permit and the rules by which everyone else must abide by in this county.

Fourth Reason: The applicant will be back in front of you many more times asking for various permits, extensions and variances. This bridge permit is not the last of the applicant's future applications for permits with the county related to this property. He has already indicated that he wishes to build a residence on the island, information that was not submitted when he applied for the current bridge permit. This includes inquiries into a variance for a driveway that would connect the south end of the bridge to the house site through the lakeshore protection zone of the island, and running a sewer line across the bridge. He will also need to connect his bridge to Holt Drive by crossing the "adjoining wetlands", which the regulations define as part of the LPZ. The applicant's practice of asking for permits on a piecemeal basis is exactly the reason we have a planning board and other review regulations: to provide for full review and for public input. Do yourselves a favor and deny this permit extension request today and prevent the applicant's further abuse of your time and public process.

Fifth and Final Reason: The original permit is subject to a legal challenge. There is every possibility that the legal challenge will result in the voiding of the permit because the decision to grant the permit violated the substantive and procedural requirements of the Montana Lakeshore Protection Act. Your vote today to deny the permit extension does not mean the applicant cannot come back and seek a new permit at a more appropriate time. And by denying the permit extension today you will provide a much-needed pause for this project while a neutral third party — the local district court — determines the validity of the permit. No harm will be done. The seasonal bridge building window has closed until late spring 2016 anyway.

Thank you for your consideration of my concerns that I know are shared by many throughout Flathead County.

Sincerely,



Dave Hadden, Chair
Community Association for North Shore Conservation 406-837-0783

Jeffrey Funk, 990 McCaffery Road, Bigfork said he is also a board member of the group formed in response to the bridge project. He stated I want to be here as an emphatic individual and as a member of a group that has well over 100 citizens that have contributed time and money because they are so concerned and outraged about this project. I think that the commissioners have given a lot of careful consideration to this project and have been very accommodating to the applicant, but five extensions are just too many. They have violated the terms of their county issued permit and have blatantly neglected the rules from the Army Corp of Engineers regarding building roads in wetlands. This project is part of a larger complex plan that hasn't been considered all together. I respectfully ask that you deny or at least delay the extension so that it can be considered in relation to the overall project and also in relation to the ongoing litigation.

Bruce Young said he has been involved in Flathead Lake water quality issues for some time. How does the issue of a bridge to an island affect the islands in Somers Bay? How does it affect the other islands on Flathead Lake and in Flathead County? The shoreline regulations were conceived and done for a very valid reason; to protect the public resources for the public. That included esthetic values and included not messing in the LPZ in anyway. I would ask that you revisit this and revisit your regulations. We visited many of these issues before in court in other areas where commissioners have failed to protect the water for the public, and failed to protect and respect our lakeshore regulations. I ask that you deny another extension.

WEDNESDAY, JUNE 3, 2015
(Continued)

Mary JoNaive, 196 Slow Down Lane, Bigfork asked that the commission deny the extension as he has already had four extensions, and doesn't seem to be able to not only keep his project on track but that he is continually violating many of the points on the permit. Most recently the Army Corp of Engineers gave him a cease and desist order that he ignored. I don't feel that he is in any good standing trying to follow the parameters so far which needs to be taken into serious account. This project does have some other issues attached to it that are in court right now. That doesn't necessarily come into play with this extension, but I do think in the big picture this permit is in question and I would like you to keep that in consideration. I don't think today that this permit needs to be extended.

Robert Smith, 138 E. Center Street, A2Z Engineering stated they are the engineering firm on record for Halfmoon Meadows Subdivision that is before them today. He pointed out that as the subdivision went through their office it was unusual in the fact that it didn't require any variances and achieved a very positive staff report when it was reviewed. That isn't typical as most pieces of land have some efficiencies or problems with them that usually has to be overcome when you are looking at subdividing or other major changes to the properties. This subdivision is actually in a very ideal location as it is located within ½ mile of a major highway intersection and there is a paved county road leading right up to it. Having additional lots on the market will ultimately bring down the cost of housing.

Don Murray, 136 1st Avenue West, Kalispell said he is representing the plaintiff in the bridge case. What I would like to do is offer a suggestion to the commission. I have been reading the verbatim transcript of the March 16, 2011 meeting at which the permit for the bridge was granted by the commission. If you look at it carefully the commissioners didn't consider any of the criteria that are called for either under the lakeshore protection act or the counties lakeshore regulations. They received the report from the Planning & Zoning Office staff which was in the form of a draft permit. No consideration was given to any of the criteria. Interestingly B. J. Grieve wrote in his report that the visual impacts of the bridge could only be considered by the governing body; he made that determination and there is language to support that in the law and the regulations. His office didn't consider the visual impacts, and obviously with this project its visual impacts are at least arguably the most significant component of its impact to the lake. The Planning Office didn't consider the visual impacts and nor did the commissioners. The commissioners didn't consider any of that and the bridge was permitted really with no consideration at all by the governing body of its potential impacts. This clearly is the greatest lake in our state and one of the greatest lakes in our country. This is the biggest project I think that Flathead County has ever permitted on this lake. Its impacts are obviously huge and were not considered by our government. What I would suggest is to hold this decision in abeyance as you don't necessarily have to deny the permit. I know that is challenging as you have extended it multiple times and the applicant has performed as much work on the project as he now has. I think it would be prudent to hold it in abeyance as there is a lawsuit pending as you obviously know that will determine whether the permit is valid or not. Let that process run its course and see what decision is made in Flathead County District Court, which I am sure will be appealed to the Montana Supreme Court and then you will have that guidance and you can make a decision about whether this process needs to start over or whether you can grant the applicant a further extension.

Rich DeJana, representing the Dugan's said the question is what do you do if you just let it sit. The work still missing is topping and finishing it. You have a lot of talk about the Army Corp issues that started around May 10 and that has been responded to by Steve Johnson. The Army Corp representative said there was a regulation against putting what are boards to protect the lakeshore on the ground. That was the fill. That is allowed in the southwest United States by the Corp and done by the Corp. A gentleman Mr. Clark said it was a violation and our attorney asked for a copy of the regulations and said it would be sent. They have now admitted as of May 21 that there is no such regulation that reads as they said. That is to be worked out between the attorneys. You need to get a focus; it isn't that kind of dumping of fill. There are a lot of things going on. This is not your time to reconsider the whole issue. The court is going to do that and they basically said you're wrong. They have said that before. They have said a lot of thing. They said they are going to let us into the suit. They said that 1 ½ months ago and they still haven't done it. They said they were going to dismiss the reconsideration of the mandate that got thrown out without even argument by the judge, but they haven't done it. You have to take the creditability a little bit. I would like to ask Mr. Martinez to tell you what is left to be done.

Tom Martinez, Northwest Concrete Works the subcontractor that was hired directly by the developer to perform the work of topping the deck said we anticipated at the turn of April that they would have the project completed by about May 22 in anticipation of high water levels. When it became apparent to the developer that he needed to protect the lakebed to access the structure that is when he hired a company to provide a temporary plank road. That caused about a week and a half of delay in their work in my estimation. Had they had the time they probably would have completed it. The water level came up rapidly with the low land elevation and they got to the point where a little more of 55 – 60 percent down the length of the deck where they had to abandon ship ... so to speak, and pull out and get the planks removed and clean up our work and get out of there. The developer stressed to us time and time again of how time was of the essence to complete it. We did our due diligence in working overtime and did the best we could.

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

CONSIDERATION OF ADOPTION OF RESOLUTION: ELECTED OFFICIALS SALARIES FY15-16

9:32:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Human Resource Officer Tammy Skramovsky, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Clerk Kile

Commissioner Krueger made a **motion** to adopt Resolution 2405. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

RESOLUTION NO. 2405
ELECTED OFFICIALS SALARIES – 2015/2016

WHEREAS, the Board of County Commissioners of Flathead County, Montana is required to fix the salaries of all elected officials by resolution in accordance with Section 7-4-2504, M.C.A.;

WHEREAS, Section 7-4-2503(4), M.C.A., establishes a County Compensation Board to recommend of the base salary for county elected officials and that Board met and, having considered relevant factors, prepared a compensation schedule for the elected county officials for recommendation to the Board of Commissioners;

WEDNESDAY, JUNE 3, 2015
(Continued)

WHEREAS, the County Compensation Board recommended that for the 2015-16 fiscal year that elected officials salaries should be increased by a COLA of 1.6 percent to the base salary; and

WHEREAS, the Board of Commissioners reviewed the recommendation of the County Compensation Board and determined that the recommendation to increase elected officials salaries by a COLA of 1.6 percent is appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Flathead County, Montana, hereby fixes the annual salaries of the following elected officials, effective July 1, 2015, by adding a 1.6 percent COLA to the 2015-2016 base salary; plus adjustments provided by law for the Commissioners, Sheriff/Coroner, Treasurer/Assessor, Clerk and Recorder/Surveyor, Superintendent of Schools, and Clerk of District Court; plus longevity for the Justices of the Peace and Sheriff as previously established, as follows:

Clerk of District Court	\$ 68,100.00
County Treasurer/Assessor	\$ 68,100.00
Justice of the Peace, Dept. 1	\$ 81,505.00
Justice of the Peace, Dept. 2	\$ 84,625.00
Clerk/Recorder/Surveyor	\$ 68,100.00
County Commissioners	\$ 68,100.00
Sheriff/Coroner	\$ 96,502.00
Superintendent of Schools	\$ 68,100.00
County Attorney	\$105,189.00

DATED this 3rd day of June, 2015.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Debbie Pierson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

By/s/Philip B. Mitchell
Philip B. Mitchell, Member

CONSIDERATION OF H.R. TRANSMITTAL: COLA FY15-16

9:33:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Human Resource Officer Tammy Skramovsky, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Clerk Kile

Skramovsky reported the request is to apply a 1.6 COLA to the Revised Standard Pay Matrix, the Attorney Pay Matrix, positions covered under the AFSCME Non-Sworn collective bargaining agreement; non-union positions in the Sheriff's Office that are not calculated from the elected Sheriff's wage, which include: Detention Chief, Chief Juvenile Detention Officer, Sheriff Financial Assistant and Program Coordinator/Forensic Interviewer.

Pence clarified the only ones this does not include is the unions as they are still negotiating.

Commissioner Krueger made a **motion** to approve the H.R. Transmittal of 1.6 percent with the language stated. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: EMPLOYMENT CONTRACT/ MUSSMAN, PLANNING & ZONING DIRECTOR

9:36:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Human Resource Officer Tammy Skramovsky, Clerk Kile

Skramovsky reported the employment contract is a two year contract that includes reimbursement for moving expenses up to \$7,000.

Commissioner Krueger made a **motion** to approve the document for signature – employment contract/ Mussman. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

AWARD BID: CRACK SEAL PROJECT 2015

9:36:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Public Works Director Dave Prunty, Clerk Kile

Commissioner Krueger made a **motion** to award the 2015 Crack Seal Project bid to C.R. Contracting. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT EXTENSION: WIRTH, FLP 14-40

9:45:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Clerk Kile

Moorman reported on May 16, 2014 the applicant was issued a Lake and Lakeshore Construction Permit (FLP 14-40) for the placement of riprap entirely on private property located off Lakeside Boulevard on Flathead Lake. The permit was valid for one year and was set to expire on May 16, 2015. On May 15, 2015 a one year extension was requested and if approved the permit would expire on May 16, 2016.

WEDNESDAY, JUNE 3, 2015
(Continued)

Commissioner Krueger made a **motion** to approve FLP 14-40 to May 16, 2016. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: STRAND, FLP 15-36

9:47:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Clerk Kile

Moorman reported the applicant is proposing to build a retaining wall and stairway within the Lakeshore Protection Zone at 591 N. Juniper Bay Road on Flathead Lake. Currently within the LPZ on the property there is a legally nonconforming crib 'T' dock, a dock shed, two boat lifts, a boat shelter, a wooden ramp and stairs and a legally nonconforming deck. The proposed retaining wall would consist of building two 24 inch tall several feet long concrete retaining walls and gridded ½ inch rebar to close off two gaps in the bedrock under the legally nonconforming deck. The proposed stairway work would consist of replacing the bottom stair for a set of stone paver stairs with a 14 inch deep by four feet wide reinforced concrete footing stair to protect the stairway from further undermining. The applicant will also be performing normal repair and maintenance on the legally nonconforming deck and dock that does not require a permit.

Commissioner Krueger made a **motion** to approve FLP 15-36. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: RIVENES, FLP 15-42

9:50:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Clerk Kile

Moorman reported the applicants are proposing to construct a patio and retaining wall within the Lakeshore Protection Zone at 780 Abbot Village Drive on Abbot Lake. Currently within the LPZ on the property there is a floating dock. The proposed patio would be built approximately 6 feet landward of the mean annual high water mark and would measure 40 feet in length with approximately 14 feet of the patio's width encroaching within the LPZ with the remainder extending landward outside of the LPZ. The patio would include an inset fire pit and be constructed entirely out of natural stone. The proposed retaining wall would abut the patio on the lakeward side and measure forty feet in length and approximately 5 to 6 feet in height. The retaining wall would be built at the mean annual high water mark and would consist of stacked natural stones 2 to 3 feet in diameter.

Commissioner Mitchell made a **motion** to approve FLP 15-42. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

PRELIMINARY PLAT: HALFMOON MEADOWS SUBDIVISION

10:00:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Planner Rachel Ezell, Robert Smith, Jim McIntyre, Bill Baum, Clerk Kile

Ezell - Halfmoon Meadows Subdivision is an application submitted by Prairie Dog Development on behalf of the owner Chris Hagen. Technical assistance was provided by A to Z Engineering, Land Solutions and Cordi Surveying. The 47 lot proposed subdivision is located along Halfmoon Road on 58 acres of unzoned property; therefore, there is no minimum lot size. The individual lots will range from 1 to 1.8 acres and will be served by a proposed public water system with individual waste water treatment systems. The applicant proposes to develop the subdivision in two phases that will have two internal subdivision roads built to Flathead County Road and Bridge Department standards. Because of the number of lots a traffic impact study was conducted by a professional engineer and submitted with application materials. What was noted is that no external improvements would be required at this time. Trumbull Creek is along the north and east side of the subdivision, and therefore because of that a riparian resource management plan was developed. What the plan notes is that Lots 1-10 will have a 100 foot setback from the edge of the property which roughly coincides with Trumbull Creek. The 100 foot setback for lots 1-10 is also noted in the CC&R's. All of the riparian vegetation is located within the edge of the property line stream and edge of the bank. The 100 foot setback essentially encompasses all of the vegetation. Trumbull Creek also contains zone 'A' floodplain which because of the zoning refinements that are currently taking place will follow more closely the edge of the bank. With regard to these two aspects the riparian resource management plan and the floodplain, FWP provided an agency comment and indicated they would like to see a 150 foot vegetative buffer along with an additional 50 foot setback for a total of 200 feet of essentially non-buildable area. It was noted in the staff report and again at the Planning Board that this is template language and by requiring this 200 foot essentially no build zone that would make some of the lots in the subdivision unbuildable. There were no modifications to the findings of fact or to the conditions as a result of this comment from FWP. They did receive seven other agency comments that were standard or indicated there were no real concerns at this time; six public comments were received with most of them being related to wildlife habitat located along Trumbull Creek, density with septic systems, water quality, impacts of noise from the adjacent Stoltze facility located approximately ¼ mile to the north and traffic along Halfmoon Road. One modification to Finding of Fact #5 that essentially deleted language regarding the traffic impact study was done in anticipation of any potential conditions that might have been changed by the planning board members. No changes or additions to the conditions as proposed by staff were made, so therefore; you will find 23 draft findings of fact and 24 draft conditions.

Commissioner Krueger – Finding of Fact #5 that was proposed to be struck from the finding where it states:

No improvements were determined to be required with the development according to the TIS prepared by a professional engineer.

Commissioner Krueger - The traffic impact study did in fact find that no improvements were determined to be required. Is that correct ?

Ezell – That is correct.

Commissioner Krueger – So that is actually a finding of fact and to strike it that would be striking a factual finding.

WEDNESDAY, JUNE 3, 2015
(Continued)

Ezell – That is correct.

Commissioner Krueger – What is the reason why we do traffic impact studies. Is it to determine if improvements are needed?

Ezell – If any improvements are needed and what impact to the level of service is going to occur because of the lots. An addendum was supplied with this traffic impact study that essentially took into consideration accidents. The traffic impact study was limited to a 1000 foot buffer around the subdivision. It didn't take into consideration essentially an unlimited scope. There is a limited scope to the traffic impact study, but it does study the impact to the entrances, exists, level of service and number of accidents.

Commissioner Krueger – And one of their scopes is to determine whether or not improvements are needed.

Ezell - That is correct. It was determined in the traffic impact study that no improvements would be needed.

Commissioner Mitchell – Asked Commissioner Krueger if he felt the finding of fact currently crossed off (~~no improvements were determined to be required with the development according to the TIS prepared by a professional engineer~~) should remain in the findings of fact prepared by the planning board.

Commissioner Krueger – If I were to do a motion in approval of the findings of fact I would propose to not strike the statement.

Ezell – You would want to replace the language that was initially drafted.

Commissioner Krueger – That is correct.

Commissioner Mitchell – Asked if the developer is bonded on projects when roads and utilities are installed. Would they be bonded for Phase 1 and Phase 2 or if the project starts and it dies.....for instance there is a community water system and the developer goes defunct, how do we protect the person who purchased the lot?

Ezell – Noted a lot would not be available for sale until after final plat has been approved.

Grieve – Pointed out you can enter into an agreement (put money into an escrow) to acquire a plat after final plat is approved; however, you can't take physical ownership of a lot that does not exist and lots don't exist until after final plat. The final plat is where we verify that all infrastructure improvements are installed or if not yet installed that they enter into a subdivision improvement agreement with the commissioners and provide collateral in the form of either a letter of credit from a bank or an actual check the county deposits.

Commissioner Mitchell – I am hearing from you that until Phase 1 is completed and the roads are installed they cannot sell anything.

Grieve – You can enter into agreements by putting money into an escrow which sometimes people do, but the actual transfer of deed does not occur until after final plat exists.

Commissioner Mitchell – Stoltze Lumber is a major employer in the area and I question if we should have in the findings of fact that there is an industrial development in the area that has been there for years. What happens down the road if I purchase a lot there and am hearing the noise or there is a smell from it?

Ezell – It could definitely be added as a finding of fact. A public comment was submitted by Stoltze Lumber that will be in the public record. The comment was submitted after the staff report was submitted. When you go out on the site the area between this property and Stoltze is fairly vegetated. When I conducted site visits I didn't hear anything but there is a potential for noise to be heard so that is something that could be included as a finding of fact.

Commissioner Mitchell – I'm looking at lots 11, 19, 20 and 21 and those are most likely unusable lots if we go to the 200 foot FWP suggested setback.

Ezell – Specifically lot 4 was noted as the one that would be severely limited. If the 200 foot setback no buildable area is enforced.

Commissioner Mitchell – Inquired as to if his fellow commissioners wanted to add anything about Stoltze being nearby.

Chairperson Holmquist and Commissioner Krueger replied they did not.

Commissioner Krueger made a **motion** to approve the Findings of Fact with the replacement of all struck language in FOF #5 to the original staff language. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

Finding #5- The road system appears to be acceptable with the imposition of standard conditions as primary access would be from Halfmoon Road, each lot has legal and physical access provided by internal subdivision roads that will be built to Flathead County Road and Bridge Department standards, and no improvements were determined to be required with the development according to the TIS prepared by a professional engineer.

Commissioner Krueger made a **motion** to approve FLP 15-02 Preliminary Plat Halfmoon Meadows Subdivision as conditioned. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626C. 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 developer shall comply with reasonable fire suppression and access requirements of the Columbia Falls Rural Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b), 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]

WEDNESDAY, JUNE 3, 2015
(Continued)

4. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed 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 developer shall provide a compliant Road Users' Agreement or CC&R document 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, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 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 developer 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 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]
11. 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]
12. 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]
13. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
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 (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
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]

Project-Specific Conditions
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 delineated SFHA 100-year floodplain and Base Flood Elevation shall be shown and labeled as a 'No Build Zone' on the face of the final plat. [Sections 4.7.5(a & d) and 4.7.9 FCSR]
20. The applicant shall show proof of a completed approach permit from the Flathead County Road and Bridge Department for the approach of the internal subdivision road indicating the approach has been built and received final inspection and final approval. [Section 4.7.16, FCSR]
21. A bike/pedestrian path easement of compliant width shall be shown on the face of the final plat. [Sections 4.7.19 FCSR]
22. The Riparian Resource Management Plan shall comply with 4.7.11 FCSR and be approved by the Commission. [Section 4.7.11, FCSR]
23. Cash-in-lieu of parkland dedication for the value of a total of 2.92 gross acres of land shall be submitted at the time of final plat. The subdivider shall provide a current appraisal from a Certified General Appraiser (CGA) dated no more than six months prior to final plat application submittal to set the baseline value of the parkland cash donation. [Section 4.7.24 FCSR]
24. Prior to final plat approval of the first phase and each subsequent phase the developer shall provide evidence that all applicable water right requirements of the Department of Natural Resources Water Resources Division have been met. [Section 4.7.20(d) FCSR]

CONSIDERATION OF LAKESHORE PERMIT EXTENSION: DUGAN, FLP 11-02

10:30:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Grant Support Whitney Aschenwald, Don Murray, Dave Hadden, Mark Schurke, Neal Brown, Kirk MacKenzie, Jeffrey Funk, Mary JoNaive, Rich DeJana, C. Cowley, Loraine Measure, Bill Baum, Roxanne Brothers, Clerk Kile

Moorman – This is consideration of an extension for Lakeshore Permit FLP 11-02. On March 16, 2011 the applicant was issued a Lakeshore Construction Permit to construct an access bridge and install a dock, entirely on private property located off Holt Drive on Flathead Lake. The permit was valid for one-year and was set to expire on March 16, 2012. On December 8, 2011 the applicant received a one-year extension for the permit. On February 6, 2013 the applicant received a second one-year extension for the permit. On January 6, 2014 the applicant received a third one-year extension for the permit and on January 26, 2015 the applicant received a fourth extension to extend the permit until June 1, 2015. On May 26, 2015 a fifth extension for the permit was requested, and if approved today the permit will then expire on March 16, 2016.

Commissioner Mitchell – If this is approved or not approved today is there any relationship between this and the litigation that is going on ?

WEDNESDAY, JUNE 3, 2015
(Continued)

Fugina – At this point in time there has been no court orders or otherwise determining of any of the issues underlying litigation and so whether or not the extension may have an impact on current litigation I can't tell you. At this time there is nothing to direct the commissioners either way for a denial or approval.

Commissioner Mitchell – I have a question for the applicant's attorney Mr. DeJana. In the permit application extension I have read the following regarding why the extension of this permit is being requested.

At this point we are over 90% complete with only the northern 250 feet of concrete topping required to complete the construction. The good news is that it will take us only two weeks to finish the bridge once we restart construction. Also, we will be able to access the north end of the bridge from our own land to finish construction without having to further drive any equipment back on to the lake bed. We need to complete the final portion of construction this late fall or early spring when the lake level is back down.

Commissioner Mitchell – Asked Mr. DeJana if that can be adhered to as that is what you wrote in the extension request.

DeJana – That is what my client did write to you in the extension and we can adhere to it. I was talking with the contractor Tom Martinez. As you know contrary to what you heard this morning the heads of the bridge are outside the lakeshore protection area, so we can avoid driving on it.

Commissioner Mitchell – I will ask you one more time. As far as from what I am reading to you in asking.

DeJana – As far as I know, Mr. Mitchell that is true; as soon as we start in two weeks.

Commissioner Mitchell – You are not going back in the lakebed.

DeJana – We are not going back in the lakebed.

Commissioner Mitchell – The other question I have for you is that your extension request states you need to complete the final portion of construction this late fall or early spring when the lake level is back down. Is fall better or spring better for you to get the work done.

DeJana – Spring would probably be better but we need to get it done. It is really going to turn on what Mr. Martinez can do as soon as the lake goes back down.

Commissioner Mitchell – It says you need about two weeks.

DeJana – Correct.

Commissioner Mitchell - Grieve do we ever approve extension permits for a 30 day period. Could we say in March you have 30 days to do this if we don't extend it for a year? Can we give a time period or is that inappropriate.

Grieve – You gave them a time period last time. You didn't extend it for a full one year. In January you extended the permit to June 1, 2015. The only thing I want to say out loud is to verify that the concrete that remains to be poured cannot be poured over water; even if you could access that location from the bridge, you can't pour it over water because some of the concrete will drop off the forms and hit the lakebed that they could clean up. The concrete can't drop and hit open water. That would be a big violation of the lakeshore regulations.

Commissioner Mitchell – That is why they are asking for fall or next spring to finish.

DeJana – Asked if he was saying that effective on a certain date a 30 day permit would become effective. If you are going to do that, I would say set the period of time that it could be activated between now and March 16 and make it so we have to go to planning staff to tell them we now want it activated. Then we won't be fighting about it and it just runs the 30 days to get done.

Grieve – Permits are valid for a period of 12 months.

Commissioner Mitchell – I am struggling with approving this. This started before I was a commissioner and yet at the end of the day is it fair to have a person who has done 80-90 percent of their work to be stopped and have an eyesore. I struggle with that too. I think with in litigation what I have heard is that it is possible that the bridge might have to be removed if whatever litigation comes up. Whatever point it is finished or not finished I think it can be dealt with with probably extending this.

Commissioner Krueger – The current permit now expired on June 1, 2015 is that correct.

Moorman – That is correct.

Commissioner Krueger – When we grant an extension of one-year and if the current permit expires on June 1 because we modified it by an extension, why then does this go back to March 16, 2016.

Moorman – That is a discussion we had and because the original permit was valid on that date it was just essentially stated that would probably be the most defensible date.

Grieve – It was a discussion that we had where we basically said the original permit was issued on this date and all previous extensions have been to the March date and now in January the March date was extended to June 1. So another extension would it go to the March original or would it go to June 1, 2016. I think it is at the commissioner's discretion; again the regulations say the governing body may at its discretion grant more than one such extension. The extension period is not stipulated in the regulations.

Commissioner Krueger – So we could extend this to June 1, 2016.

Fugina – I believe so.

WEDNESDAY, JUNE 3, 2015
(Continued)

Commissioner Krueger – The reason I am going there is because in the concrete field prior to March 16 it is a very difficult time to pour concrete. You are talking about January and February if we don't want the concrete in the water. I don't know when the water does get low enough to start. We are talking about November, December, January and February that are the four worst months in the whole year to try to pour concrete. We would be setting ourselves up for another extension if we do in fact approve this extension. I do believe that date is a poor date to use. My consideration of these extensions is when I have them come before me my review is of the performance in the last time period for them to work on the permit. It appears and I don't go back four years and look and question if they worked hard enough that year; those extensions were granted. It appears that the contractor has made an effort to finish this project in this cycle. We have heard from other testimony just today that an extension was granted because the lake level has come up quicker than expected. I do believe that in just looking at the timeframe that the contractor and the applicant have got to pay close attention to their timeframes and may or may not have. However, it appears that they have been doing their due diligence in this timeframe. I believe than an extension to June 1, 2016 is warranted in this case.

Chairperson Holmquist – I would just like to say that it is not uncommon for us to extend lakeshore permits when the weather interferes with the construction. In fact we did one this morning for a lakeshore permit on Flathead Lake as the lake came up faster than anticipated. Also there was an effort made like Commissioner Krueger said to try to get this done in the allotted time, and it just didn't happen mainly for whether reasons I believe. I also agree with his comments regarding pouring concrete in the spring. I also would be in favor of extending this to June 1, 2016.

Commissioner Krueger made a **motion** to extend Lakeshore Permit FLP 11-02 to June 1, 2016. Commissioner Mitchell **seconded** the motion to discussion.

Commissioner Mitchell – I want to make sure my notes are in the minutes about them not being in the lakeshore anymore.

Commissioner Krueger – I don't believe that would have the effect of going back and changing the original permit that does allow them to work on the project. They have stated that they will not get into the lakebed. It would be best for them to not get into the lakebed again; however, I do not believe that changes our original permit that was permitted to them from Flathead County. I don't believe we are putting a condition on with this extension. This is simply a time extension and is not changing the permit.

Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT EXTENSION: MT EAGLE DEVELOPMENT, FLP 11-17

10:43:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, Planning & Zoning Director B. J. Grieve, Clerk Kile

Moorman - On May 25, 2011 Lakeshore Permit FLP 11-17 was issued to Montana Eagle Development to install a pump-out station in association with the Lakeside Marina as conditioned in a 2007 settlement agreement involving the Board of County Commissioners of Flathead County. The permit was valid for one-year and was set to expire on May 25, 2012. Several extensions for the permit have been granted and this is the fourth extension request. If the extension is approved today the permit will expire on May 25, 2016.

Commissioner Krueger – Has a site visit been done for this project and has any work been done.

Moorman – I have not personally done a site visit, and I don't believe any work has been done. The settlement agreement does require the marina to put in the pump out station; however, in the settlement agreement there was no expiration date or stipulation of the date that it had to be done by. However, in the extension request application form they did indicate they intended to do the work around 2017. It is a tricky situation because they do have to do it, but we didn't put a timeline in.

Grieve – The settlement agreement does require construction of this but it doesn't stipulate a timeframe. The community down there lets us know pretty regularly that they have to build it and that we should make them build it, however; we don't have any grounds to make them build it because there is no time stipulated.

Commissioner Mitchell – My wish is to not deny this. It doesn't mean they are out of the woods for having this put in. They still have to put it in and if we make them reapply when they do it there could be different regulations they will have to follow and there is going to be more of a fee. To just extend this year after year when no construction is being done they are in my opinion playing the waiting game until they feel if ever to do this and they might not ever do it. I think this should be denied today.

Commissioner Mitchell made a **motion** to deny Lakeshore Permit Extension FLP 11-17. Commissioner Krueger **seconded** the motion to discussion.

Commissioner Krueger – If they aren't building there is that the only thing the permit allows; for them to build the pump out station?

Moorman – Correct.

Commissioner Krueger – So by denying the extension we really aren't doing anything other than requiring them to apply for a permit when they build in 2017.

Moorman – Whenever they decide to build they will just need to come in and file a new application rather than us extending this one.

Motion carried unanimously.

**WEDNESDAY, JUNE 3, 2015
(Continued)**

CONSIDERATION OF PRINT BID: SHERIFF'S OFFICE

10:48:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Clerk Kile

Chairperson Holmquist read into the record that Eagle Flight Business Forms was the low bidder for 2 sets of 500 each business cards for \$128.75.

Commissioner Krueger made a **motion** to approve the print bid. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #16-07-5-11-008-0

10:49:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Clerk Kile

Commissioner Krueger made a **motion** to approve the document for signature. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

- 11:00 a.m. Tour Historic Jail Project**
- 3:00 p.m. Commissioner Mitchell: FCEDA Board meeting @ MWED**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 4, 2015.

THURSDAY, JUNE 4, 2015

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

- 10:00 a.m. Commissioner Mitchell & Commissioner Holmquist: District 10 & 11 meeting in Polson**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 5, 2015.

FRIDAY, JUNE 5, 2015

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Krueger and Mitchell, and Clerk Pierson 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 June 8, 2015.
