

COMMISSIONERS APPROVAL

IMAN 

CHILCOTT

FOSS 

KANENWISHER 

STOLTZ 

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner J.R. Iman, Commissioner Greg Chilcott, Commissioner Suzy Foss, Commissioner Matt Kanenwisher and Commissioner Ron Stoltz

Date.....April 21, 2011

- ▶ Minutes: Beth Perkins

- ▶ Commissioner Chilcott and Commissioner Kanenwisher attended the Big Sky Mediation session for the day.

- ▶ The Board met for the following administrative matters at 8:30 a.m.:
 - Commissioner Reports: Commissioner Iman gave an update of the sand bag issue. The sand bags are free and will be available next week at some fire halls and other locations. Commissioner Stoltz received a complaint on the Sunset Bench Road that the Road Department left basketball-sized rocks in the road. He called the Road Department and the operator is returning today. He expressed his concern with having large rocks left to cause vehicle damage. Commissioner Iman met with the project manager for the Road Shop repair who will finish the engineering today and then create the RFP. Commissioner Stoltz met with the engineering firm from Spokane for the Airport.

- ▶ Commissioner Foss and Commissioner Stoltz met with Julie Foster regarding TFID at 10:00 a.m.

- ▶ The Board met for an update with Fair Manager Deb Rogala at 11:00 a.m.

- ▶ Minutes: Glenda Wiles

► The Board met to approve a contract for services with Building Students (Lance Laning) and the Ravalli County DUI Task Force at 3:00 p.m. This is a contract for services for nine upcoming assemblies at schools and community events for making good choices in regard to alcohol and drugs for a total cost of \$4,500. It was noted Lance Laning pays for all of his travel expenses. Present was DUI Task Force Coordinator Glenda Wiles who noted these funds come from the DUI Task Force and the Drug Free Communities Grant. **Commissioner Stoltz made a motion to have the Chair sign the contract with Lance Laning. Commissioner Foss seconded the motion and all voted “aye”.**

► The Board met to open the Florence Sidewalk CTEP project construction bids at 3:30 p.m. Present was CTEP Administrator Glenda Wiles, WGM Engineering Staff Amber Mathison and the various bidders, Donaldson’s, Knife River, Western Excavating, MR Asphalt and Blahnik Construction. Bids were opened as follows:

- Blahnik Construction – it was noted the proper bid bonds were present with a bid base price of \$240,511.19. Addendum acknowledged on April 18th. Alternate #1: \$9,291.78 and Alternate #2: \$9,700.00.
- Knife River – it was noted the proper bid bonds were present with a bid base price of \$208,409.50. Addendum acknowledged on April 18th. Alternate #1: \$12,343.50 and Alternate #2 \$9,000.
- Triple A Construction – it was noted the proper bid bonds were present with a bid base of \$246,289.80. Addendum acknowledged on April 18th. Alternate #1: \$7,792 and Alternate #2 \$5,250.00
- Specialty Excavating – it was noted the proper bid bonds were present with a bid base of \$195,000. Addendum acknowledged on April 18th. Alternate #1: \$9,759.00 and Alternate #2: \$8,900.00
- Western Excavation – it was noted the proper bid bonds were present with bid base of \$310,520.50. Addendum acknowledged on April 18th. Alternate #1: \$7,688.50 and Alternate #2: \$10,500.00
- MR Asphalt – it was noted the proper bid bonds were present with the bid base of \$209,654.94. Addendum acknowledge on April 18th. Alternate #1: \$8,530.36 and Alternate #2: \$5,163.50.

Commissioner Foss made a motion to submit the bids to the WGM Group for review and recommendation for award. Commissioner Stoltz seconded the motion and all voted “aye”. (5-0)

One of the bidders asked what the Engineers estimate was – it was noted \$279,412.45. The bids were turned over to Amber Mathison, WGM representative for evaluation and recommendation.

SIGN IN SHEET

****PLEASE PRINT YOUR NAME LEGIBLY****

DATE: 4-21-11

MEETING: Discussion and possible decision to hire a
Planning Administrator

Debra Wilchester

Judy Kline

Kent Kuban

Rick Manissey

BILL LACROIX

Ken Cleveland

Doreen Depp

Tom Ral

CHAR BABAK

CHARLES E. WISSENBACH

Jim Parker

NANCY BALLANES

Kelsey Milner

William Menager

Betty Swift

Pam Evensen

John Meakin

HOWARD HYDAS

SKIP KOWARSKI

Mary Barton

Nancy Desau

PATRICK BALLANES

Les Rutledge

Top 10 Reasons for Starting Over

During the past 2 month Ravalli County has seen one misstep after another in the hiring process of the Planning "Director", Office Manager/Administrator. The public deserves better.

Here are my top 10 arguments for starting fresh with a revised job description and vacancy announcement that among other things hires a professionally trained planner that will protect Ravalli County's interests from law suits and another debacle.

- 1) The Ravalli County Commissioners (RCC) had no public input into the redefinition of the County Planning Director position and the vacancy announcement.
- 2) The RCC broke the law when they did not give 48 hours notice. To have this called an "administrative error" is baloney.
- 3) The RCC broke the law when they divulged confidential information which John Lavey provided. Both Matt and Suzy broke the law of privacy protected in MCA 2-2-203 Another potential lawsuit.
- 4) The RCC did not use any objective point ranking system to determine the most qualified person.
- 5) Dianna Broadie, the other candidate for the position has a BA in Planning Studies from the University of WA, ~ 20 years of professional planning experience, and has the highest professional certification from the AICP (American Institute of Certified Planners)
- 6) The advertising for the position was not done in the Montana state professional journals let alone nation journals and therefore was not broad enough to get visibility into the professional planning community.
- 7) If an under qualified male is selected over a far more qualified woman, the Ravalli BOCC have an instant discrimination lawsuit.
- 8) Until (and to perhaps avoid more FOI requests) the public has full opportunity to see the requested FOI documents there may additional issues that arise of incompetence, mishandling, and cronyism in this matter. I intend to pursue my FOI to determine if there was anything blatantly illegal done.
- 9) They have not followed their own criteria of preferred education and experience in evaluating the 2 remaining candidates.
- 10) In mishandling and politicizing the hiring process, two of the four candidates have withdrawn from consideration. By creating such a "hostile" environment, a professional planner would think twice about coming to Ravalli County.

The list goes on but this is a good start and a compelling argument for starting "tabla rosa"

Start over and try and get it right this time.

Lee Tickell

Hamilton, MT

On April 4, 2011 J.R. Iman received a letter from me. I am requesting that this letter be incorporated in these public comments. (Hand out 10 copies to audience).

On Wednesday April 6, Commissioner Chair, J.R. Iman called me at my home 35 miles up the West Fork to discuss this letter. He began by asking me what I was concerned about. I replied that "it has always been my belief that a public office is a public trust." He asked me to repeat it so he could write it down. We went on to review what I understood to be the facts about the process used to revise the position description at the time. I do not recall him disputing them. I do recall him asking if I recalled he had not voted for Terry Nelson's appointment because he (Commissioner Iman) did not believe Terry had the required educational credentials. Our conversation went on for 10 or 15 minutes. I detailed the problems my research had revealed about the process for revising the job description. Chairman Iman assured me he would bring my concerns to the rest of the commission.

Prior to writing my letter to the Commissioners on April 4, I had a fairly extensive e mail exchange with Robert Jenni, Ravalli County Human Resource Director. With his permission I'd like that correspondence included in these comments by reference.

The conclusion of the April 4, letter to the commissioners is this: The process used by the newly elected commissioners to revise the job description of the Senior Planner to Office Manager Administrator is substantively flawed. Failing to provide 48 hours notice for their meeting to appoint Terry Nelson Office Manager Administrator did break the law, but it was only a procedural flaw.

Just under two weeks ago, on April 7, I travelled from my home on the West Fork, a round trip of some 70 miles, to attend a meeting the commissioners had called to consider the appointment of Terry Nelson as Planning Director. I spoke early in the meeting asking the commissioners postpone the appointment to revisit the process of revising the position description to remedy the substantive error. I did not make this effort because I did not have anything better to do. Like most of the retired people I know in Ravalli County, being a local government watchdog ranks 5 or 6 notches below raking up ponderosa needles in the spring time.

I did it because openness, fairness, and transparency in government is something I've cared deeply about my entire adult life. At the meeting to appoint Terry Nelson planning director, I discovered that dozens, if not scores, of fellow bitter rooters shared my concern about how the commissioners were behaving. I did not count them, but way more than a handful of Ravalli County Citizens took time out of their day to express their alarm. Yes, a few did speak up to say than any questions about what the commissioners were doing were nothing but ad hominem character attacks on the commissioners. But, they were clearly in the minority.

At this meeting I learned that the vision motivating the commissioner's behavior may have been a desire to "Pioneer a new Paradigm in County Planning." (This is Commissioner Chilcott's speculation about of

what his fellow commissioners were doing while he was in Newport Beach, California attending a one day meeting of the National Association of Counties. Another thing I learned included Matt Kannenwisher's admission that he had written the position description in direct response to a question from one his supporters in the audience.

Instead, the re engineering of the position description to make it possible for the Chairman of the Ravalli County Republican Committee to be interviewed for the newly created position is a substantive flaw. Anyone with a even a cursory knowledge of current events in Ravalli County over the past decade would recognize that "Pioneering a new paradigm in County Planning" is a matter of significant public interest.

A flaw that smells of the secrecy and stonewalling that turns democracies into plutocracies.

And that is what the County's response to the Freedom of Information Act request discloses.

The process was started in secret, continued in secret, and any documentation about it is not available to the public. Any claims that it was transparent do not withstand scrutiny. The county's tardy response to a Freedom of Information Act request for information about this process (April 18th at xxx PM, less than 48 hours before this meeting) raises more questions than in answers.

Changing the job description for the planning office to make it possible for Terry Nelson to be eligible for an interview may not be a topic of sufficient public interest to require public notice for an open meeting. Given commissioner Foss's credibility problems over weed management, it is hard to take her seriously when she sites a secret meeting as her inspiration for choosing Terry. Robert Jenni's dissembling about what really happened is a symptom of the fear and intimidation pervading the "job climate" for employees of Ravalli County. Ms. Foss wants them to toe the line to her dress code and the rest of the commissioners are spending a lot of time trying to figure out how to muzzle them. The commissioners have and are continuing to invest considerable time into limiting what county employees can and cannot say.

Taking the highly unusual step of transferring responsibility for drafting the new position description from the County's professional Human Resource Director to a newly elected County Commissioner Ron Stoltz may not be of sufficient public interest to require notice, but, it does raise some questions.

* What qualifies Ron Stoltz to be drafting up job descriptions?

*Why did the rest of the commissioners think he was the man for the job?

*Was it his business acumen or was it his apparently extensive experience with job postings at the Employment service?

Why aren't there any minutes of a decision by the commissioners to have Mr. Stoltz appointed drafter of the new position descriptions available for public review?

From the FOIA it is clear the position descriptions Ron used as references to create the new position of Office Manager Administrator were not for professional positions. The positions descriptions provided in the FOIA were for administrative assistants with an high school degree educational requirement. Did the remaining commissioners direct Ron to downgrade the professional requirements, or was it his own idea?

The process used to revise the position description for the vacant leadership of the Planning Office smells. It smells of the slime that turns democracy into plutocracies. Given this context, proceeding with the appointment of Terry Nelson as Office Manager Administrator today is tantamount to malfeasance in office.

Because of the FOIA, we now know the the county's effort to seek applicants from professional planners was anemic to non existent. They did not receive a great number of applications from professional planners because they wrote a job description for a clerical position that pays just \$5,000 less than what we used to pay for a professional planner with a masters degree in planning. How cute. What led them to believe they could get away with it? Good Faith and preservation of the Public trust suggest and perhaps demands voiding the Office Manager Administrator position description. Many members of the Commission have several years left in their terms. It is important to me, and I hope to a majority of Ravalli County Voters, that they not serve out their terms under the cloud of suspicion this incident has created.

In my letter of April 4th, I said revisiting the process of redefining the position description is the only remedy for the substantive errors the commissioners have committed. On reflection, and on learning what I have learned since the meeting on April 7th, it may be necessary to take an additional step:

The Commissioners could agree to an audit of the process for rewriting the position description by a six member committee made up of the two the District Court Judges, the chairperson of the Bitter Root Resource Conservation and Development Council, a Human Resource Professional from the Rocky Mountain Lab, the United States Forest Service, or the Montana Job Service, and two former chairpersons of the Ravalli County Planning Board. This committee would have access to all information pertaining to the process and the power to interview the participants under oath.

If, as several members of the commission adamantly proclaim, there was no cronyism in the process, this may be the best way to get to the bottom of things. In our system of government by law, there are no rights unless there is a remedy for violating the right.

Like they say, when you are in a hole, the best thing to do is stop digging.

Jim Parker

Box 217, Conner, MT. 59827

821-3444

1005

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Comments submitted to Ravalli County Board of Commissioners by Bill LaCroix, Victor, MT

In Terry Nelson's Job application he claims his attendance at two "coordination" seminars as part of his "special qualifications" under the application's "special qualifications" section.

In the recently re-written Job-Description, as well as the Job Posting for this newly-created county position of "Planning Office Manager" the current Board of Commissioners—who re-wrote the job-description and re-defined the title—calls for someone who has "knowledge of coordination process Government to Government agencies".

"Coordination", as defined by American Stewards of Liberty (ASL), the Texas-based firm with whom this commission recently agreed to sign a consulting contract with, is PLANNING with a capital "P" on the side of a mountain. But, as ASL specifically states in its own documents, it is back-door, "government-to-government" planning where the public is not to have input in. POINT: ALL issues pertaining to this topic of high public interest have been excruciatingly and necessarily public, not only in this county but in every county in this state and country one care to name. A county that tries another, more casual approach will get themselves into intense trouble with their constituents, and for good reason. A reminder: ASL claims the county needs a "plan" to start with when "negotiating" with the state and federal governments, and that is one of the primary purpose of their contract with the BOCC—to come up with a "plan". We had a plan the Forest Service could refer to when considering federal policy in our area (which is what ASL says we need and that only they can help us provide). It was called the Growth Policy.

Commissioner Kanenwisher has stated that from now on (apparently) the primary purpose of the planning office is to "review subdivisions". It's therefore a fair question to ask: what else is the new "Planning Office Manager" expected by you to do for \$50,000+/year. In light of the rewording of the job description and the fact that Mr. Nelson claims "knowledge of coordination" as one of his "special qualifications", is it now the intention of this commission to hire Mr. Nelson—or any individual appointed to the position of "Planning Office Manager/ Administrator"—to assist them in implementing a highly questionable, untested, quasi-legal tenet described by ASL as "coordination" in place of our public planning process —with all the years of good-faith hard work given by hundreds of people (maybe thousands by now) who gave of their time to sit on boards and go to scoping meetings etc etc etc (etc etc etc)—with less-than-open, divisive and almost-surely litigious process ?

Will Mr. Nelson—or anyone hired to this position— be expected by you to be in charge of a de facto ad hoc planning committee (or whatever you decide to call it) of individuals chosen by you the board, representing your preferred special interests to create a "government-to-government" document you will then represent to state and federal agencies as the desires of all your constituents? Does this commission think it wise to bind our public planning process to an agenda-laden Far-Right "consultant" firm?

The Federal Land Policy Management Act (FLPMA) is the act consistently cited by ASL as the place where "Government-to-Government coordination" is required in federal statute. IMPORTANT note to our commissioners: Not only does the actual wording of FLPMA- Section 1712 of Title 43 not require

"coordination" beyond what the applicable agency deems practical, but the agency for which the FLPMA was enacted was the BLM. In other words, ASL's loose interpretation of what "coordination" means in Sec. 1712, Title 43 is not only buried deep in a huge document as more of a suggestion, but the over-arching intent of the passage of the FLPMA itself was to regulate the BLM, not the Forest Service. I would request that you, our commissioners, carefully and objectively read and understand the laws and statutes ASL is citing in support of a questionable legal tenet that appears to be pedaled almost solely by ASL before you commit this community to a process which I believe will surely be divisive and contentious for the majority of your constituents.

Actual wording of "coordination" in FLPMA - Section 1712 of Title 43 to which American Stewards of Liberty consistently bases its claim of "government-to-government coordination" in federal statute:

Federal Land Policy Management Act (FLPMA)- Section 1712 of Title 43

In the development and revision of land use plans, the Secretary shall - (1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law; (2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences; (3) give priority to the designation and protection of areas of critical environmental concern; (4) rely, to the extent it is available, on the inventory of the public lands, their resources, and other values; (5) consider present and potential uses of the public lands; (6) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values; (7) weigh long-term benefits to the public against short-term benefits; (8) provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans; and (9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended [16 U.S.C. 4601-4 et seq.], and of or for Indian tribes by, among other things, considering the policies of approved State and tribal land resource management programs. In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.

Howard R. Anderson, P.E.
P. O. Box 535
Hamilton, Mt. 59840

April 20, 2010:

TO: BOARD OF RAVALLI COUNTY COMMISSIONERS

RE: NEW PLANNING DIRECTOR:

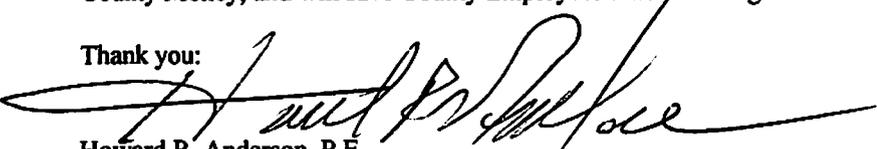
During the past few years Ravalli County has been sued many times over planning department activities. Most of these law suits have resulted in tax payer moneys being paid to plaintiffs because of "Planning Errors" or "Ignorance of the State and County regulations".

I am enclosing just a few comments and articles on just a few of these law suits, and included is a copy of your insurance company's "Loss Control" Statement.

These law suits and expenditures of tax payer dollars must stop, and the only way to help stop this loss of taxpayer dollars is to retain someone very knowledgeable of the State Subdivision Rules, Ravalli county Subdivision Rules and Regulations, and how the two work together.

For me, one of the first priorities is to get Ravalli County back on track with what the State Statues say and require. This is going to take some time. In the meantime you will save the taxpayers of Ravalli County Money, and will save County Employees time in having to deal with these law suits.

Thank you:


Howard R. Anderson, P.E.

Attachments>>Six (6) pages of general information on Ravalli County Law suits.

County sued for floodplain denials, missed deadlines

ANTHONY QUIRINI
STAFF REPORTER

A Ravalli County resident and a Nevada-based corporation filed a lawsuit last week accusing the county of violating its own regulations and stepping on private property rights.

Daniel Floyd, a county resident, and Renascent Inc., a Nevada corporation that owns eight parcels of land in the county, who have several causes of action, allege that the county acted "arbitrarily, capriciously and used threats of civil and criminal action to coerce the plaintiffs to comply with its unreasonable and unlawful demands."

The plaintiffs claim that the county violated their civil rights, used inverse condemnation and unlawful taking, intentional interference with property rights, negligent interference with property rights, negligence, defamation/slander of title and used malicious prosecution.

The basis of the suit started in 2002 when the plaintiffs hired a firm to obtain a survey of the property and then presented it to the floodplain administrator at the time, Todd Kliez, who said their project can move forward. A septic permit was issued a year later and the system was approved.

The plaintiffs assert that Kliez did not require floodplain applications. Then a Department of Natural Resources official sent an e-mail to

County sued, continued

county planners noting a supposed violation - 10 to be specific. The planning department then required the plaintiffs to obtain an "after-the fact" permit.

In 2005, Laura Hendrix, the new floodplain administrator, rejected the application "without any explanation," and the county failed to meet its own deadlines in processing the application, the suit alleges.

Then in 2006, a second floodplain application was submitted, and again, the county missed its deadlines, the plaintiffs assert.

Additionally, the suit claims that Hendrix did not respond to the company's materials within the deadline or at any time. The suit also claims the county prevented the plaintiffs from selling their property by tying it up in legal processes.

Later that year the county filed a lawsuit against the plaintiffs, and the court dismissed the county's claims demanding that the county "come in compliance of its own law."

"Further, and also in spite of the court's order granting plaintiffs motion to dismiss and express statutory and regula-

tory law, the Ravalli County floodplain administrator has failed, and now apparently refuses to issue a floodplain permit pursuant to Renascent's application," attorney for the plaintiffs, David Markette wrote.

The plaintiffs seek a trial, punitive damages of \$250,000, reimbursement of attorney fees and costs associated with litigation. The plaintiffs are seeking a declaratory judgment.

Reporter Anthony Quirini can be reached at 363-3300 or quirini@ravallirepublic.com

Developer, commission reach settlement

ANTHONY QUIRINI

STAFF REPORTER

Just five months after Ravalli County commissioners denied the 20-lot Hamilton Heights Block 13 subdivision, they approved it under a settlement agreement earlier this week.

County commissioners denied the subdivision in a 3-1 vote in September, saying the development could have potential negative impacts on road access, lead to the loss of prime farmland and could degrade agricultural water usage.

Three county commissioners – Carlotta Grandstaff, Jim Rokosch and Kathleen Driscoll – denied the subdivision. Commissioner Greg Chilcott voted to approve the subdivision.

Commissioner Alan Thompson wasn't present at the meeting in September.

The developers, Joshua and Marlin Powell, filed the lawsuit in Ravalli County District Court shortly after the denial.

The plaintiffs claimed the commission acted "arbitrary, capricious, whimsical and shocking to the conscience."

The county's state-appointed attorney, Alan McCormick from the Montana Association of Counties, said the county wouldn't prevail if the matter went to court.

"We came to the conclusion that arguably the conditions of the road and the agricultural water were not defensible," McCormick told the commission this week.

As for the farmland loss issue, McCormick said the developers weren't given the opportunity to mitigate its impacts.

"We recommend you enter into this settlement agreement because we believe it is an appropriate way to deal with this lawsuit," McCormick said.

Rokosch questioned the specifics in the agreement, specifically the mitigation fees.

The county collects mitigation fees from developers to offset the impacts a development has on services – such as fire department services and impacts on schools.

According to the settlement agreement, the mitigations were those listed in a planning staff report, not the agreements the commission reached during the hearing.

During the subdivision hearing in September, the commission asked for mitigation fees over and above what was suggested in the staff report.

Rokosch wanted the raised mitigation fees included in the final settlement.

But since the settlement agreement had already been drafted, changing the specifics in it could have warranted a new agreement, lawyers at this week's meeting said.

Chilcott wanted the commission to sign the settlement, but a first motion to do so failed 2-1, with Driscoll and Rokosch opposed.

"Do you feel like we should have a full commission here?" Rokosch asked the board.

That failed motion and Rokosch's questions spurred the plaintiffs' attorney, William VanCanagan, to call a recess so he could chat with his clients.

After the meeting re-adjourned, Chilcott put the motion on the floor again. This time it passed 3-0.

The subdivision proposes 20 lots on 42.24 acres located four-and-a-half miles southeast of Corvallis.

Howard Anderson, P.E.

406-961-3523

Sheet No. _____ Of _____

Date _____ Subject _____

Project No. _____

FlatIron Ranch delayed by review changes

WHITNEY BERMES

RAVALLI REPUBLIC

The FlatIron Ranch subdivision will likely be delayed by a few more months, so county planners can take over the review process from a private contractor.

Developers of FlatIron, a 451-acre, 551-unit subdivision posed east of Hamilton Golf Course Road, have

requested the Ravalli County Planning Department take over the review process.

The subdivision is currently being reviewed by WWC Engineering of Helena, in keeping with a 2007 settlement between the county and a number of developers, including FlatIron.

The settlement stipulated that Ravalli County contract with an independent consul-

tant to carry out the review of FlatIron Ranch. The county contracted with WWC in early 2008.

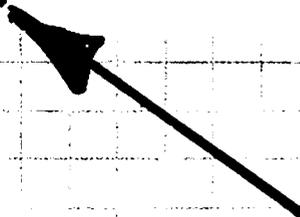
An originally submitted fee of \$33,000 was used to pay the consultant for work performed in completing the review.

But FlatIron has exceeded those fees and now owes WWC \$573 for additional work. Interim planning director Tristan Riddell said the

planning department has invoiced FlatIron LLC, but has yet to receive the additional money.

Last week, Riddell told commissioners that FlatIron has exceeded the initial payment because there have been delays related to a redesign of the subdivision, as well as changes in consultants.

See **FLATIRON**, Page 6



Ravalli County
2/26/09 7:30 AM

Event Date	O/C Status Code	Claim Number	Claimant Full Name	Claim Type Code	Desc: 5000 CharS	Paid Sum	Collection Sum	Incurred Sum	Outstanding Reserve Sum
11/27/1991	C	P032910007901	Trump, Peter & Jan	EO	QUESTION AS TO WHETHER THE COUNTY HAS PLACED A LIEN ON CLMT'S PROPERTY	0.00	0.00	0.00	0.
12/14/1991	C	P032910008601	Boscarino, Hazel	EO	QUESTION AS TO WHETHER THE COUNTY HAS PLACED A LIEN ON CLMT'S PROPERTY	0.00	0.00	0.00	0.
8/23/1993	C	P032930005001	State of Montana	EO	ALLEGES FAILURE TO CLOSE DARBY LANDFILL	0.00	0.00	0.00	0.
1/20/1994	C	P032930011301	Davos & McIntyre	EO	LAWSUIT INVOLVING ROAD DISPUTE ON PRIVATE LAND	0.00	0.00	0.00	0.
10/5/1994	C	P032940007201	Morgan, Dennis	EO	INSURED DENISED PLAINTIFFS APPLICATION FOR PRELIMINARY PLAT APPROVAL	0.00	0.00	0.00	0.
9/11/1995	C	P032950007701	Burnt Fork Citizens Coalition	EO	LAWSUIT ARISES OUT OF APPROVAL OF SUBDIVISION	16,205.40	0.00	16,205.40	0.
4/12/1996	C	P032950021901	Cook, David	EO	LAWSUIT SEEKS JUDGEMENT TO DETERMINE STATUS OF SUBDIVISION	20,419.26	0.00	20,419.26	0.
5/13/1996	C	P032950024401	Canton & Micha Props, Jim	EO	PETITION / NOTICE OF APPEAL OF PARTIAL SUB DIVISION APPROVAL	958.00	216.00	958.00	0.
2/5/1997	C	P032960018401	Chaffin, James E	EO	SUIT ALLEGES PROPERTY OWNER WILL NOT ALLOW ACCESS ON COUNTY ROAD	0.00	0.00	0.00	0.
8/20/1997	C	P032970004601	Jimeno, Max	EO	MOTION FOR TEMPORY INJUNCTION OF ROAD	0.00	0.00	0.00	0.
2/5/1998	C	P032970016501	Marie, Stanley	EO	LAWSUIT ALLEGES COUNTY FAILED TO FOLLOW SUBDIVISION REGULATIONS	7,000.00	0.00	7,000.00	0.

2/11/1998	C	P032870016801	Galbraith, Joseph	EO	LAW SUIT ALLEGES VIOLATION OF SUB DIVISION REGULATIONS, VIOLATION OF OPEN, MEET- ING LAW, ECT.	48,371.29	0.00	48,371.29	0.1
8/28/1998	C	P032880004701	Powell & Patzer Fish Hatchery Rd. Home Owners	EO	LAW SUITE ALLEGES ARBITRARY & CAPRICIOUS DENIAL OF SUBDIVISION	1,802.00	0.00	1,802.00	0.1
8/8/2001	C	P032000027401		EO	LAW SUIT OVER SUBDIVISION APPROVAL	0.00	0.00	0.00	0.1
12/13/2002	C	P032020018301	Mills Et Al, Ted	EO	LAW SUIT- SUBDIVISION	3,889.06	0.00	3,889.06	0.1
12/17/2002	C	P032020018701	Finkbeiner, Thomas	EO	LAW SUIT ALLEGES IMPROPER SUBDIVISION APPROVAL	637.50	0.00	637.50	0.1
3/21/2003	C	P032020025701	Hornung, Robert	EO	SUB DIVISION LAW SUIT	1,868.00	0.00	1,868.00	0.1
4/11/2003	C	P032020027301	Mills, Ted	EO	LAW SUIT ALLEGES ILLEGAL SUBDIVISION	0.00	0.00	0.00	0.1
8/17/2003	C	P032020032801	Yonkey, Leland K	EO	SUBDIVISION LAW SUIT	5,180.20	0.00	5,180.20	0.1
10/8/2003	C	P082090011101	Grantsdale Homeowners	EO	LAW SUIT ALLEGES WRONGFULL SUBDIVISION APPROVAL	12,440.03	0.00	12,440.03	0.1
8/28/2004	C	P032030034401	Ravalli County Coalition for Better	EO	LAW SUIT FOR DECLARATORY JUDGEMENT AND APPLICATION FOR WRIT OF MANDATE AND, WRIT OF REVIEW.	18,032.38	0.00	18,032.38	0.1
1/21/2005	C	P032040015601	Blittersators For Planning	EO	SUBDIVISION LAW SUIT.	6,782.78	0.00	6,782.78	0.1
2/1/2005	C	P032040018701	Koppes, Scott	EO	SUBDIVISION LAW SUIT.	5,132.25	0.00	5,132.25	0.1
4/20/2005	C	P032040023301	Thompson, Joseph	EO	SUB-DIVISION LAW SUIT.	8,181.52	0.00	8,181.52	0.1
10/24/2006	C	P032080011801	Stalksho Lodge & Steak House	EO	LAND USE PLANNING CLAIM. NO COVERAGE.	0.00	0.00	0.00	0.1

11/14/2005	C	P032050013001	Ratcheson, Peggy	EO	LAW/SUIT APPEALS DECISION OF COUNTY TO DENY FLOODPLAIN PERMIT.	0.00	0.00	0.00	0.00
12/27/2006	C	GCRA41020027	Owens Medicine, Marilyn	EO	1/16/2006 10:00:55 AM (holding) Sub-division lawsuit.	4,343.48	0.00	4,343.48	0.00
11/16/2008	O	GCRA41020980	Westmont Developers	EO	Subdivision lawsuit.	42,862.48	0.00	60,000.00	17,937.52
1/5/2007	O	GCRA41021207	Lords, Rebecca	EO	Subdivision lawsuit.	32,152.88	0.00	40,000.00	7,847.12
8/4/2007	O	GCRA41021897	Bitterrooters For Planning	EO	LAW/SUIT ALLEGES VIOLATION OF OPEN MEETING LAWS REGARDING ZONING CASE SETTLEMENT.	13,630.81	0.00	25,000.00	11,369.19
6/14/2007	C	GCRA41021785	Floyd, Daniel	EO	Lawsuit-land use planning	0.00	0.00	0.00	0.00
8/14/2007	O	GCRA41021831	Taylor, Phillip	EO	Zoning lawsuit alleges improper approval by Board of Adjustment of subdivision.	3,722.71	0.00	7,500.00	3,777.29
10/12/2007	O	GCRA41022146	Powell, Martin	EO	Subdivision lawsuit.	4,665.99	400.00	25,000.00	20,344.01
10/25/2007	O	GCRA41022245	Saddle Hills, LLC	EO	Subdivision denial lawsuit.	9,610.57	0.00	15,000.00	5,389.43
10/28/2007	O	GCRA41022172	Bitterrooters For Planning	EO	Subdivision denial.	712.93	0.00	5,000.00	4,287.07
8/25/2008	O	GCRA41022822	BIG SKY DEVELOPMENT GROUP, LLC	EO	Subdivision lawsuit.	6,483.81	0.00	25,000.00	18,516.19
8/24/2008	C	GCRA41023207	Curtis, Kinton	EO	Lawsuit for declaratory judgement regarding land use and flood plain regulation.	0.00	0.00	0.00	0.00
					Sum:	278,168.14	618.00	385,024.11	86,857.99