

Chris Taggart

From: Julie Fillingham <mtredneckrealtor@aol.com>
Sent: Friday, April 24, 2020 11:54 AM
To: Ravalli County Commissioners Office
Subject: Fwd: Intermountain Industrial

Good afternoon. I had originally emailed Commissioner Hoffman as well as Sandy Cromwell. I also wanted to follow up and make sure that these emails have been seen and that it is understood what a nightmare scenario we have right now. Please see my email below and we do understand things are a bit crazy right now with the whole virus thing but need to do something before things become worse. Hopefully things will start to re-open and gain a little bit of normal back so that you are able to assist with matters such as ours. It is not just us, it is a whole pile of neighbors that are not happy. This affects people all the way to Highway 93 in one form or another, whether it is the noise or the big, heavily loaded semi trucks tearing up the roads and on occasion running stop signs. Sandy can also tell you how she was about run off the road by one. I did have to stop once for one at Bear Creek and Red Crow that completely blew the stop sign, took the whole intersection and luckily I knew what was about to happen and stopped before I reached the intersection. We are at our wits ends and so very frustrated, discouraged, enraged, saddened, sick and every other word you can think of about now. Never did I imagine a business being so selfish as to do this to people, not in an area like ours. Not a business of this magnitude. We just don't have many businesses like this one here and if we do, they are in a commercial area.

Julie Fillingham

Broker/Owner

RE/MAX Advantage

SFR, CFA, CSSA, RDCPRO

RE/MAX Executive Club, RE/MAX 100% Award

RE/MAX Hall of Fame

RRE-BRO-LIC-11541

406-363-5750 Office

406-880-8734 Cell

406-315-4414 Fax



**we
are**



-----Original Message-----

From: Julie Fillingham <mtredneckrealtor@aol.com>
To: cahoffman@rc.mt.gov <cahoffman@rc.mt.gov>
Sent: Mon, Apr 20, 2020 1:19 am

My name is Julie Fillingham. Another neighbor of mine, Sandy Cromwell has also emailed you. Greg and Janet Ioder are our neighbors and had reached out to you about the time the virus was ramping up and things were shutting down. We are hoping you will read our concerns and that we can come in and visit with the commissioners when everything opens back up.

I will try to make a long story as short as possible. I live at 1943 Middle Bear Creek Victor. I live directly behind Intermountain Industrial which was formerly Bear Creek Timberwrights. My neighbors and I have been in a long battle trying to protect our neighborhood from what has become a living nightmare of noise, dust and many other concerns with the Industrial business that has moved in. They will claim that it was always industrial but it was not. Timber is an agricultural product and does not sound near the same as clanging metal, crashing of metal beams, screeching of machines as they grind on or cut metal. They told us it was not going to be noisy when we asked them on the day that we first met. It is horribly noisy some days with commercial sand blasting, machines running, back up beepers, pounding, earth vibrating. It is a miserable mess.

They built another large shop on the property which is their paint booth and we are 100% opposed to them building anymore and being able to operate in such a way that it is driving home owners out of their homes. We do not want other businesses looking at this area and thinking it is OK to come in and start building and operating. This entire neighborhood is against this, not just the 4 homes that were involved in the lawsuit. The big trucks are tearing up the roads and are crushing culverts on Red Crow. People are angry that this is happening and we all want some type of zoning to prevent them from getting any bigger or for others like them to feel it is OK to come in and destroy our right to quiet enjoyment of our properties. I understand them having rights too but they themselves said in court that they were not going to expand the big shop, they only have 5 employees, they are no louder than 58 decibels, don't have security cameras picking up the neighbors activities, don't have hours past 5:30 PM or on weekends and only operate 4 days a week. Why should they not have to be held to what they themselves said in a court of law while under oath. These are our homes and they have destroyed them. This entire neighborhood is asking that somebody step in and help us place limits. This cannot be just about them. Why was a study not done about the impact they would create on this area, the roads, the water situation and possible contaminants, the health risk from continuous noise and dust. These are things that are addressed

when subdividing land whether or not we have zoning. People had a say about Walmart even though we have no zoning so why should our voices have not been heard prior to them bringing this nightmare to our neighborhood. They left their previous location after repeated complaints from the landlord for the noise. Then they lie to us and tell us it is not noisy. They only talked to a few neighbors and they lied. We were naive and wanted to try to be good neighbors and nice people but never expected this since they said it was not loud. We have lots of metal type of businesses in the valley that are not noisy and do various types of metal works from signs to metal cut out designs and I guess this is what I figured they might be. I never figured somebody could be so selfish to place something like Intermountain Industrial in the middle of residences. They were operating 7 days a week at times regardless of what they try to say. An article in the newspaper even says it. They say they only have 5 employees and a letter to the commissioners in 2017 says they have 10. He also states in this letter the hours of operation. They have consistent trucks on Fridays and often have hours outside of what they testified to. The other night it was 7PM and Mr. Cook and two employees were loading Mr. Cooks flat bed trailer.

I know we have no zoning but it is not fair for something like them to come into an area like ours and begin pushing people out of their homes. We took them to court based upon a public nuisance and the jury found them not guilty after they lied repeatedly in court. Even their witnesses lied. It was the worst shit show I ever saw and they got away with lying on the stand. Mr. Cook, one of the owners even admitted on the stand that he had lied on some DEQ paperwork after a complaint was made about them dumping some contents from a barrel out on the dirt in a high ground water area. He told them it was rain water and they acted like I was the bad guy for being concerned. In court Mr. Cook said he was the one who dumped the barrel. It was not. My mother watched them do it. Why would he say it was him if it wasn't. The dust that comes out of the buildings when they are running the horrible, awful, loud and annoying commercial sandblaster, is it safe? The noise is horrible. They said in court that they put up stuff to make this quieter and mitigate the noise. They put up plywood. They needed plywood or the canvas material would be shredded. They had trucks coming in the middle of the night in the beginning and it would wake everybody up and the lights would light up our house. We had a meeting of neighbors in my front yard prior to filing a lawsuit and the slamming, crashing steel was so loud we had to adjourn and it almost felt like it was intentional. They could see we had people over and had no consideration to try to be quiet. This proved to me how truly ignorant they are. They have piles of aluminum on our fence line which reflect the sun and are blinding to look out the window or across the yard at. This is damaging to the eye sight and was mentioned several years ago and they have yet to move it. If they were so concerned and trying to be neighborly then why is this not on the other side of their shop.

They will tell you that this all is because we were going to do a boundary line adjustment between my property and theirs and it later fell through. That has nothing to do with us being upset. I am thankful that never went through because they would have been closer to us. Whether it is a few feet or not, anything is too close at this point. I told them in the beginning I would do it if I GAINED enough ground for a small exercise pen for the horses since it was apparently going to save them a ton of money on trying to move a wood burner that heated their shop and was on our property. My husband and I showed them where we felt we wanted the boundaries to be, they did not disagree, I asked if we should put it in writing and they did not seem to feel it needed to be done. When the day finally came to meet the surveyor here, everything changed and it was a pretty equal move and the only thing we would stand to gain was a narrow strip of weeds to mow along our driveway so I said no. That was not what we agreed to and I am glad it never happened. If we had known the truth about Intermountain Industrial, We never would have agreed to any kind of boundary line adjustments.

We have a large number of us that feel something needs to be done and we have come up with a rough draft of some zoning we feel needs to happen to prevent any further industrial or commercial developments in this area. It does not say they can't operate but we do feel that they need to be held to some expectations to respect the people who live here. They do not live here and get to go home to peace and quiet. They have disrupted everybody's lives here and put everybody on edge. They have destroyed property values and have an F U attitude about it. This never should have happened. They even went in and changed the tax classification to Industrial. They knew what this would do and they did not care. The business which was here previously did not have the mess, the noise, the machines and it looked like an agricultural piece of property and even had a residence attached. These folks changed the septic and everything. It was an agricultural area and timber is an agricultural product. Steel is not. We do not want a bunch of big businesses thinking it is OK to move into the area. It is not. We as home owners have great concerns about the future of this neighborhood and the property rights of those surrounding Intermountain Industrial. It cannot be a do as they please situation. That does not work for everybody. They should have been stopped prior to coming in with this magnitude of a business. Even the roads are feeling the impact and in poor condition. They are constantly having to fix pot holes. Why do you suppose the culverts under Red Crow Road are being crushed? These roads were not built for these big heavily loaded trucks like the Highway is. Another business coming in like Intermountain Industrial would mean even more truck traffic. We are not opposed to small business. Many of us are business owners but we are on a much smaller scale than Intermountain Industrial, regardless of what they try to say. Like many people in the world, they refuse to take any accountability. They care not one ounce that they have destroyed so much and taken our right to quiet enjoyment

away. We do not want somebody else coming along and doing the same. This entire neighborhood is not OK with it. Many are at their wits end and want something done. They have been in their homes for much longer than IMI has been in the area and they are not OK with a bunch of Industrial business in the area. They are not OK with what has happened and should not have to lock themselves in their homes away from the noise. They have the right to enjoy their property. Part of me feels bad and knows that IMI has rights too but they chose to come here. They chose to be dishonest in the couple of conversations they had with a couple of neighbors. They came here knowing it would disturb everybody. They had complaints where they were previously. Why would you do that to people? Selfish.

We know they are here and the zoning is not saying they can't be but it is saying they should have restrictions. They should not be allowed to do as they please at the expense of those around them. There is endless information available about the health risks of living with noise like what they produce. I had a heart attack in 2017 and the day I came home I am awakened around 7 AM by machines and beeping and my mother crying when I blew my stack about trying to rest and you can't. If you are home sick there is not rest with the constant noise and vibrations from next door. Something has to be done to prevent it from being any worse. They should have limits and our lives and property rights should matter too. Some of these property owners have been here for 20 to 30 years and are feeling they should try to sell their homes and move. That is not fair. It is not OK for Intermountain Industrial to rob everybody of their homes and their sanity. It is very sad to sit in court and listen to your neighbors cry as they tell you how much this has changed and impacted their lives and the use of their properties. They blame part of their noise on others, they blame the gravel pit for much of the truck traffic and then have the guy as one of their witnesses. Unbelievable. The number of lies told by them in court was insane and they should be held accountable for that. They should have to limit themselves to exactly what they said in court. There are days that IMI is not loud but there are other times that it is unacceptable. Lately with the shut down and shelter in place, people have been at home going crazy having to listen to the noise. It is not OK. Home is not a pleasant place to be anymore.

There was a day when all of the attorneys and sound experts were here and we were trying to get accurate readings of how loud it can be. They agreed to be working normal operations and cooperate. It was a very expensive day. It was a kick in the gut, disgusting, in your face joke. They did not fire up the big fork lifts, they did not sand blast the same material they normally do, they did not use the big shears on big metal, they did not drop big metal beams, they did not fire up the grinder and show everybody the horrible screeching noise, they did not scrape metal together which is like fingernails on the chalkboard on steroids, they did not have a semi truck here, they did not use half of the machines and it was not at all a true portrayal and in court they used that to show they are quiet and max sound was around 58 decibels. This is a disgusting lie and they said we should have asked for them to turn on the machines. They were asked repeatedly that day if they were working. They said yes. We should not have asked. They agreed. They turned on the little tiny propane forklift they use in the shop which I never see and is not capable of picking up the stuff the big one does. Now why would they have not turned all of these machines on if they truly are not a problem. What were they trying to hide besides the fact that they are not willing to provide the truth or take any responsibility for disrupting our lives here. Somebody told me the ones who win in court are the ones who can lie the best. We did not lie, we told the truth as was expected. Why should we have to lie and why should it be OK for Intermountain to lie to people about how disruptive their operations truly are. We are not willing to let another company like them into this neighborhood. We are seeking help on what to do. They cannot expand these buildings, they cannot be free to be as loud as they want. There are nuisance laws. Whether the jury fully understood this or not. Read them and then come and sit on my porch for a few days and tell me that you don't feel they are a nuisance.

Nobody here is OK with them being allowed to add onto or expand any of these buildings or to become any bigger than what they are. They bought this property as a foreclosure for less than what it would cost them to buy along the highway somewhere where they belong. They bought it because it was a deal and did not care one ounce about how they would destroy the area and disrupt so many lives. Their pocket book was more important than our sanity and it is not OK. We have a pile of angry neighbors who are asking that something be done. We want to impose zoning to prevent another Intermountain Industrial from coming to the neighborhood and to keep them from becoming anymore than what they said they are in court.

Everybody who lives along Bear Creek clear to Highway 93 should be concerned. The heavy trucks loaded with steel are destroying the roads and create a safety hazard at times and have had to stop my truck prior to reaching the stop sign to allow room for one that ran the stop sign and took the entire intersection to turn one day.

We are asking for advise and that somebody step in and help us figure out what to do about this situation that never should have happened in the first place.

My heart breaks for my neighbors and what this has robbed them of. This is just simply not OK. These are our homes. I feel a big part of my life and what I have worked for was just taken by these people. I cannot live here. We worked so hard to get where we are and these people came along and took so much from all of us. So much that cannot

be replaced or changed. They have brought a burden into each one of our lives, created stress, unrest and created an unhealthy environment for all of those around them.

"We need your help. What can we do going forward to remain status quo? We got bitten once, but if we don't address this in our neighborhood, then when things get worse or another business comes in, etc. - we could be told....'You already had a noise problem and did nothing to address future expansion/new business, so you have to live with it - you (neighbors) should have done something after the first issue'." We are imploring the Commissioners for their help in putting guidelines in place (zoning) AND enforcing them.

Thanks for taking the time to read into our story and to hear our concerns. This entire thing has been heartbreaking and taken the happiness and life out of our home.

Julie Fillingham
406-880-8734
1943 Middle Bear Creek
Victor, MT 59875