
MONDAY, JANUARY 4, 2010

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

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

REORGANIZATION OF BOARD OF COMMISSIONERS

[9:00:04 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Chairman Lauman made a **motion** to appoint Commissioner Brenneman to act as Chairman of the Board of Commissioners for 2010. Commissioner Dupont **seconded** the motion. **Aye** –Brenneman, Lauman and Dupont. Motion carried unanimously.

APPOINT COMMISSIONERS TO VARIOUS BOARDS

[9:00:10 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Discussion was held relative to board appointment for 2010.

Commissioner Lauman made a **motion** to approve the various board appointments as discussed. Commissioner Dupont **seconded** the motion. **Aye** –Brenneman, Lauman and Dupont. Motion carried unanimously.

Chairman Brenneman: 911 Interlocal Agreement Board, Compensation Board, DUI Task Force/ Safe Kids Safe Community Coalition, Flathead Basin Commission, Flathead City County Health Board, Flathead County Chemical Dependency Clinic, Flathead County River Commission, Interoperability Montana Project Director, Local Emergency Planning Committee, Mosquito Board, Northern Tier Interoperability Commission, Youth Service Network.

Commissioner Lauman: AOA (Agency on Aging), Audit Committee, Child Development Center Board, Compensation Board, Health Board Review Committee, Retired Senior Volunteer Program, Road Naming and Addressing Committee, Western Montana Regional Mental Health Board.

Commissioner Dupont: 911 Funding Formula Committee, Compensation Board, County Building Committee, Flathead County Solid Waste Board, Flathead on the Move, Flathead Valley Economic Development Authority, Montana Coalition of Forest Counties, Montana West Economic Development, Natural Resource Committee, Pre-Release Center, RAC (Resource Advisory Committee), Transportation Advisory Board, Technical Advisory Committee, Western Montana Regional Juvenile Detention Board.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: MULTIPLE TEXT AMENDMENTS/ FLATHEAD COUNTY ZONING REGULATIONS

[9:11:04 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Assistant Planning & Zoning Director B J Grieve, Clerk Kile

Chairman Brenneman noted a public hearing was held on November 19, 2009 for consideration of eleven text amendments to be added to the zoning regulations.

Grieve reported at the public hearing two text amendments were removed and there currently are nine. The two removed were in regards to a CUP and 30 day voluntary compliance period.

Commissioner Lauman made a **motion** to adopt final Resolution 955HC. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

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RESOLUTION NO. 955 HC

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 19th day of November, 2009, to consider amendments to the text of the Flathead County Zoning Regulations proposed by Flathead County and the Flathead County Planning and Zoning Office;

WHEREAS, the Board of Commissioners did hear public comment on the proposed amendments at said hearing;

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

WHEREAS, based upon that recommendation and the testimony of the public, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 955 HB dated November 19, 2009) to amend the Flathead County Zoning Regulations to add cross-references to recently created classifications, to clarify which regulations will apply to a zone-change application, to define "police" and "fire" stations and add them to the list of public buildings, to update cross references generally, to remove "primary" use and replace with "principal" use, to clarify setback definitions, to define Taverns to include casinos, and to amend the regulations to comply with statutory changes including posting of notices for 45 days and adopting the new statutory criteria for evaluating zoning proposals; and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on November 24 and December 1, 2009, and the Board of Commissioners did not receive written protests to the amendments from forty percent (40%) of the freeholders.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Flathead County Zoning Regulations by adding cross-references to recently created classifications, by clarifying which regulations will apply to a zone-change application, by defining "police" and "fire" stations and adding them to the list of public buildings, by updating cross references generally, by removing "primary" use and replacing it with "principal" use, by clarifying setback definitions, by defining Taverns to include casinos, and by adding provisions to comply with statutory changes including posting of notices for 45 days and adopting the new statutory criteria for evaluating zoning proposals, all as set forth on Exhibit A hereto.

DATED this 4th day of January, 2010.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

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

By/s/James R. Dupont
James R. Dupont, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Exhibit A

After acceptance by the Zoning Administrator or his designee, the following sections are amended as follows (material to be added is underlined, material to be removed is shown with strike-through):

1. Section 2.08.020(4) is amended to read as follows:

The completed application shall be transmitted to the staff of the Planning Board for their review and evaluation.
Applications shall be reviewed under the regulations in place on the date a complete application is submitted to the Zoning Administrator.

2. Section 3.03.030 is amended to read as follows:

In the interpretation of Sections 3.04 through ~~3.33~~ 3.43, where a use or class of use is not specifically listed, its status shall, upon request, be determined by the Zoning Administrator, as per Section 2.01.020, by reference to that listed use, if any, which is so like the requested use in purpose, function, character, and effect as to be substantially similar to said listed use.

3. Sections 3.31.030(4) (A), 4.03.030, and 7.04.120, are amended by adding a reference to the R- 2.5 classification as a cross-reference, and by listing the appropriate *i.e.*, R-1, R-2, R-2.5, R-3, R-4, R-5 and RA-1 in Section 3.31.030(4) (A).

4. Section 3.30.020 is amended by adding the following subsections:

13. Fire Stations
14. Police Stations.

Section 7.07 is amended by adding the following subsection: 7.07.055 Fire Station - A building used for fire equipment and firefighters, owned and operated by a duly authorized volunteer fire district.

Section 7.17 is amended by adding the following subsection: 7.16.075 Police Station - A building used for police, police equipment, administrative offices, open or enclosed storage of patrol vehicles, temporary detention facilities and dispatching services.

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5. Section 3.03.020(3) is amended to read as follows:

Except as otherwise specified in these regulations, only one ~~primary~~ principal use shall be allowed per tract of record in the following zones: AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, R-1 through R-5, RA-1 and B-1. Multiple uses may be allowed on single lots in other zoning districts upon the issuance of a Conditional Use Permit.

6. Section 7.18.045 is amended by adding the following subsections:

1. Front- The setback for the front of a lot. For determining the front of a lot, see Section 7.12.070.
2. Side- The setback for the side of a lot, when the side is not adjacent to a road. For determining the side of a lot, see Section 7.12.120.
3. Side Corner- A lot at the junction of and fronting two or more intersecting streets is a corner lot. Corner lots have a increased setback on the side of the lot that is adjacent to a street but is not the "front" of the lot as defined in 7.12.070. For example, a lot which is at the corner of Maple Road and Birch Road, which has a home facing Maple Road and a Maple Road address would have a front setback from Maple Road and a side corner setback from Birch Road.
4. Rear- The setback for the rear of a lot. For determining the rear of a lot, see Section 7.12.110.

7. Section 7.19 is amended by adding the following subsection:

7.19.005

Tavern- An establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged alcoholic beverages may be served or sold only as accessory to the principal use. For the purposes of zoning, casinos are taverns.

8. Section 2.08.020(7) is amended to read as follows:

~~Upon receipt of the recommendation of the Planning Board, the Board of County Commissioners shall hold a public hearing. This hearing shall be advertised twice in a newspaper of general circulation in the community. Notice of this hearing stating the boundaries of the proposed district, the general character of the proposed regulations, the time and place of the hearing and that the proposed zoning regulations are on file for public inspection at the office of the clerk and recorder shall be posted not less than 45 days before the public hearing in at least 5 public places, including but not limited to public buildings and adjacent to public rights of way, within the proposed district and advertised once a week for two weeks in a newspaper of general circulation within the county. Based on the results of the hearing, other public input, the staff report and findings of the Planning Board, the Flathead County Board of Commissioners shall render a decision to grant, amend, or deny the requested amendment.~~

9. Section 2.08.040 is amended to read as follows:

When considering an application for amendment to the provisions of these regulations or the zoning districts, the Planning Board and Board of County Commissioners shall be guided by and adopt findings of fact based upon the following:

- ~~1. Whether the new zoning was designed in accordance with the Master Plan.~~
 - ~~2. Whether the new zoning was designed to lessen congestion in the streets.~~
 - ~~3. Whether the new zoning gives reasonable consideration to the character of the district.~~
 - ~~4. Whether the new zoning will secure safety from fire, panic, and other dangers.~~
 - ~~5. Whether the new zoning will promote health and general welfare.~~
 - ~~6. Whether the new zoning will prevent the overcrowding of land.~~
 - ~~7. Whether the new zoning will avoid undue concentration of people.~~
 - ~~8. Whether the new zoning will provide adequate light and air.~~
 - ~~9. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.~~
 - ~~10. Whether the new zoning gives consideration to the particular suitability of the property for particular uses.~~
 - ~~11. Whether the new zoning was adopted with a view of conserving the value of property.~~
 - ~~12. Whether the new zoning will encourage the most appropriate use of land throughout the jurisdiction.~~
1. Whether the zoning regulations are made in accordance with the Growth Policy.
 2. Whether the zoning regulations are designed to:
 - a. Secure safety from fire and other dangers;
 - b. Promote public health, public safety, and general welfare, and;
 - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
 3. Consideration of:
 - a. The reasonable provision of adequate light and air;
 - b. The effect on motorized and nonmotorized transportation systems;
 - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
 - d. The character of the district and its peculiar suitability for particular uses;
 - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.
 4. Whether the zoning regulations are, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

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MEETING W/ MINDY COCHRAN/ GIS RE: ROAD NAMING RESOLUTION

[9:30:27 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

GIS Director Mindy Cochran, Addressing Coordinator Sara Wilkinson, Plat Room Karen Yerian, Clerk Kile

Discussion was held relative to amending the addressing resolution to reflect changes that would clarify procedures and resolve issues the Addressing Coordinator encounters.

CONSIDERATION OF PRINTING BIDS: ELECTION DEPT.

[9:45:01 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Clerk Kile

Commissioner Dupont made a **motion** to award the print bid to Great Northern Printing for \$616.73 for envelopes, ballots and ballot instructions for the Election Department. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: HEALTH BENEFIT PLAN AMENDMENT NO. 9

[9:45:44 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

HR Director Raeann Campbell, Clerk Kile

Campbell reviewed the proposed minor changes to language in the Health Benefit Plan.

Commissioner Dupont made a **motion** to approve the Health Benefit Plan Amendment and authorized the chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

PUBLIC HEARING: RSID #148 (TROUTBECK RISE)

[10:00:30 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Greg Lukasik, Elmer Whitcraft, Robert Zion, Ronald Clark, Clerk Kile

Fugina explained Troutbeck Rise RSID #148 was a citizen initiated RSID. She then reported the commission passed a Resolution of Intent on November 23, 2009 and during the protest period four protests were received which represents eight of the 72 lots in the district, which is well under the threshold required to table the project.

Chairman Brenneman opened the public hearing to anyone wishing to speak in favor or opposition of the RSID.

Elmer Whitcraft, 57 Troutbeck Rise said his concern is in regards to the membership of the organization that voted to have a feasibility study done. He stated that several that objected to the RSID were never contacted and feels they should have had a vote also.

Robert Zion stated he and his wife own three lots within the proposed RSID district and were not even aware that there was a petition being circulated. He stated he would like to see that every owner is solicited and able to vote for each parcel. He noted he knew there was some discussion but was never notified of the petition. He stated the HOA spent \$5,000 to look at alternatives to fix the road and he didn't receive any feedback from the money spent on that study. Zion went on to say he feels there are other options to improve the road other than paving with the cost being something he can't afford, and he also stated he isn't convinced the road needs to be paved. He then explained in the wintertime he feels it would be dangerous and stated he is opposed to the RSID.

Ron Clark stated he and his wife Barbara own three lots in the subdivision and the minimum cost it would levy towards them would be \$27,000 and could be as much as \$32,807 going by the figures submitted. He then said he agreed with the previous comments made. Clark went on to say he remembers voting against the motion to secure \$5,000 to have a study done and doesn't recall another word being spoken about actually having the paving done. He questioned what the initial submittal was and who submitted it, and then stated he was adamantly opposed to the RSID.

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Greg Lukasik with Morrison and Maierle said they were the engineering firm hired to put together a cost estimate. He explained the HOA hired them to come up with a submittal package to submit to the county to get the RSID process rolling; that it is being mistaken for a study. They came up with a cost per lot and what would be the most efficient payment method to make the RSID work for the residents. Lukasik said he was working with the homeowners who told him they were going door to door to talk to the land/ lot owners and whether they got them all he stated he was not sure.

No one else rising to speak, Chairman Brenneman closed the public hearing.

Chairman Brenneman questioned the notification process in regards to following the letter of the law.

Mike Pence said the project was totally a neighborhood generated project and the county has had very little involvement; a lot less than normal. He stated most of them signed the petition indicating interest in moving forward with the Resolution of Intent to form the district to improve their road. Pence noted Mr. Whitcraft did sign the petition.

Elmer Whitcraft said he signed the petition with the idea that they would look at options.

Mike Pence further said the HOA contacted Morrison and Maierle who put together the engineering plan for the road project. Morrison and Maierle then put together the plan which was submitted to the neighbors along with a petition which was presented to the commissioners. Pence stated the required legal requirements have been followed.

Commissioner Lauman said in light of his somewhat surprise of people not being notified that it appears that maybe the total development hasn't been involved in the process. He then stated he would like to take it under advisement at this time for consideration at a later time.

Commissioner Lauman made a **motion** to take the matter under advisement at a later time. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

Unanimous approval was given to extend consideration for three weeks.

PUBLIC HEARING: CONSOLIDATION OF SUPERINTENDENT OF SCHOOLS & TREASURER'S OFFICE

[10:17:38 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Superintendent of Schools Marcia Sheffels, Treasurer Adele Krantz, Clerk & Recorder Paula Robinson, Pam Holmquist, Irene Edwards, Renee Boisseau, Sharon Leach, Rae Mitchell, Peggy Martin, Denise Smith, Lynda Collins, Cliff Collins, Tracy Click, Cindy Foley, Teri Wing, Todd Fiske, Sharon DeMeester, Bonnie Gagnon, Diane Fetterhoff, Cheryl Morgan, Hale Ashcroft, Mickie Lapp, Tammi Fisher, Donna Maddux, Ardis Larsen, Jay Hurder, Mary Juntunen, Richard Funk, Duane Dierenfield, Bruce Tate, Susan Tate, Sara Robinson, Ann Glynn, Dick Solberg, Cortni King, Noranne Yeager, Casey Heupel, Bob DePratu, Gary McHenry, Shirley McHenry, Bill Burbuck, Glenn Young, Patricia Yarvi, Kathy Jackson, Gary Krueger, Danielle Rein, Del Johnson, Jerry House, D. Hetrick, Rick Breckenridge, Lona Everett, T. Dick, Ann Minckler, Scott D. Cloninger, Rick Nadeau, Joyce Banzet, Susan Abell, Charles Abell, Keith Regier, Rick Davis, Dan Zorn, Darlene Schottle, Garth Cox, Sharon Miller, Peter Loyde, Norm Calvert, Joel Voytoski, John Hinchey, J. Jamison, Barry Ultican, Eliza Sorte, Michele Paine, Beth Lambert, John Marshall, Heidi Roedel, Joe Unterreiner, Jane Solberg, Clerk Kile

Chairman Brenneman said it has become apparent to him in many of the e-mails and comments he has received that the impression out there is that in taking this course of action the services now being provided to rural schools will no longer be provided. He clarified that was certainly never the intent this would be implemented that way; this would have to do with providing services in a different way. Brenneman stated if your testimony is about elimination of services that is not what is being considered as a possibility.

Chairman Brenneman opened the public hearing to anyone wishing to speak in favor or opposition of the consolidation of the Superintendent of School's Office with the Treasurer's Office.

Marcia Sheffels, Flathead County Superintendent of Schools said as an elected office holder I would like to open with some comments. Those present today realize the gravity of what is being decided here and have taken time off their jobs to attend. I certainly thank them. Out of respect for their time I would urge the commissioners to discuss and vote on this proposal while all are present today. I have responded to each of you in person and in writing regarding four main points about this proposed consolidation. The first point is timing. It has been an eleventh hour proposal. The two weeks during the holiday season and a scheduled 45 minute hearing to me are irresponsible and even insulting. Our children and education are without doubt our strongest legacy to our country. At the very least a consolidation effecting education needs up to date information, not a 16 year old report; local input from those involved and sufficient time to review and study. The second point is the comparison of our county to Cascade County; evidently because of school enrollment size. Cascade County has six school districts and we have 23 school districts: 19 elementary districts and 4 high school districts. The person who took over the County Superintendent's responsibilities a number of years ago, to this day piggybacks on Musselshell County for assistance. You received a letter testifying to that. The third point about this consolidation is the use of a single source for information that has since shown to be biased. The fourth point I have addressed with you is the proposed cost savings. Your estimated \$125,000 for the array of duties mandated for a County Superintendent with a county of 23 school districts is unrealistic. The proposal claims that the numerous duties of the County Superintendent's Office can be delegated to other departments and employees. I ask at what additional compensation and training costs. You propose contracting out many of the educational related responsibilities. Contracting out is the opposite of being fiscally responsible.

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Contracting costs can easily get out of control due to the inability to oversee operations. The bottom line with all of this delegating of duties to others is that no one can be held accountable and the public has no say in the matter what so ever, so there will most assuredly be consequences at this point in time. For this county of 23 school districts a consolidation with the Treasurer's Office will mean a loss of accountability because of too many people involved, lack of functionality because of a splintering of services and absolute unknown and unpredictable cost savings. Flathead County voters will be stripped of their say and representation by an elected official who is knowledgeable and focused on school issues. I can testify that there will be consequences at this point in time, not results but consequences of this consolidation. I urge for you to vote for education and against this proposed consolidation.

Pam Holmquist, 1027 Hwy 2 East, Kalispell stated Marcia covered many of the items she intended to cover. She said something that has come to her is that a 1994 study is being used and she wonders how that can be applicable today; if it was so great back then she asked why it wasn't done then. Holmquist said it was said by Commissioner Brenneman when a budget cut is made that it affects just you or your company. If this office is cut she stated you will be affecting over 13,000 children, teachers, administrators, home school students and anyone else that uses the office for educational purposes. Another problem I see is I feel you would be disfranchising the voters when there were over 11,000 votes cast in 2006 for the Superintendent of Public Schools. Holmquist stated if you really want to pursue this it should be put on the ballot to let the people decide.

Hale Ashcroft a resident in Lakeside said he spoke to Commissioner Brenneman in regards to what the actual savings would really be. He then stated if this is really about savings lets talk about how we can cut expenses in Flathead County with 99.9 percent of the citizens not knowing that the commissioners are furnished automobiles, although Mr. Dupont pays for his own expenses driving back and forth to work. Mr. Pence is also furnished a vehicle and paid a salary of \$103,000 for his services. If saving \$570,000 was such a savings Mr. Pence the County Administrator should have picked up on it. Ashcroft then spoke about lawsuits the county has paid attorney fees for which he questioned, is the commission making bad decisions or departments giving bad advice. He then questioned the need for an HR Department and spoke about ways that office could be eliminated. Ashcroft said to do what your doing is putting the cart before the horse and eliminating a position with a 16 year old study with local senators both opposing it is wrong; I hope you do the right thing.

Sharon DeMeester said before she started running a copy center she use to teach special education for 18 years. When she first came to Flathead County the special education program was called regional services and her services were extended to Voorman, Batavia, Kila, Marion and Pleasant Valley Schools, which took her over 100 miles a day in setting up the programs for the children. She stated the County Superintendent's Office was a wonderful support service for her. When you look at the school districts there is a superintendent at West Valley, Helena Flats and Evergreen and all these schools are much smaller in size in regards to student body than what the County Superintendent of Schools handles, and she handles them all over the county. The home school children rely very heavily on the County Superintendent of Schools, whose job is to look at the programs the parents have set up and to make sure the program is followed for the year. They also provide materials and support to the parents who choose to home school their children. DeMeester stated she has not seen where any studies have been done to back up the position after doing away with the office. She then asked how many dollars would truly be saved by contracting out all these services.

Sharon Leach, Kila School District said you want to close the Superintendent of School's Office to save the taxpayers money, but 23 schools plus Sanders County and Lincoln County signed contracts with the Superintendents Office that are valid until 2013, therefore, if you close the office you are forcing us to break our contracts. The trustees representing over 54,000 voters and over 13,000 students signed a contract stating they needed the Superintendents Office. Also in your report you say that OPI should take on more responsibilities. Anybody that works in the schools knows that OPI is swamped as it is and trying to get answers is difficult. The report refers to a person retiring in the Superintendent of Schools Office and no one else being able to perform the duties. Leach stated the person made a statement to them that it is her intention that those responsibilities become consolidated within the Superintendent of Schools Office itself; not consolidated county wide. She further said it states in the plan with the person retiring that they would have to wait for answers with the cross training; personally I have never had to wait more than one day for an answer out of the office. It is more than just financial advice they offer. They help with elections and training with each school being so individualized. Smith Valley, Marion and Kila are all run differently and the Superintendent of School's Office is aware of how they each run. Another service they provide is back ground checks and screening for substitutes.

John Marshall a former Flathead County resident said his testimony is "things are never what they seem." If we can believe the statements made by two former senators that the Superintendent of School's Office is but three tenths of one percent of the counties budget, then it should be obvious that this doesn't have anything to do with budgetary restraints for saving money. Marshall stated his own personal opinion is that there is either a personal end or political vendetta being played out against the Superintendent of Public Schools in Flathead County. He then asked that the resolution be dropped.

Gary Krueger, 805 Church Drive stated he has been a member of the West Valley School Board for many years and applauded the commission for looking at the dollar portion of what the costs of county departments are. He said the residents do want the best spending of their money in the county. Krueger explained there is information that comes out of the Superintendent of School's Office that they use in regards to mill levies, taxable valuable of school districts, how many students are being serviced and what the cost of the students are. If this is just about saving money then I propose that the board put together a commission with the schools and look at the cost savings over the next two years, and put together a program that will provide the same services and transfer some of the costs to the schools. Krueger stated if it is a benefit to his school only then they should be paying for it, and if it is a benefit to the county then the county should be paying for it.

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John Hinchey, 534 4th Avenue East, Kalispell spoke in favor of the proposal. He stated he presently is not in the school system but did teach for 20 years. He stated it seems to him that if the commission decided this was worth looking into through realignment and reorganization of duties that it should be taken seriously and seriously consider implementing. No one wants to see a person lose their job, but at the same time it seems an elected official is always under that threat by the desires of the tax paying public. To me this whole issue is if this came up 15 years ago, I question why your predecessors didn't look at saving the taxpayers presumably hundreds of thousands of dollars over the last few years.

Rick Breckenridge, 285 1st Avenue E. N. Kalispell said the commission spent \$175,000 in Flathead County to study the roads and have not yet come up with a plan with what to do with roads, and the Road Department paid a consultant \$152,000 to tell them how to manage the road system. Breckenridge then stated he home schooled his children who are both now college graduates and the Superintendent of School's Office was a great resource to him. He then asked that they go on record stating this is not an attack on home schooled students or the home school philosophy.

Rae Mitchell, Kila School District Clerk stated she agreed with all that has been said today except for one person's comments. She said the County Superintendents Office is the heart and pulse beat of all the schools and things need to be kept the way they are. Mitchell asked that the office not be eliminated.

Sara Robinson, Marion School Board Chairperson stated they contact the Superintendent of School's Office on a regular basis as they often times need legal information immediately. She explained it is incredibly important that a person be able to be reached when they need an answer. The expertise of this office is used regarding student, staff, legal and ethical situations. Robinson stated the Treasurer's Office currently does not have someone qualified to assume these duties and OPI is 2-3 days out in answering questions, which doesn't help them when they need an answer right now. MCA Section 20-3-207 and Section 20-3-210 were then reviewed. She asked that consideration be made as to what they need not what consolidation may mean.

Heidi Roedel, 1376 Shelter Ridge, Kalispell stated she is a member on the Flathead Home School Association Board and has a working relationship with the Superintendent of School's Office. She further stated they encourage their members to comply with the laws. MCA 20-5-111 states: When you home school you are taking on the sole responsibility for the philosophy of the home school selection of instruction, material, curriculum, text books, time, place and method of instruction. Roedel stated as home schoolers they are staying neutral in the position and said they do appreciate having an elected official to comply with our law of notification.

Gary McHenry, 324 9th Avenue West, Kalispell stated he took unpaid time off work to come and speak today and questioned where the savings would be spent if the office is eliminated. He then said as a taxpayer it is his choice what elected official to vote into office and questioned why certain positions are even on the ballot. McHenry suggested doing away with a commissioner position as a way to save money.

Donna Maddox, former Flathead County Superintendent of Schools said immediately upon taking the office she encountered the 14 year old study, and she finds it somewhat ironic that the piece that involves this office has been brought forward, but the total study was not. She further said maybe it is appropriate every 16 years to review a study of that nature. What the study precipitated was a creation of small government review in this county and a number of positions were all reviewed; some of the suggestions were quite revolutionary compared to the way business is currently being done. The result of the study which went on for a number of months is that there isn't a savings, that the office serves a large number of people and the choices to embed some of the tasks in other departments could in a way accomplish the same thing, but what it doesn't accomplish is all those things are education specific; it may be appropriate to come back and review that again after this period of time. I certainly understand the dilemma you have as commissioners and as representatives of school districts who try very hard to be frugal, conservative, cautious and careful with taxpayer money, although I would say to you that some of your information was in fact flawed. There was a reference to no hearings within the last 10 years; five of those would have been under my jurisdiction and there were hearings. As Marcia Sheffels has said there are probably 20 incidents for every hearing so there are a number of times when things are resolved quietly, and the parties relinquish their concerns and business continues as usual. We are talking about kids here and they don't vote so it might be an easy group to take a look at in the event you want to make changes, but I allege you will not accomplish what you are saying on the surface you wish to accomplish. I question why the rest of that study doesn't come forward which affects your offices.

Adele Krantz, Flathead County Treasurer stated she does not have the necessary qualifications to carry out the duties of the Superintendent of School's Office. She stated Flathead County would need to contract the services out or hire a full time person with the same credentials to carry out the duties of that office. She then said she feels the current superintendent who was elected by the people is well qualified and is a professional educator that is dedicated to serve the education community of the county. Sheffels is passionate of her responsibilities and strives to meet the needs of all involved. As an elected official I know our work day doesn't end at five o'clock. If a school needs a Superintendent of School's service as an elected official he/she is available. I don't feel you would get that with an eight to five employee or contracted person. It is very important to keep the same level of service; especially today, with education being of the utmost importance. I think the expectations and standards of education are ever increasing and we need someone with the experience and knowledge based locally to make sure the high goals are accomplished throughout the county. If the commissioners feel there is money to be saved in this office, I think they should look at another option as I feel we should keep the elected position of Superintendent of Schools.

Susan Abell stated she is the proud sister of Marcia Sheffels and as such has a good understanding of her work habits and the time she spends at her job. She then said I wonder if you realize the time she spends as Flathead County Superintendent of Schools outside the 8 a.m. to 5 p.m. work day. During winter storms her day starts at 3:30 in the morning with road and school closures and dealing with the media; if this was handled by a county employee, would you not have to pay overtime for these hours. The superintendent's duties also extend over to school board meetings as you have heard with most of the meetings being held after 5 p.m. I feel it is irresponsible to make such a drastic change without thorough investigation. If the position is cut now and you study it in the next year and find out that in the long run it is more expensive what will happen; wouldn't it be more prudent to study first and then make your decision.

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Scott Cloninger a resident in Somers stated he is a parent of home schooled students and has many times locked horns with the Superintendent of Somers School District. He further stated he is totally opposed to the consolidation with Marcia Sheffels having helped his family tremendously many times with prompt answers. He explained weeks go by before you can get answers out of the Office of Public Instruction out of Helena. If you want to cut money he said we have 23 school districts in this county; how about starting with those superintendents and cut all 23 of those and this lady can take over and have an assistant and we will save millions. Cloninger spoke about problems he has with the Superintendent of Somers School District and stated the over spending in schools needs to stop. He asked that the job not be eliminated.

Garth Cox, representing a health insurance trust stated the Superintendent of School's Office coordinates the insurance for approximately twelve schools in the county. He stated they are an integral part who they work directly with so that each smaller school district doesn't have to deal with and have an insurance committee and insurance dealings.

Richard Funk, 505 5th Avenue West, Kalispell said he agrees with the majority of the arguments. He pointed out that having a professional educator at anytime during the day is vitally important, and that an accountant cannot provide such a service. By state law you are required to have a Class III License which includes: A Masters Degree in an accredited school, administration program or the equivalent; you must qualify for one of the administrative endorsements for Montana and complete an accredited preparation program. For a superintendent you have to have already met the requirements for a principal, completed one year of administrative experience as a principal and completed a minimum of 18 semester graduate credit beyond a Masters Degree. Further just to be a principal you have to have a Masters Degree in educational leadership or equivalent, have completed an accredited professional educator preparation program, and have three years contracted teaching experience in a K-12 credited school. I ask that you keep that in mind. If you insist on eliminating this, I would ask that you put it to a vote and let the public decide what they want to have done.

Bruce Tate summarized a letter written from Katherine Fister, Musselshell County Deputy Superintendent of Schools.

The letter stated Musselshell County did this in the early 80's and the Treasurer was not able to handle the added work load with the regular Treasurer's work and spent evenings and weekends doing the school budget process. Even with the extra time committed major funding mistakes happened. I cannot imagine your Treasurer being able to take on the trustee report, budget and levy process for 23 school districts and manage the review of funds, review distribution of county wide funds in addition to the financial work the office already does. The number of staff in your existing County of Superintendents Office already speaks to the volume of time needed to handle this. In addition your Treasurer already has an increased work load with the motor vehicle changes brought forth with the new Merlin System for license and title work. Once you get past the financial side of the job your Treasurer certainly does not have the time or qualifications to deal with 160 bus routes, teacher certification registrations, teacher evaluations, de-escalation of conflicts to prevent costly court fees, 245 registered home school students, rural school supervision and testing, fall report reviews, etc.....Unfortunately your counties school education numbers are so great that a part time office is not feasible.

Bruce Tate then summarized a letter written from Steve Engrebretson, Dawson County Superintendent of Schools.

The letter said I am writing to encourage you to reconsider this action as I am convinced it will cost Flathead County more to consolidate the Superintendent of School's Office than it will to keep it open. The County Superintendent serves as your counties expert in school transportation and tuition laws, and as the chair of the County Transportation Committee being responsible for overseeing school transportation in your county. While you may not readily see the dollars the Flathead County Superintendent of Schools Office saves by fulfilling these duties you undoubtedly will see the expenses the county will incur if the Flathead County Superintendent is no longer there, as schools will likely resort to litigation to resolve disputes. Inappropriately approved individual transportation contracts and attendance agreements can easily cost the county thousands of dollars and those costs can continue for several years. For example suppose an individual transportation contract is inappropriately approved for a young family with three children, and it takes 20 years for that family to cycle all three children through the grades. At the current transportation rate it could cost the county as much as \$38,430 just for the transportation reimbursements. The county pays half and the combined total could be double of that. If an isolation request is approved along with the transportation contract that amount could jump to as much as \$57,645 or more. As you can see it would not take very many inappropriately approved documents to surpass the amount of funding you are currently allocating to operate the County Superintendent of School's Office. I am sure your Treasurer is a very competent individual, but would be surprised if he/she had the time it takes to become an expert in school law. On the surface consolidation of positions looks like a cost savings move, however, in the long run you will undoubtedly spend many more of your taxpayer's dollars by consolidating the County Superintendent of School's Office than you will by keeping it open.

Bruce Tate then spoke and stated the proposal to eliminate the position of County Superintendent of Schools is well meaning to save taxpayer money, and I respect conservative use of taxpayer resources which sadly seems to have become a lost art in this county. But it is flawed in not considering the unintended consequences that will result. It is easy to count the dollars spent and to claim big savings if the position is eliminated and the budgeted amount is cut in half. It is far more difficult to redistribute the non-financial roles and responsibilities of this job and to have clearer accountability as to who is administering those tasks. If this proposal is approved by the majority of the commissioners, I think it will be a mistake in the name of cost savings. Perhaps a similar proposal to save taxpayers dollars would be to just drop one County Commissioner position and have the County Sheriff come over for tie breaking key issues. That too would be a bad idea.

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Jerry House, Superintendent of Whitefish School District said we have an elected official that I employ you not to eliminate. The County Superintendent of Schools has many services that you do not see. He spoke about attorney fees or court costs that could occur due to the elimination of the position. Bob Brown and Bob DePratu both made a strong statement regarding the elected position, which I commend them for in stepping forth to speak about. The Task Force study was done in 1994 and is obviously 16 years old, again the state legislature did not follow through with it for obvious reasons; County Superintendent's are important and needed and we cannot eliminate them. As educators we have one flaw that really stands out; we can take a dollar and really stretch it out. You look at the reductions in programs that are currently going on due to school funding and you take a look at what schools do. If you look across our county schools how we stretch a dollar and make things work that is the flaw of educators, because we want to see kids be successful, achievers with high test scores; more important we want to see kids walking out our doors as a graduate of a fine quality educational program. Three tenths of one percent is peanuts because you do not see the real dollars that Marcia Sheffels the County Superintendent of Schools saves. House then asked that the position not be eliminated and that they stay with the Mission Statement of Flathead County.

Eliza Sorte, Director of Northwest Montana Educational Cooperative respectfully asked that the Office of the County Superintendent of Schools not be consolidated. Since 1994 the districts responsibilities have increased and their resources have decreased. Many administrators and educators are asked to do much more than their contracts and days allow. Having an unbiased trained elected official responsible for education in the county takes a few burdens off the plates of the counties districts. Post 1994 schools are now asked to look at standards and benchmarks, No Child Left Behind, increasing special education needs in schools, Indian education for all, five year comprehensive plans, RTI (response to intervention), effectiveness reports, state assessments, second language learners, etc. just to name a few things that have changed since 1994 that our administrators and teachers are being asked to deal with. Additionally in asking other districts how they felt about the non-existence or reduced office of County Superintendent, they have expressed concern about the response time and level of service that was provided by the county. Many were promised there would be no reduction in services, but later found that slowly but surely services were continually removed either by additional fiscal cuts, changes in county personnel and their lack of training on the part of county employees. Having the professional oversight of the County Superintendent of Schools provides the Flathead valley with a voice for education that is out there with the entities he/she represents. The common needs of schools in our county in particular necessitate the office such as this to provide information dissemination, fiscal assistance, documentation accumulation, conflict resolution, accreditation research and overall educational representation from a qualified professional. While this resolution to consolidate might seem like a fiscal savings at the onset its cause will be felt for years to come, and once everything has been contracted out to a variety of unrelated service providers the tax payers will end up paying more. The plan outlined appears to have the county tripping over dollars to pick up pennies. No where has the scope for efficiency of having one entity in charge of all aspects associated with the counties school been addressed. This knowledge component might not appear as a line item in a typical budget, but it does impact the bottom line that all educators worry about; the students.

Bob DePratu said Senator Bob Brown and I authored a letter to the editor that very well expressed our feelings. He questioned why the Superintendent of Schools was not involved in the process if this is such a good idea. DePratu asked if there was an hidden agenda and stated we do need to look at ways to save money, but not in ways that will cost more. He then spoke about the plan his business put in place five years ago in regards to down sizing with the economic downturn.

Noranne Yeager, Director of Special Ed Cooperative stated she supported continuing the position of Flathead County Superintendent of Schools. As Director of the Cooperative they are closely tied to the County Superintendent's Office, which operates as their prime agency as it states in their inter-local agreement. The inter-local agreement has been established with the State of Montana, as well as with the County of Flathead and they serve one school in Lake County and two schools in Lincoln County. The co-op currently has 11 employees and with that the County Superintendent's Office administers to help them with their payroll warrants and financial reports that need to go into the state. Right now they are in the first year of two years of stimulus funding from the state for special education, and a change of that not only for their inter-local agreement would be quite difficult to go out and find another agency. In addition to just the co-op they also have additional programs for students with disabilities, which include pre-school at Evergreen, a crossroads program for students with severe emotional disturbances and a small communications disorder program. Yeager then listed all the services the Superintendent of School's Office provides for them.

Joe Unterreiner, Kalispell Chamber of Commerce said the chamber has not had an opportunity to discuss this issue of consolidation, so their position is neutral. He thanked the commission and commended them for looking at ways to streamline government and reducing costs. He stated Flathead County is 4,000 jobs off their peak with a number of businesses and families seriously affected by the economic down turn. It was noted that the county has been able to reduce some costs through vacancy savings and other measures. Unterreiner stated he supported them in reducing costs and streamlining government.

Joel Voytoski, Superintendent of Evergreen Schools said you say this is about providing services in a different way. I want to make what seems to be a fairly obvious comment. Until you can provide a plan that details how those services will be provided in a different way and the costs associated with that plan you need to step back.

Wayne Miller, 1200 Old Timber Trail said he has more than 25 years of school board experience and after reviewing the proposal the past few weeks stated he feels the county has far to many districts and to much diversity within the districts to eliminate the position. We need someone who is a qualified educator at the helm in order to effectively shepherd education in Flathead County. If we as a county are more interested in cost reduction then we should be focusing on merging school districts and eliminating administrative overhead.

Norman Calvert, 531 1st Avenue West, Kalispell said he has not seen any figures as to where the savings will come from. He stated what he has heard are those things will be worked out down the road. Calvert further said it sounds like a recipe for disaster.

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Tammi Fisher, Mayor of Kalispell said when you are talking about education in children (inaudible) what seems to be lacking is some of the fundamentals of the basics my children are provided in their school; which is the value of making deliberate decisions and the value of making sure your choices are good choices, and that you are making those choices on the best evidence available, because the unintended consequences can be life changing. I would simply ask in making this decision the commission is deliberate in understanding the entire spectrum of the consequences, because clearly this will be a life time decision you are making.

Mickey Lapp, 160 Kelly Road said she was home schooled and if a Superintendent of Schools would have been available for her parents back then she would have had additional text books put in front of her during that time by them. She also explained she is a by-product of public schooling as a Flathead High School graduate and from a private school, Trinity Lutheran also. Lapp stated while this may fall under the scope of your authority as commissioners to consolidate this office it does not mean because you have a right to do something that you would be right in doing it. In addition to all the previous remarks I am compelled to point out that if you follow through with this it is taking the rights of the electorate. If you are unwilling to listen now to the electorate, and you don't hear us when we ask you in mass not to consolidate this position, you can be sure you will hear us at the polls in June.

Joyce Banzet a former school teacher in School District 5 commented that after hearing all this testimony of the duties performed by the County Superintendent of Schools, that I think you will understand that it is humanly impossible for one person to do this job. She then stated I hope that you will use some common sense in making this decision.

Jane Solberg, 275 Glenwood Drive said she worked on a team of three that was a contracted service at the state level that worked with seven County School Superintendents. If it had not been for those County Superintendents I would have had trouble getting into some of those schools she said. We were implementing a new federal and state law and the small schools don't like the state messing with their schools and they don't like outsiders. It was the County School Superintendent who got her into the schools and then took what their team came up with and identified the population in the school districts. You would not have federal law regarding education of handicapped kids had it not been for your County Superintendent of Schools moving it forward.

Cortni King, Principal at West Glacier Elementary said some of the things that have been alluded to is sensitivity to the community. The County Superintendent of Schools not only is a timely response, but is a sensitive response. She understands the dynamics of the community, the history of the district and can take the molehills and calm them down without them escalating. I feel that is what we would see without the position in place.

Denise Smith, Executive Director of Flathead Business and Industry Association said the board has not actually taken a position or ratified a decision on this issue. She commended them for taking the time to actually look at cost saving measures for the taxpayers. However, the concerns they have are in regards to how quickly this has come forward and how rushed it is. Smith asked that if they are to move forward that the time be taken to research it. Another issue is getting rid of an elected position without citizens having a voice in the decision.

Gladys Shay, 1222 2nd Avenue West, Columbia Falls sent a letter in opposition to the consolidation via e-mail.

Anita Beach sent the following comment via e-mail. It is ludicrous for you to even consider consolidating the Flathead County Superintendent of Schools position with any other position. Make some real change and budgetary impacts by consolidating our 23 school districts. It is so top heavy and wasteful to have a Superintendent of Schools for these little districts. We are a county of 90,000 people. We should have a maximum of three or four school districts. It is a waste of money for example, for Whitefish with roughly 1,500 students to have a superintendent. Bring the schools into this century and consolidate.

Judy and Glenn Henderschott sent the following comment via fax. We are registering our disagreement with your proposal to eliminate the elected office of Flathead County Superintendent of Schools. This proposal seems totally inappropriate and rushed. In addition it is violating the public's right to elect the officials who govern over them. The public deserves the opportunity to have all the information necessary for such a decision and to participate in that decision, especially since the budget for this position in our county only amounts to 0.3 of one percent of the counties total expenditures and yet plays a vital role in the education of the students in our county. We want to firmly register our disagreement with this action and ask that it be stopped at this time and allow the voters to participate in the process.

No one else rising to speak, Chairman Brenneman closed the public hearing.

Commissioner Dupont thanked those came out today and took time off their jobs to do so to show their concern. He then stated I have only been in this position for one year as a commissioner and starting in January my fellow commissioners brought me up to date on upcoming issues for the following year at a retreat. At that time the idea of a consolidation of the Superintendent of School's Office with the Treasurer's Office was not discussed. The first I heard about it was approximately 3 ½ weeks ago; it has never been brought up in discussions throughout the year. I have a big problem in the timing of this, although I am not totally against looking at ways to consolidate if there are ways to save money. I served as your Sherriff for 16 years and the buck stops with an elected official; it gives a citizen a place to go when they have a conflict. There are a lot of things the Superintendent of School's Office does that are critical to the function of government to Flathead County, and to eliminate an elected official's position could cause some grave consequences. I am opposed to this and have been from the beginning, although I am not opposed to studying the issue. Right now is not the time. Sometimes you can't measure how you proceed in life by the dollars.

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Commissioner Lauman also thanked those that came out to show their concern. He said he noticed in the testimonies that most that spoke were related to schools in some way. Lauman said he has told Marcia Sheffels that he feels she has done a remarkable job in this position. He then stated in the county they are always looking for ways to save. This is not the first change as in the past three years the Road and Bridge Department and Solid Waste Department have been consolidated under one manager, the Animal Shelter was split between the Sheriff's Office and Health Department and RSVP was changed from a director to a manager position and placed under AOA. Lauman clarified that service is the most important thing above the dollar; service to our taxpayer's. Another savings was the consolidation of the Surveyor/Auditor in the Clerk & Recorder's Office. People have said we are rushing into this and the circle of friends they associate with they have been discussing the idea for 10 years or more as to whether this needs to be done. My wife being associated with the school district for 30 years maybe causes it to be a topic discussed. I do have concerns that it has been brought up at this point in time with it appearing to be something they are stepping into quite fast.

Chairman Brenneman addressed Marcia Sheffels and said he appreciated her professional and appropriate behavior through all of this when certainly there were times when you could have made it a personal attack, and I appreciate that when as late as last week you and I were discussing this. This has never ever had anything to do with the person holding the position. It has been suggested there is a political motive for this and I think those were probably addressed for me, and while I don't pretend to be politically astute, I can assure you that if you were to look at my e-mails and comments this is not to be taken in a sense of anyway of a political agenda. If there is one there I suppose those into that could figure out what the conspiracy is. I have been visited by people who have made threats, there have been letters to the editor and there have been angry visits from former senators. This is only about reducing government and running government like a business; two things you hear from people all the time. I can assure you there isn't a business man on Main Street looking at the information that I have available right now that would not make this decision today to make this change. It is very clear there is money to be saved. We have an office where the average sick days of 16 days a year are being used that is being paid by taxpayers. We have a (and this is very pragmatic) observation that a certain number of services are to be provided, and our job to work as a business is to decide how to best provide those services. I am convinced that the work that we have done with this budget would provide those services as well or better than they have been. We realize of course that apparently while it has been suggested we do some more studies, that some people think that once the study is done we have done our work, and for heavens sake don't actually do what we recommend. I think the 1994 study was done and was legitimate and the options were looked at and the evidence presented indicated that in fact there are significant changes from 1994 since then. There have been improvements to internet, computers, software designed to do financial school budgets that would make it perhaps less necessary. But the issue remains is this a position the taxpayers want to fund; it certainly is an option for the taxpayer. Be aware in my opinion this is a chance that we could reduce government and still provide good services.

Commissioner Lauman said a proposal he is considering is allowing the position to go to election this year and do a more complete study and come back to the citizens, and tell them what the results of the study are and reassess the position in three to four years.

Commissioner Dupont made a motion to decline the consolidation and form a committee to study it and bring it back up for discussion up a later time. Commissioner Lauman **seconded** the motion.

Commissioner Lauman said we are always looking for ways to save dollars, but wonders if the dollars is the most important; he said he wonders if there are other elements that are more important. He stated he feels we need to look at this in greater depth with more feed back and step back and take a look at it.

Aye – Lauman and Dupont. **Present** - Brenneman - Motion carried by quorum.

PRELIMINARY PLAT: EVANS SUBDIVISION

[12:00:59 PM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Planner Dianna Broadie, Narda Wilson, Thomas Evans, Julie Evans, Dick Smith, Clerk Kile

Broadie entered into record Staff Report FPP 09-06, Evans Subdivision; an application received by Thomas and Julie Evans with technical assistance from North Star Land Use and Smith Surveying for preliminary plat approval of a two lot residential subdivision located on the north end of Lake Blaine off of Yeoman Hall Road.

Finding 13 was changed to state: There is an existing pipeline easement in the public road right of way easement for a replacement drainfield.

Commissioner Lauman made a **motion** to adopt findings of fact as proposed by the Planning Board and amended. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

Narda Wilson stated there were no issues with conditions.

Commissioner Dupont made a **motion** to approve Evans Subdivision with changes as amended by the Planning Board. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

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1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626A. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.18(iv), Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road Department indicating the additional driveway approach has been built and received final inspection and final approval. [Section 4.7.18, FCSR]
3. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures. [Section 4.7.15, FCSR]
4. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that the plat meets the requirements of the fire district shall be submitted with the application for Final Plat. [Section 4.7.28, FCSR]
5. 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 4.7.27, FCSR]
6. New electrical and telephone 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 4.7.25, FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.14, FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.30, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.28.c, FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.25, FCSR]
 - c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.24, FCSR]
 - d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.27, FCSR]
 - e. 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 4.7.15, FCSR]
10. The final plat shall comply with state surveying requirements. [Section 76-3- 608(b) (i), M.C.A.]
11. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.28, FCSR]
12. 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 4.4.23, FCSR]
13. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. [Section 4.4.21, FCSR]
14. The applicant shall submit a water well agreement to be recorded with the plat that grants a water line easement over Lot 2 for the use of Lot 1 and that which requires each property owner to bear his or her pro-rata share for maintenance and operation of the shared well within the subdivision. [Section 4.7.22, FCSR]
15. The following additional statements shall be placed on the face of the final plat:
 - f. This subdivision is located in an agricultural/silvicultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm/log on adjoining properties will not be restricted as a result of the development or occupancy of this subdivision. [MCA 76-3-608]
 - g. Lot owners are alerted to the presence of potentially dangerous wildlife in the area and are reminded that **feeding big game is illegal**. Lot owners are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including such things as bear proofing, pet control, and removing food sources. [MCA 76-3-608]
16. A "Riparian Protection Zone" shall be indicated on the face of the plat along Mooring Creek roughly in the location shown on the preliminary plat as the "Riparian Protection Zone" that shall extend 50 feet from the edge of the 100 year floodplain. [Section 4.7.12, FCSR]
17. A riparian plan as approved as a part of the preliminary plat shall be submitted for recordation with the plat that shall outline measures to protect the area denoted as the "Riparian Protection Zone". The plan shall include a provision to restrict fencing that would deny access to the creek by wildlife and game animals. [Section 4.7.12, FCSR], [MCA 76-3-608]

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 5, 2010.

TUESDAY, JANUARY 5, 2010

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

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

Kevin and Leslie Coates, 670 Swan River Road stated they are trying to identify the process they need to go through in regards to a land use problem they have in Bigfork. They purchased a one acre parcel zoned SAG 5 nearly 15 years ago on Chapman Hill Road and over the years have seen the property surrounding them go from AG to high density residential. Their one acre is now bordered on three sides by The Ponderosa Boat Club and Mill Creek Subdivision, which has an average lot size of .29 acres and includes multi-family uses. What they would like to do is develop their one acre and are looking for assistance in determining the appropriate land use and zoning designation. BLUAC has identified a need for senior citizen housing which they feel their property is well suited for.

CONSIDERATION OF LAKESHORE PERMIT: LEVENGOOD

[9:17:06 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Planning & Zoning Director Jeff Harris, Planner Bailey Iott, Clerk Kile

Iott entered into record Lakeshore Permit FLP 09-108; an application submitted by Chris Levengood to replace an existing wooden seawall at 321 Caroline Point Road. The retaining wall will be constructed in the same location as the existing wall and will be built of steel pilings and new untreated wood. The retaining wall is approximately 145 feet long.

Commissioner Lauman made a **motion** to approve Lakeshore Permit FLP 09-108. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: FELLOWS

[9:30:25 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Planning & Zoning Director Jeff Harris, Planner Bailey Iott, Clerk Kile

Iott entered into record Lakeshore Permit FLP 09-114; an application submitted by Todd Fellows to remove multiple dead trees and snags within the Lakeshore Protection Zone. The project will be completed through the DNRC Montana Jumpstart 2 Forest Fuels Reduction Project to remove dead insect diseased trees. The proposed project would include the removal of approximately 39 trees of varying sizes and 17 standing snags.

Commissioner Dupont made a **motion** to approve Lakeshore Permit FLP 09-114. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: BARTELS

[9:45:22 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Planning & Zoning Director Jeff Harris, Planner Bailey Iott, Clerk Kile

Iott entered into record Lakeshore Permit FLP 09-111; an application submitted by Jeff and Margaret Bartels to remove a current boat shelter and install a permanent boat cover structure with a boat lift attached to an existing residential "L" dock.

Commissioner Dupont made a **motion** to approve Lakeshore Permit FLP 09-111. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

TUESDAY, JANUARY 5, 2010
(Continued)

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

[10:00:24 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk Kile

Campbell presented the December 2009 personnel transactions for review.

Commissioner Lauman made a **motion** to approve the December personnel transactions. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

Campbell reported the trust fund balance is at \$3.2 million compared to \$2.7 million one year ago. She then spoke about the new payroll system which is scheduled to go live on April 1, 2010. Discussion was then held relative to sick leave usage.

DOCUMENT FOR SIGNATURE: FIRE SERVICE EMPLOYMENT AGREEMENTS

[10:15:06 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the Fire Service Employment Agreements. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

AUTHORIZE MIKE PENCE AS SIGNATORY FOR ENERGY, EFFICIENCY & CONSERVATION BLOCK GRANT/ COURTHOUSE, ANIMAL SHELTER & BLUE BUILDING RESTORATION PROJECTS

[10:15:52 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Maintenance/ Weed/ Parks Director Jed Fisher, Clerk Kile

Commissioner Lauman made a **motion** to authorize Mike Pence to sign the energy grants. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

CONSIDERATION OF EUTHANASIA ROOM REMODEL/ ANIMAL SHELTER

[10:15:56 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Health Dept. Director Joe Russell, Maintenance/ Weed/ Parks Director Jed Fisher, Myni Ferguson, Clerk Kile

Russell reported the Animal Advisory Committee and Flathead Shelter Friends have been working on a project to remodel the back euthanasia room to serve small dogs and provide three quarantine kennels for large dogs. He then reviewed the funding for the project with a substantial majority of the project being paid for by donations from Flathead Shelter Friends.

Unanimous approval for consideration of the remodel was given by the commission.

TAX REFUND: DANIELS

[10:30:06 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Chairman Brenneman explained the request states the square footage has been calculated incorrectly since the original appraisal.

TUESDAY, JANUARY 5, 2010
(Continued)

Commissioner Lauman made a **motion** to approve the tax refund for Daniels. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

CONTINUATION OF BOARD APPOINTMENTS: TRANSPORTATION ADVISORY BOARD AND FAIR BOARD

[10:45:17 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Jack Jung, Jackie Jung, Craig Witte, Ron Thiebert, Bob Hunt, Jack D. Jones, Michelle Gentry, Clerk Kile

Commissioner Dupont made a **motion** to appoint Carol Pike, Don Skare, Alex Hogle, Jim Pearson and Chuck Wilhoit to the Transportation Advisory Board. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

Commissioner Lauman commented over the last several months a lot of suggestions have been made to the Fair Board and they have initiated an action plan and started down the road to address some of the suggestions made. He stated it brings a concern of mine to now make changes on that board at this point of time. There are a lot of well qualified people that have applied for this board and this has been a hard decision to make.

Commissioner Dupont said he some what agreed that the board has taken steps to correct issues, but is also a believer in not having people sit for an inordinate amount of time on a particular board. He then stated it seems like every time someone sits on a board for a long period of time it seems to convolute the whole purpose of citizen action on it; just a change seems to breed new ideas and make things better.

Commissioner Lauman made a **motion** to re-appoint the three incumbents. Motion **died** for lack of a second.

Commissioner Dupont made a **motion** to appoint Joy Struble to the Fair Board. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

Commissioner Lauman made a **motion** to re-appoint Butch Woolard to the Fair Board. Chairman Brenneman **seconded** the motion. **Aye** – Lauman and Brenneman. **Opposed** - Dupont. Motion carried by quorum.

Chairman Brenneman made a **motion** to re-appoint Susan Munsinger to the Fair Board. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DEQ CONTRACT 210063

[11:03:24 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to approve DEQ Contract 210063 and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DEQ CONTRACT 510041

[11:04:04 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Clerk Kile

Commissioner Dupont made a **motion** to approve DEQ Contract 510041 and authorized the chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: BUS LEASE/ FORT BELKNAP INDIAN COMMUNITY

[11:00:48 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Eagle Transit Director Dave Polansky, Clerk Kile

Commissioner Dupont made a **motion** to approve the document for signature and authorized the chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

TUESDAY, JANUARY 5, 2010
(Continued)

BOARD APPOINTMENTS: ROGERS LAKE LUAC AND WHITEFISH LAKESHORE PROTECTION COMMITTEE

[11:15:26 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planning & Zoning Office Administrator Mary Fisher, Clerk Kile

Commissioner Lauman made a **motion** to appoint Patti Mason to the Rogers Lake LUAC. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

Commissioner Dupont made a **motion** to appoint Helen Cates to the Whitefish Lakeshore Protection Committee. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

CONSIDERATION OF EXTENSION: LENSER COS

[11:17:01 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Chairman Brenneman noted Deanna Lenser has waived her right to a 30 day decision for the family transfer request.

Commissioner Dupont made a **motion** to grant an extension for the Lenser family transfer. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

CONSIDERATION OF HR TRANSMITTAL: 911 TECHNOLOGY PROGRAM MANAGER

[11:17:38 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, OES Director Mark Peck, Clerk Kile

Campbell explained a salary survey was done for the position currently held by Paul Schauble. She stated her recommendation is the position be upgraded to a Range 23.

Commissioner Dupont made a **motion** to approve the job re-classification and job description. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 6, 2010.

WEDNESDAY, JANUARY 6, 2010

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

11:00 a.m. County Attorney meeting @ Co. Atty's Office
1:15 p.m. 911 Board meeting @ OES Conference Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 7, 2010.

THURSDAY, JANUARY 7, 2010

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

7:00 a.m. Commissioner Dupont: Prerelease Center Committee meeting @ Triangle Bldg.
8:30 a.m. Commissioner Dupont: TAB meeting @ Eagle Transit
3:30 p.m. Commissioner Dupont: Meeting w/ Airport Authority Board @ GPI Airport
6:00 p.m. Fair Board meeting @ Fair Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 8, 2010.

FRIDAY, JANUARY 8, 2010

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

- 8:30 a.m. Mosquito Board meeting @ Earl Bennett Bldg.**
- 10:00 a.m. Commissioner Brenneman: Flathead Regional Wastewater Management Group meeting @ Earl Bennett Bldg.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 11, 2010.
