
MONDAY, DECEMBER 5, 2011

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

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

CONSIDERATION OF FEE WAIVER FOR COUNTY ROAD DEPT. LAKESHORE PERMIT

[9:15:07 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Planner Bailey Minnich, Clerk Kile

Minnich reported the Road Department is working with the Weed and Parks Department to eliminate a safety concern in Somers at the end of Breezy Point Avenue. She explained the proposal is to remove an old wooden staircase and place large rocks at the end of the staircase to create a barricade.

Commissioner Lauman made a **motion** to approve waiving the fee for a lakeshore permit in the Breezy Point area. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

BOARD APPOINTMENT: SOUTH KALISPELL VFD

[9:19:07 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Clerk Kile

Commissioner Holmquist made a **motion** to appoint Wenzel Landowski to the South Kalispell Fire Department. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

CONSIDERATION OF PRINT BID: SHERIFF'S OFFICE

[9:21:07 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to award the print bid to Trippet's Printing for 20 sets of 500 each business cards with a raised color badge and black ink for \$1,295.00 for the Sheriff's Office. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: REMODEL FLATHEAD COUNTY ATTORNEY'S OFFICE

[9:24:07 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Clerk Kile

Commissioner Holmquist made a **motion** to authorize publication of Call for Bids for the County Attorney's Office remodel. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

CALL FOR BIDS Flathead County Attorney Office Remodeling

Sealed bids will be received until 10:00 A.M. [local time], January 10, 2012, by the Clerk and Records Office, Flathead County, Kalispell, Montana at the Flathead County Courthouse, 3rd Floor, Commissioners Office, Kalispell, Montana for the General Contract for the Flathead County Attorney Office Remodeling. At 10:00 A.M. [local time] on January 10, 2012, the bids will be publicly opened and read aloud.

All bids must be sealed in a manila envelope. The sealed envelope containing the bid must be plainly marked "Bid for the Flathead County Attorney Office Remodeling", Kalispell, Montana, and contain the name of the Contractor.

Bids shall be submitted on the form provided with the Contract Documents. Contractors may secure documents, beginning December 5, 2011 at the office of Architects Design Group, 1 Sunset Plaza, Kalispell, Montana, upon deposit of \$150.00, refundable when returned within ten days in good condition after the bid opening.

A bid guarantee of ten percent (10%) of the total basic bid shall be submitted with each bid and shall be in the form of lawful moneys of the United States, a cashiers check, bank draft or bid bond payable to Flathead County, or a satisfactory Bid Bond executed by an acceptable surety. Said surety shall be guaranteed that the bidder will enter into the subcontract and furnish good and sufficient bonds within ten (10) days of the award, said check or moneys are to be forfeited to the said public authority as provided by Montana Law.

No bidder may withdraw his bid for at least thirty (30) days after the scheduled time for receipt of bids.

A Performance Bond and separate Labor and Material Payment Bond, each in the amount of 100% of the contract sum will be required of the successful Contractor.

Each Contractor will be required to have a certificate of registration from the Employment Relations Division of the Montana Department of Labor and Industry in the proper classification and be in full compliance with SB 354.

MONDAY, DECEMBER 5, 2011
(Continued)

Montana Code Annotated. Title 18, Chapter 1 provides that contracts for construction, repair, maintenance, or providing services to or for the State government or its subdivisions will be awarded to the lowest responsible bidder. However the preference given to resident bidders of this state must be equal to the preference given in the other state or country and must further pay the prevailing wage rates to workers performing labor on the contract if the contract exceeds \$25,000.00. Prevailing wage rates are determined by the Commissioner of Labor as provided in 18-2-401 and 18-2-402 Montana Code Annotated. The contractor is required to keep wage records to substantiate that prevailing wages have in fact been paid. Contractors are also reminded that one percent (1%) of each payment due will be withheld for the required Montana Contractors Tax. (Section 37-71-204, 15-50-205 and 15-50-206 of Montana Code Annotated)

The Contractor is to furnish bonds insuring the payment of wages and fringe benefits as required by 39-3-703 MCA and 18-2-201 MCA.

The Board of Commissioners, Flathead County, the Owner, reserve the right to reject any or all bids, to waive informalities, to consider or not consider any qualifications.

Late Bids will not be opened.

DATED this 5th day of December, 2011.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on December 8, 15 and 22, 2011.

PUBLIC HEARING: NOONAN, ET AL, ZONE CHANGE/ HIGHWAY 93 NORTH ZONING DISTRICT

[9:30:07 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Planning & Zoning Director B. J. Grieve, Marilyn Noonan, Kevyne Guinn, Darlene Jump-Rauthe, Tom Osborne, Mae Osborne, Sheri Hammond, Bente Grinde, Raymond Mariscal, B. J. Carlson, Lynn Stanley, Sharon DeMeester, Roger Sullivan, Connie Conrad, James Jahner, Clerk Kile

Grieve reviewed zone change FZC 10-05, Noonan, et al Zone Change/ Highway 93 North Zoning District; a proposed zone map amendment on 20 properties (78 acres) located north of the City of Kalispell near the intersection of Tronstad Road and Highway 93 from SAG-10 to B-2HG. He reported the Planning Board held a public hearing on September 21, 2011 and unanimously adopted findings of fact without alterations, and made a motion to recommend approval of the zone map amendment to the commission.

Chairman Dupont opened the public hearing to anyone wishing to speak in regards to the proposed zone change.

Marilyn Noonan, 132 Tronstad Road said all the property owners included in the map amendment are in favor of the zone change. She stated B-2HG zoning is actually more restrictive than SAG-10 zoning with the setbacks, lighting, signage, and tiered buildings. There currently is significant commercial development along the corridor she noted to both the north and south of the property, along with other commercial zoning from West Reserve to the City of Whitefish. Noonan said the map amendment would offer some of the property owners that have existing businesses there to continue to expand without having a potential denial before the Board of Adjustments, and secure commercial zoning that was established a long time ago on the existing businesses. She added a four-lane highway is busy and is not a great place for residential homes.

Kevyne Guinn read the following letter:

I live at 160 Tronstad Road just across from the Mark Schwager field that is part of this commercial strip project. The Schwager field lies between the west boundary of the Tronstad Drive homes and Chambers home. The Schwager field is currently zoned the same as all of our other neighborhood properties, suburban agricultural. When I moved into this neighborhood in 1994, all of this land was agricultural. I was okay with the first zoning change that one day appeared, because the area was already pretty much a neighborhood. I was however; glad to see that there were also supposed to be limits on future dividing of the acreages up into anything smaller than I think ten acres. I naively assumed that those limits were the law and would be adhered to. However, when our neighborhood zoning laws were bypassed by request of landowners, and a five-acre plot was carved out of a farmers land, at least houses went in. Now, a commercial venture is planned and greatly affects our neighborhood in many ways. Mark Schwager's field is a large field located east of Highway 93 down Tronstad Road, set back way off the highway, it has no physical connection to the proposed 93 commercial strip, but it has a connection to our neighborhood. Just how this property even qualified to be included in this proposed commercial package is beyond me. The only explanation I have is the owners saw the opportunity to attach to the coattails of this project in hopes to sell what he previously has not been able to sell. It was my understanding that zoning is supposed to define, but also to protect. I do not see any of that happening here and I feel like the serenity of my neighborhood is at risk of being sacrificed to the whims of a self-serving few and the push of a pen. My question is "where is the authority to do this documented?" Is not our neighborhood zoning protected? Is there no protection for any zoning? Property values have dropped significantly in recent years and now the Tronstad Road neighborhood is at risk of suffering another major blow if the Schwager field is re-zoned commercial. That would completely de-nature the substance and quality of our neighborhood. There is no guarantee as to what sort of commercial venture would be built there. Children live and play right next door. The Schwager field should not and in my mind does not, fit into any commercial development plans. So very many homes and families would be severely impacted in a long term negative way. I plead with you commissioners to take a serious look at the legalities of and the critical impact of including the Schwager field in this proposed Highway 93 commercial venture. I submit this protest respectfully as a concerned citizen and homeowner.

MONDAY, DECEMBER 5, 2011
(Continued)

Darlene Jump-Rauther one of the applicants said she agreed with Marilyn Noonan.

Sharon DeMeester, 415 Chestnut Drive and representing Ponderosa HOA read the following letter:

Please accept the following comments on the Noonan, et al. proposal for a zoning map amendment in the Highway 93 North Zoning District.

I am here before you today to speak in opposition to the Noonan et al. proposal for a zone map amendment in the Highway 93 North Zoning District. I am again, also speaking in opposition to the underlying zoning text amendment for B-2HG zoning that you passed in July of this year, which is being relied on to bring this map amendment before you today. I have written comments and reports, which I will submit for your hearing record today, and I ask that you take time to review and consider these comments as well as my brief summary of some of the key issues raised in these comments. Additionally, because of its significance to the decision before you today, I ask that the hearing record for the B-2HG zoning text amendment be made part of this hearing record today.

During the course of your consideration of the B-2HG zoning text amendment roughly 900 individuals joined me in raising issues of concern, and in opposition to the B-2HG zoning text amendment. Disappointingly, in reaching your final decision on that text amendment you stated that in your opinion that you felt that the public and I were "misinformed" about the nature of the proposed text amendment and its potential impacts, and moved to approve the text amendment.

The staff report for this proposed map amendment before you today and the findings of facts that it proposes, however, again fail to adequately consider many of the significant land use and transportation conflicts that this map amendment will likely generate. Furthermore, this report and its findings fail to adequately consider the cumulative effects of other such map amendments that approval of this first application of B-2HG zoning will open the door to.

To substantiate my claims and concerns today, I will be placing in the hearing record today four well documented studies, and citations to others that do not support the limited factual analysis provided in the staff report, or the proposed pattern of development that allows for strip commercial development of retail sales and service functions along Montana state primary and secondary highways in the county, or in this specific application along Highway 93.

Another particular concern to me and other residential property owners, including those in the Ponderosa Homeowners Association, who I also represent, is that the rear setback of this highway oriented commercial development under this new zone is only 10 feet. For homeowners who have invested in what they thought was a quiet rural area, now highway commercial development from automotive sales to offices to repair shops, to hotels and motels to apartments can now be jammed in only 10 feet from a residential property line.

Yet another concern is that as buildings are set further back from the highway they can reach a height of 35 feet, again with only a 10-foot setback from the adjoining property owner. While the proposed graduated building height provision is promoted as helpful for protecting the highway orientated view shed, it fails to address the homeowner's rights when the tall building can be inserted/ jammed into adjoining residential neighborhoods.

The proposed new zone encourages strip highway commercial as opposed to limited small nodes of small commercial development as has been called for in the Kalispell zoning regulations and policies, and as would be consistent with the City of Whitefish policies and the Growth Policy. The large Silver Brook Subdivision north of Kalispell along Highway 93 approved by the City of Kalispell, calls for the long stretch of highway frontage to be setback 120 feet, and includes noise reducing berms and landscaping instead of a wall of strip commercial development. For small lots this new zone allows for only a 40-foot setback. Thus 40 foot setback fails, however, to mitigate a pattern of development that allows almost unlimited commercial development along major roads in the county under the B-2HG zoning. And it fails to mitigate impacts on homeowners and their property values when strip commercial development is allowed to occur on property adjoining.

Finally, as federal budgets cuts continue there will be fewer and fewer dollars to mitigate poor land use and transportation planning decisions. Already we have seen on Highway 93 where federal dollars to build the by-pass was diverted instead to build additional roads, like the road going in behind Home Depot.

In closing, I ask that you deny this application before you.

Sharon DeMeester presented the following documents for the record:

- Institute of Transportation Engineers
- Putting Smart Growth to Work
- Victoria Transport Policy Institute / Planning Principles and Practices
- Victoria Transport Policy Institute / Critique of National Association of Home Builders Research on Land Use Emission Reduction Impacts
- Victoria Transport Policy Institute / Evaluating Transportation Land Use Impacts

Sherry Hammond, 44 Tronstad Road stated she is against the zone change and is totally against the field being included. She explained her property connects right to Mark Schwager's field. She commented if commercial development goes in, she would not be able to use her back yard. Hammond said if commercial zoning is allowed she would not know what kind of businesses and people it would attract and wants the property to stay residential or agricultural; certainly not commercial.

Tom Osborne stated he lives across the road from Sherry on Tronstad Drive and is opposed to the changes for reasons already stated today. He said his concern is that there appears to be in the existing situation many opportunities for commercial development to have occurred already along the corridor. Osborne commented it seems puzzling to include the Schwager field and spoke about adverse effects that could potentially be approved, and then become detrimental to those living in the area. He asked what the likelihood of the zoning being reverted back to what it was before; if it is approved.

MONDAY, DECEMBER 5, 2011
(Continued)

Roger Sullivan read the following letter regarding the proposed zone change.

I'm offering these comments in opposition to the proposed zone change on behalf of Citizens for a Better Flathead (CBF), several of whose members are also present this morning. As you are aware, CBF earlier participated in the process that led to the Commission's July 27, 2011 adoption of the B2-HG General Business Highway Greenbelt Zoning District Regulations. We request that the record of that zoning text amendment proceeding be incorporated by reference in this zoning map amendment proceeding.

There are a number of fundamental problems with the B-2HG zoning district, which also undermine the legality of the proposed zoning map amendment before you this morning.

First, both the new zoning district and the proposed map change violate the statutory criteria, including the fundamental requirement that all zoning regulations and map changes, "**must** be...made in accordance with the growth policy." MCA 76-2-203(1)(a). In fact there are a number of provisions in the Growth Policy which are antithetical to both the recent text change and the map change under consideration this morning.

Significantly, while the stated purpose of the B-2HG zoning district is "to provide for *impact-mitigated* retail sales and service functions along Montana state primary and secondary highways within the County," in fact diminishment of the viewshed is the only impact which the new zoning regulations attempt to mitigate. However, the Flathead County Growth Policy explicitly recognizes a number of negative impacts from commercial development that should be mitigated. These include safety risks to motorists from the direct access of businesses by exiting and entering onto the high speed state highways, as well as the increased distractions caused by strip commercial development on the state highway system in Flathead County. (FCGP, p. 21.) The Growth Policy itself identifies safety mitigation measures including frontage roads and turning lanes (id.), which are absent from the recently enacted highway zoning district regulations, as well as the requested zoning map change before you this morning. Other negative impacts from commercial development that the Growth Policy recognizes and which are not mitigated by the new zoning district include environmental impacts such as stormwater runoff, and the impact on community character by the location of commercial businesses. (Id., p. 22.)

In fact, a specific mechanism for preserving community character in the Growth Policy is the Neighborhood Plan. Numerous Neighborhood Plans encompass state highways, including the Lakeside Plan, Bigfork Plan, West Valley Plan, Canyon Plan, and Helena Flats Plan. All contain provisions discouraging strip development, and yet none of these Neighborhood Plans were considered as part of the evaluation of the appropriateness of the new highway zoning district. While there is no Neighborhood Plan covering the specific area under consideration, there are a number of specific policies which apply but which were not evaluated, including:

1. Maintaining the identity of rural communities by preventing communities from growing together by preventing sprawling. (Growth Policy, ch.1 principle 4.)
2. Require internal, interconnected roads for commercial developments and frontage roads. (Id., P. 6.1.)
3. Conserve resources and minimize transportation demand by encouraging redevelopment and infill of existing commercial areas in the county. (Id., P. 6.5.)
4. Determine commercial development features that support the seven elements of the Flathead County vision detailed in Chapter 1 of the Growth Policy. (Id., P. 7.1.)
5. Develop regulations that promote P.7.1 and mitigate the negative impacts of commercial development. (Id., P.7.2.)

According to the Staff Report on the proposed zoning map change, "In 2007, the Growth Policy was adopted and replaced the 1987 Master Plan, but the Growth Policy did not include specific guidance for future land uses in the Highway 93 North Zoning District." (Staff Report, p. 5; see also p. 14. The same acknowledgement was made in the Staff Report for the text change.) This candid acknowledgment indicates that the appropriate course of action would be to first amend the Growth Policy in order to provide the necessary analysis and public process to make a determination for the appropriate regulations for development of this critical highway corridor between Kalispell and Whitefish. Indeed, the Growth Policy itself acknowledges the need for amendment prior to adopting new regulations. The "Implementation Plan" (Appendix C of the Growth Policy) contains a list of all the policies and mechanisms needed to implement the Growth Policy. A number of the specific implementation measures recognize the need for amendment of the Growth Policy in order to provide the foundation for zoning regulations and map changes that preserve the values set forth in Chapter 1 of the Growth Policy and which mitigate the negative impacts of commercial development. The required amendments to the Growth Policy have not been made in regards to either the new highway zoning district nor the proposed map change.

According to MCA 76-2-203(2)(c), "in the adoption of zoning regulations, the County Commissioners shall consider: . . . (c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities . . ." Likewise, MCA 72-2-203(3) states: "Zoning regulations **must**, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities." Both the city of Kalispell and the city of Whitefish submitted comments pointing out the incongruity of the new County highway zoning district with their own Growth Policies and zoning districts. Likewise, the city of Kalispell has submitted comments in this map change proceeding which reiterate these deficiencies and also point out that zoning changes such as proposed that are not accompanied by appropriate Growth Policy amendments lead to spot zoning. This is another legitimate criticism of the proposed zone change.

Finally, a consideration of the other factors set forth in MCA 76-2-203 argue against adoption of the proposed map change. For all of these reasons CBF respectfully requests that you deny the proposed zoning map change.

Thank you

Mae Osborne, 67 Tronstad Drive stated she too stands with other Tronstad homeowners. She said six years ago she found a wonderful residential area, which she wants to maintain. Osborne said it is her desire to do additional research in determining how this will impact everyone and do to the value of their properties. She asked that the proposal be denied.

B. J. Carlson, 2620 Mission Trail Way seconded comments made today by Roger Sullivan. She stated she has spent time walking the streets of downtown Kalispell the past two years where she sees dark door. Carlson said the corridor needs planned and the larger picture needs to be looked at.

**MONDAY, DECEMBER 5, 2011
(Continued)**

James Jahnor, 200 Tronstad Road stated he is 100 percent opposed to the zone change. He said when he bought the property he assessed what he was getting into and now the rules are being changed, which he stated is not right. He added the area is a neighborhood and is not suited for the development proposed. Jahnor said the corridor is bad enough but adding the Schwager property is adding insult to injury.

Marilyn Noonan, 132 Tronstad Road said that extensive meetings have been held in regard to the change with the Planning Board. She stated she personally invited Maryre Flowers to bring any comments in that she had in regard to the change and heard nothing. Noonan said it was discussed, and Citizens for a Better Flathead did receive an extended hand for their input, which she did not receive.

Lynn Stanley, 838 2nd Avenue East spoke in support of comments made earlier by Roger Sullivan today. She said her concerns are of being respectful to the City of Kalispell and the way it wants to grow; given the zone map change is right across from a part of the city now she stated. She said the cities comments need to be taken into consideration as well as those living in the area that would be adversely affected.

Ray Mariscal, 154 Tronstad Road said what he understands there will be certain setbacks and after looking closer at them understands that depending upon how far the setback is that you can build higher. He stated his property is landlocked and the only way to get to it is off Tronstad Road. Mariscal said Mark Schwager's property is right across from his with several wonderful new homes next to it that are only 10 feet off the property, which would bring down property values. He stated some of the applicants don't live on the property and one has a business that shouldn't be there. The request from him is that the commission look at the change long and hard and make a decision for the residential homeowners; it isn't commercial he stated, its agricultural.

Sheri Hammond, 44 Tronstad Road said her home would lose property value and she never would have purchased it if she thought there would have been anything else there but a field or homes.

Keyvne Guinn added she purchased 2.66 acres of additional property she lovingly cares for that is across from Mark Schwager's field that is proposed to be commercial. When she bought her property, she said the front field was her ace in the hole as a financial investment and it has been put in the tank if the proposal goes through.

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

Commissioner Lauman asked for clarification as to where the Schwager property is located.

Grieve said the letter the commission received dated November 28, 2011 from Sisneros was the first he has heard about the request to remove the Schwager property. He commented during the public hearing several spoke about the Schwager property. He stated what is before them today they could approve, amend or deny.

Commissioner Holmquist said many questions have been brought forward today. She asked if any kind of development would have to go through the whole process of public hearings once a project is brought forward.

Grieve said in terms of a zoning process, B-2HG zoning has a list of permitted uses and conditional uses. If it is on the list of permitted uses, he stated their office does not provide any additional review. He added other agencies have review requirements such as the Department of Environmental Quality, and for example if you were going to approach directly onto the highway an approach permit is required. Grieve noted specific to zoning attached to the request is a list of 27 permitted uses, and 36 conditional uses; some of the conditional uses are administrative, and would require you to go through either an administrative conditional use permit or a full blown conditional use permit with a public hearing in front of the Board of Adjustments. He clarified if the project was a motel or hotel it would not go through their office since it is a permitted use.

Commissioner Holmquist stated she would like additional time to review the Schwager property.

Commissioner Lauman said he too would like to look at the property again.

Commissioner Holmquist made a **motion** to table. Commissioner Lauman **seconded** the motion.

Chairman Dupont said a lot of discussion brought forth today was in regards to the zone change that already happened. He stated the zone change is in place and is a done deal.

Aye - Dupont, Lauman and Holmquist. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: GOING TO THE SUN ROAD TRANSIT PROJECT COOPERATIVE AGREEMENT BETWEEN GLACIER NATIONAL PARK, STATE OF MONTANA AND EAGLE TRANSIT

[10:26:00 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Clerk Kile

Commissioner Lauman made a **motion** to approve the cooperative agreement for Eagle Transit. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

CONSIDERATION OF PRINT BIDS: HEALTH DEPT.

[10:28:00 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Clerk Kile

Commissioner Holmquist made a **motion** to award the print bid to Great Northern Printing for one set of 500 business cards for the Animal Shelter for \$24.95. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

MONDAY, DECEMBER 5, 2011
(Continued)

CONSIDERATION OF H.R. TRANSMITTAL: JUVENILE DETENTION CORPORAL

[10:29:00 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the H. R. Transmittal for a Juvenile Detention Corporal. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: LEGAL ADVERTISING 2012

[10:31:00 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Clerk Kile

Commissioner Holmquist made a **motion** to authorize publication of Call for Bids/ Legal Advertising. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana will receive bids on Legal Advertising.

Bids are to be submitted on percentage of Code prices as outlined in the Montana Code Annotated, Section 18-7-401, et seq., and the Administrative Rules of Montana, Section 2.67.301, et seq. Bidders shall bid by section.

Each bidder must deposit with their bid, a bid security in the amount of One Thousand Dollars (\$1,000.00) to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the provision of Legal Advertising. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States, a cashier's check, certified check, bank money order, or bank draft issued by a Montana bank, or bid bond executed by a surety corporation authorized to do business in Montana.

The bidder shall include with his bid a signed contract, which will be for a term of one (1) year, commencing **January 1, 2012**, and terminating **December 31, 2012**. The successful bidder will be required to furnish a bond in the amount of Two Thousand Dollars (\$2,000.00) signed by sufficient sureties, to secure the contractor's covenant to faithfully perform all of the conditions of the contract in accordance with the law and that contract.

All sealed bids, plainly marked "**SEALED BID - LEGAL ADVERTISING**" must be in the hands of the Clerk to the Board of Commissioners, , 800 South Main Street, Kalispell, Montana 59901, at or before **10:15 o'clock a.m.** on **December 21, 2011**. Bids will be opened and read immediately thereafter in the Commissioners' Office at the Courthouse, 800 South Main Street, Kalispell, Montana.

Flathead County reserves the right to accept or reject any bid and to waive any irregularities which are deemed to be in the best interest of the County. Preference will be given to bidders who will receive legal advertising text via electronic transmission.

The award of bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the County Clerk and Recorder.

DATED this 5th day of December, 2011.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on December 7 and December 14, 2011.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 6, 2011.

TUESDAY, DECEMBER 6, 2011

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

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

TUESDAY, DECEMBER 6, 2011
(Continued)

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: INTERIM ZONING IN WHITEFISH

[9:45:01 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Assistant Mike Pence, Deputy County Attorney Peter Steele, Planning & Zoning Director B. J. Grieve, Planner Allison Mouch, Rick Blake, Clerk Kile

Grieve reviewed procedures under Montana law required to adopt interim zoning. He noted the proposed interim zoning districts are good for one year with up to one, one-year extension. The content of the Notice of Public Hearing was summarized.

Commissioner Lauman made a **motion** to authorize publication of the Notice of Public Hearing/ Interim Zoning in Whitefish. Chairman Dupont **seconded** the motion. **Aye** – Dupont and Lauman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-206, M.C.A., that it will hold a public hearing to consider the establishment of an interim zoning district. The boundaries of the proposed interim zoning district are approximately two miles from the Whitefish city limits and are specifically described in Exhibit "A" attached hereto.

The exigent circumstance compelling the establishment of the proposed interim zoning district is that the City of Whitefish no longer has jurisdiction for zoning in the area surrounding the city extending approximately two miles from the city limits due to the recent referendum which repealed the Interlocal Agreement entered into by the City of Whitefish and Flathead County on December 6, 2010. It is imperative for an orderly progression of events for interim zoning to be established until the County holds public meetings and conducts studies to establish permanent zoning in the area.

The general character of the proposed interim zoning district would replace the current City of Whitefish zoning classifications with similar Flathead County classifications found in the Flathead County Zoning Regulations. The Flathead County zoning classifications would be R-1 (Suburban Residential), R-2 (One Family Limited Residential), R-2.5 (Rural Residential), B-2 (General Business), BR-4 (Resort Business), SAG-10 (Suburban Agricultural), I-1H (Light Industrial Highway), and I-2 (Heavy Industrial).

The general character of the R-1 (Suburban Residential) classification is residential. This classification provides estate type development normally located in rural areas away from concentrated urban development or in areas where it is desirable to permit only low density development (for example, areas with extreme topography or, areas adjacent to flood plains).

The general character of the R-2 (One Family Limited Residential) classification is residential. This classification provides for large tract development in suburban areas generally served by either sewer or water lines.

The general character of the R-2.5 (Rural Residential) classification is residential. This classification is intended for primarily rural residential areas where larger, estate-type lot sizes are appropriate and agricultural/silvicultural/horticultural operations are a decreasingly viable land use.

The general character of the B-2 (General Business) classification is commercial. This classification provides areas for retail sales, service functions and businesses whose operations are typically characterized by outdoor display, storage or sale of merchandise, major repair of motor vehicles, outdoor commercial amusement and recreational activities, and operations serving the general needs of the tourist and traveler.

The general character of the BR-4 (Resort Business) classification relates to resort uses. This classification is intended for resort purposes and provides for the development of medium and high density resort uses, including hotels, motels, resort condominiums and other similar uses oriented towards tourism and resort businesses. This classification allows meeting rooms, convention facilities, bars, lounges and restaurants, and retail and commercial uses intended primarily for the guests of the facilities, and requires approval of an overall development plan. The overall development plans for the BR-4 zoning classifications to be used include the Big Mountain Whitefish, Montana Neighborhood Plan/Overall Development Plan adopted on July 17, 2006 by the Whitefish City Council and the Big Mountain West Neighborhood Plan/Overall Development Plan adopted on December 2, 2003 by the Flathead County Commissioners.

The general character of the SAG-10 (Suburban Agricultural) classification is agricultural. This classification protects and preserves agricultural land for the performance of limited agricultural functions and provides a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and provides areas for estate-type residential development.

The general character of the I-1H (Light Industrial Highway) classification is industrial. This classification provides for light industrial uses and services located along state and federal highway corridors that do not create objectionable by-products which extend beyond lot lines, and contains performance standards and mitigation measures to preserve scenic corridors and entrance ways to major communities.

The general character of the I-2 (Heavy Industrial) classification is industrial. This classification provides for uses to accommodate heavy manufacturing, processing, fabrication and assembling of products or materials and prevents the encroachment of non-industrial uses.

The public hearing will be held on January 12, 2012, at 10:00 o'clock a.m., in the Chambers of the Board of Flathead County Commissioners, Third Floor of the Old Courthouse Building, 800 South Main, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the proposed creation of the "Rural Whitefish Interim Zoning District."

The proposed zoning district would be regulated by the Flathead County Zoning Regulations, which are on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: http://flathead.mt.gov/planning_zoning/downloads.php.

TUESDAY, DECEMBER 6, 2011
(Continued)

Detailed maps of the proposed zoning district are available for public inspection at the Office of the Clerk and Recorder, at the Flathead County Planning and Zoning Office, and online by visiting the following link: http://flathead.mt.gov/planning_zoning/RuralWhitefishInterimZoningDistrict.php.

DATED this 6th day of December, 2011.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on December 28, 2011 and January 4, 2012.

EXHIBIT A

Commencing at the intersection of Sections 31 and 32 of Township 32N, Range 22 West, P.M.M., Flathead County, Montana, and Sections 5 and 6 of Township 31N, Range 22 West, this being the point of beginning; thence East following the section lines to the intersection of Sections 31 and 32 of Township 32, Range 21W, and Sections 5 and 6 of Township 31N, Range 21W; thence south along the section lines to the SW corner of the NW1/4 of Section 8, Township 31N Range 21W; thence east to the NE corner of the NW1/4 of the SW1/4 of said Section 8; thence south to the SE corner of the NW1/4 of the SW1/4 of said Section 8; thence east to the NE corner of the SE1/4 of the SW ¼ of said Section 8; thence south to the SE corner of the SW1/4 of said Section 8; thence east to the intersections of Sections 8, 9, 16, and 17 of Township 31N, Range 21W; thence south for one section along section lines to the intersection of Section 17, 16, 20, and 21 Township 31N, Range 21W; thence east for one section to the intersection of Sections 15, 16, 21, 22, of Township 31N, Range 21W; thence south along section lines to the intersection of Sections 15, 16, 21, and 22 of Township 30N, Range 21W; thence west along section lines to the intersection of Sections 13, 14, 23, and 24 of Township 30N, Range 22W; thence north for one section along section lines to the intersection of Sections 11, 12, 13, and 14 of Township 30N, Range 22W; thence west for one section to the intersection of Sections 10, 11, 14, and 15 of Township, 30N Range 22W; thence north along section lines to the NW corner of the SW1/4 of the SW1/4 of Section 2 of Township 30 N, Range 22W; thence west to the centerline of Blanchard View Drive in Section 3 of Township 30 North Range 22 West; thence Northwest following the centerline of Hills Way to the intersection of the centerline of Hills Way; thence Northwest following the centerline of Hills Way to the intersection of the centerline with Whitefish Hills Drive; thence north following the centerline of Whitefish Hills Drive to the intersection with the northern section line of Section 3, Township 30N, Range 22W; thence west along section lines to the intersection of Sections 33 and 34 of Township 31N, Range 22W and Sections 3 and 4 of Township 30 North, Range 22 West; thence north following section lines to the intersection of Sections 9, 10, 15, and 16 of Township 31N, Range 22W; thence west along section lines to the intersection of Sections 7, 8, 17, and 18 of Township 31N, Range 22W; thence north along section lines to the intersections of Sections 31 and 32 of Township 32N, Range 22 West, and Sections 5 and 6 of Township 31N, Range 22 West, and the point of beginning; excluding all areas within the City limits of the City of Whitefish, Montana; excluding all areas described within the County Resolution creating the Lake Park Addition Zoning District, Paullin Zoning District, East Whitefish Lake Zoning District, Haskill Basin Estates Zoning District, Blanchard Lake Zoning District, Southeast Rural Whitefish Zoning District, and the Big Mountain West Zoning District.

MONTHLY UPDATE W/ HUMAN RESOURCE OFFICE

[10:00:27 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Assistant Mike Pence, H. R. Assistant Tammy Skramovsky, Clerk Kile

Skramovsky presented November personnel transactions for consideration.

Commissioner Lauman made a **motion** to approve personnel transactions as presented. Chairman Dupont **seconded** the motion. **Aye** – Dupont and Lauman. Motion carried by quorum.

Skramovsky then reported the health insurance trust fund balance as of December 1, 2011 is at \$4,390,305.01. A graph was presented on work comp loss for the last plan year ending October 31, 2011, which was noted as the best year they have ever had.

CONSIDERATION OF H.R. TRANSMITTALS: TRUCK DRIVER, ROAD DEPT. AND EQUIPMENT OPERATOR II, BRIDGE DEPT.

[10:05:27 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Assistant Mike Pence, H. R. Assistant Tammy Skramovsky, Public Works Director Dave Prunty, Road & Bridge Supervisor Ovilla Byrd, Clerk Kile

Prunty reviewed struggles the Road Department has in keeping part time on call employees. His proposal is to take two positions back to full time FTE's and leave one at .65 FTE, which will increase their budget. Prunty explained the additional cost will be made up in reduction of materials purchased.

Commissioner Lauman made a **motion** to approve the H. R. Transmittals for a Truck Driver for the Road Department and Operator II in the Bridge Department. Chairman Dupont **seconded** the motion. **Aye** – Dupont and Lauman. Motion carried by quorum.

**TUESDAY, DECEMBER 6, 2011
(Continued)**

MONTHLY MEETING W/ DAVE PRUNTY, ROAD DEPT.

[10:15:56 AM](#)

Chairman James, R. Dupont, Commissioner Dale W. Lauman, Assistant Mike Pence, Public Works Director Dave Prunty, Road & Bridge Supervisor Ovila Byrd, Clerk Kile

Prunty reviewed monthly statistics for the Road Department and summarized work employees are undertaking. He explained they have completed hauling salt/sand mixture to their satellite shops after the delay in getting a pug mill this year. Prunty reported the county would be receiving \$6,300 from FEMA for materials used during the flood event this past spring. He spoke about stream bank stabilization near Swift Creek on Del Rey Road and another on Steel Bridge Road. Discussion was held relative to de-icing materials.

DISCUSSION RE: BIGFORK STORMWATER SYSTEM OPERATION & MAINTENANCE COSTS

[10:45:56 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Assistant Mike Pence, Public Works Director Dave Prunty, Grant Writer Debbie Pierson, Clerk Kile

Prunty updated the commission on Flathead County's obligation to maintain the state of the art system installed in Bigfork because of grant money accepted. He explained the projected estimate from 48 North is between \$7,085 to \$8,615 per year, which does not include the jellyfish units that could be as much as \$15,000 each. He stated the jellyfish units are good for around seven years. He noted Bigfork Water and Sewer is not interested in maintaining the system. Prunty explained at this point in time the Road and Bridge Department will have to do maintenance this next spring on the system.

Discussion was held relative to continued maintenance concerns.

NEW FLOOD HAZARD DATA COLLECTION & MAPPING PROJECT TO BEGIN W/ DNRC & CONTRACTOR, ATKINS

[11:00:56 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Assistant Mike Pence, Public Works Director Dave Prunty, Planning & Zoning Director B. J. Grieve, Planner Allison Mouch, GIS Director Mindy Cochran, MSAG Coordinator Jason Singleton, DNRC Representative Marc Pitman, City of Kalispell Representative P. J. Sorensen, Atkins Representative Dan March, Atkins Representative Carrie Higinbotham, State of Montana Floodplain Engineer Steve Story, Eric Mulcahy, Clerk Kile

Representatives from the State of Montana, DNRC and Atkins Engineering reviewed with the commission a project overview, and timeline for a digital map project that will be done in Flathead County over the next two years. The following documents summarize the project and provide a timeline for the study and work scheduled.

Project: Flathead Digital Flood Insurance Rate Map & Flood Insurance Study Prepared for 12/6/2011 Kick-Off Meeting

Summary of Project Overview
Digital Flood Insurance Rate Map (DFIRM) & Flood Insurance Study (FIS)

1. Generate new flood data for the following. Updated FIS as necessary. Generate non regulatory RiskMAP products.

	Flooding Source	Reach Limits	Reach Length in Miles	Detailed Riverine		Refine/ Establish Zone A
				Hydrology	Hydraulics	
1	Ashley Creek	From the upstream extent of LOMR 08-08-0361P to Dern Rd.	2		X	
2	Swan River	From Flathead Lake to approx. .5 mile upstream	0.5	X	X	
3	Whitefish River at Kalispell	From the confluence with the Stillwater River to just upstream of W. Reserve Dr.	3	X	X	
4	Stillwater River	From the confluence with the Flathead River to Whitefish Stage Rd.	3	X	X	
5	West Spring Creek & West Spring Creek Tributary	From just downstream of Meridian Drive to upstream limits of study.	2.8	X	X	
6	Cow Creek	From the confluence with the Whitefish River to the upstream limit of study	1.6	X	X	
7	Whitefish River at Whitefish	From HWY 40 to the current limit of detailed study (DS of Spokane Ave)	4	X	X	
8	Ashley, Birch, Brush, Garnier, Haskill, Hunger, Lost, Mauzey, Mud, Patrick, Rocky, Spring, Stillwater, Swift, Trumbull, Walker, Whitefish	Effective Zone A portions within Flathead Basin Commission, Whitefish, & Lake County LIDAR collection area with the exception of the new study areas listed in rows (1-7) of this table.	(estimated 15 miles)			X
9	Flathead Lake	Effective Zone A portion where new LIDAR data exists	(estimated 35)			X

**TUESDAY, DECEMBER 6, 2011
(Continued)**

Project: Flathead Digital Flood Insurance Rate Map & Flood Insurance Study Prepared for 12/6/2011 Kick-Off Meeting

Activity	Start Date	End Date
Acquire Base Map	10/13/2011	1/13/2012
Floodplain Mapping: Detailed Riverine	10/16/2012	3/6/2013
Develop DFIRM Database	7/1/2013	9/6/2013
Distribute Preliminary ("Draft") Maps	8/11/2013	12/3/2013
Post-Preliminary Process (outreach, appeals, & adoption)	12/3/2013	2/4/2015

ACTIVITIES	RESPONSIBLE PARTNER(S)	START DATE	SUBMITTAL DATE	END DATE
Perform Kickoff	MT DNRC	10/13/2011	11/15/2011	12/15/2011
Outreach	MT DNRC	10/13/2011		2/19/2012
Perform Field Surveys	MT DNRC	10/13/2011	1/20/2012	3/6/2012
**Independent QA/QC Review of Field Surveys	FEMA/PTS	1/21/2012	2/21/2012	3/6/2012
Develop Topographic Data	MT DNRC	10/13/2011	11/30/2011	1/20/2012
Perform Independent QA/QC: Topographic Data	FEMA/PTS	11/30/2011	12/30/2011	1/20/2012
Acquire Base Map	MT DNRC	10/13/2011	11/30/2011	1/13/2012
Perform Independent QA/QC: Base Map	FEMA/PTS	11/30/2011	12/30/2011	1/13/2012
Develop Hydrologic Data (Group 1)**	MT DNRC	10/13/2011	3/1/2012	4/16/2012
Perform Independent QA/QC: Hydrologic Data	FEMA/PTS	3/2/2012	4/2/2012	4/16/2012
Develop Hydrologic Data (Group 2)***	MT DNRC	12/15/2011	4/19/2012	6/4/2012
Perform Independent QA/QC: Hydrologic Data	FEMA/PTS	4/20/2012	5/21/2012	6/4/2012
Develop Hydraulic Data (Group 1)**	MT DNRC	3/1/2012	9/14/2012	10/30/2012
Perform Independent QA/QC: Hydraulic Data	FEMA/PTS	9/16/2012	10/16/2012	10/30/2012
Develop Hydraulic Data (Group 2)***	MT DNRC	4/20/2012	11/2/2012	12/19/2012
Perform Independent QA/QC: Hydraulic Data	FEMA/PTS	11/3/2012	12/5/2012	12/19/2012
Perform Floodplain Mapping: Detailed Riverine (Group 1)**	MT DNRC	10/16/2012	11/30/2012	1/25/2013
Perform Independent QA/QC: Floodplain Mapping Detailed Riverine	FEMA/PTS	12/1/2012	1/11/2013	1/25/2013
Perform Floodplain Mapping: Detailed Riverine (Group 2)***	MT DNRC	12/7/2012	1/22/2013	3/6/2013
Perform Independent QA/QC: Floodplain Mapping Detailed Riverine	FEMA/PTS	1/23/2013	2/23/2013	3/6/2013
Perform Floodplain Mapping: Refinement or Creation of Zone A	MT DNRC	1/25/2012	4/25/2012	6/10/2012
Perform Independent QA/QC: Floodplain Mapping Zone A Refinement	FEMA/PTS	4/26/2012	5/26/2012	6/10/2012
Perform Floodplain Mapping: Merging Revised and Unrevised Areas	MT DNRC	2/1/2013	6/25/2013	8/10/2013
Perform Independent QA/QC: Floodplain Mapping Merging	FEMA/PTS	6/26/2013	7/26/2013	8/10/2013

Project: Flathead Digital Flood Insurance Rate Map & Flood Insurance Study Prepared for 12/6/2011 Kick-Off Meeting

Revise DFIRM Database	MT DNRC	7/1/2013	9/5/2013	9/6/2013
Independent QA/QC Non-Regulatory Products	FEMA/PTS	4/1/2013	5/1/2013	5/15/2013
Produce Preliminary Map Products (including Graphic Specifications)	MT DNRC	8/11/2013	9/30/2013	12/3/2013
Perform Independent QA/QC: Produce Preliminary Map Products	FEMA/PTS	10/1/2013	11/3/2013	12/3/2013
Distribute Preliminary Map Products	MT DNRC	12/3/2013		12/3/2013
Post-Preliminary Map Production	MT DNRC	12/4/2013		2/4/2015

Table 6.1b Ashley Creek Schedule

ACTIVITIES	RESPONSIBLE PARTNER(S)	START DATE	Submittal DATE	END DATE	ASHLEY CREEK
Field Survey	DNRC	10/13/11	12/1/2011	1/16/2012	
Independent QA/QC Review of Field Survey**	FEMA/PTS	12/2/2011	1/2/2012	1/16/2012	
Hydrologic Analyses	DNRC	10/13/11	2/16/2012	3/30/2012	
Independent QA/QC Review of Hydrologic Analyses	FEMA/PTS	2/17/2012	3/16/2012	3/30/2012	
Hydraulic Analyses	DNRC	3/1/2012	8/31/2012	10/15/2012	
Independent QA/QC Review of Hydraulic Analyses	FEMA/PTS	9/1/2012	9/30/2012	10/15/2012	
Floodplain Mapping	DNRC	10/16/2012	11/16/2012	12/30/2012	
Independent QA/QC Review of Floodplain Mapping	FEMA/PTS	11/16/2012	12/16/2012	12/30/2012	

Project: Flathead Digital Flood Insurance Rate Map & Flood Insurance Study Prepared for 12/6/2011 Kick-Off Meeting

Table 6.1c West Spring Creek and Tributary Schedule

ACTIVITIES	RESPONSIBLE PARTNER(S)	START DATE	Submittal DATE	END DATE	WEST SPRING CREEK
Field Survey	DNRC	10/13/11	12/7/2011	1/20/2012	
Independent QA/QC Review of Field Survey**	FEMA/PTS	12/8/2011	1/6/2012	1/20/2012	
Hydrologic Analyses	DNRC	10/13/11	2/23/2012	4/6/2012	
Independent QA/QC Review of Hydrologic Analyses	FEMA/PTS	2/24/2012	3/23/2012	4/6/2012	
Hydraulic Analyses	DNRC	3/1/2012	9/7/2012	10/24/2012	
Independent QA/QC Review of Hydraulic Analyses	FEMA/PTS	9/10/2012	10/10/2012	10/24/2012	
Floodplain Mapping	DNRC	10/25/2012	11/23/2012	1/18/2013	
Independent QA/QC Review of Floodplain Mapping	FEMA/PTS	11/26/2012	1/4/2013	1/18/2013	

Table 6.1d Whitefish River @ Kalispell Schedule

ACTIVITIES	RESPONSIBLE PARTNER(S)	START DATE	Submittal DATE	END DATE	WR @ KALISPELL
Field Survey	DNRC	10/13/11	12/15/2011	1/30/2012	
Independent QA/QC Review of Field Survey**	FEMA/PTS	12/16/2011	1/16/2012	1/30/2012	
Hydrologic Analyses	DNRC	10/13/11	3/1/2012	4/16/2012	
Independent QA/QC Review of Hydrologic Analyses	FEMA/PTS	3/2/2012	4/2/2012	4/16/2012	
Hydraulic Analyses	DNRC	3/1/2012	9/14/2012	10/30/2012	
Independent QA/QC Review of Hydraulic Analyses	FEMA/PTS	9/17/2012	10/16/2012	10/30/2012	
Floodplain Mapping	DNRC	10/30/2012	11/30/2012	1/25/2013	
Independent QA/QC Review of Floodplain Mapping	FEMA/PTS	12/1/2012	1/11/2013	1/25/2013	

**TUESDAY, DECEMBER 6, 2011
(Continued)**

Project: Flathead Digital Flood Insurance Rate Map & Flood Insurance Study Prepared for 12/6/2011 Kick-Off Meeting

Table 6.1e Stillwater River Schedule

ACTIVITIES	RESPONSIBLE PARTNER(S)	START DATE	Submittal DATE	END DATE	STILL WATER RIVER
Field Survey	DNRC	10/13/11	1/20/2012	3/8/2012	
Independent QA/QC Review of Field Survey**	FEMA/PTS	1/23/2012	2/23/2012	3/8/2012	
Hydrologic Analyses	DNRC	12/15/11	4/19/2012	6/4/2012	
Independent QA/QC Review of Hydrologic Analyses	FEMA/PTS	4/20/2012	5/21/2012	6/4/2012	
Hydraulic Analyses	DNRC	4/20/2012	11/2/2012	12/19/2012	
Independent QA/QC Review of Hydraulic Analyses	FEMA/PTS	11/5/2012	12/5/2012	12/19/2012	
Floodplain Mapping	DNRC	12/20/2012	1/22/2013	3/6/2013	
Independent QA/QC Review of Floodplain Mapping	FEMA/PTS	1/23/2013	2/23/2013	3/6/2013	

Table 6.1f Swan River Schedule

ACTIVITIES	RESPONSIBLE PARTNER(S)	START DATE	Submittal DATE	END DATE	SWAN RIVER
Field Survey	DNRC	10/13/11	1/6/2012	2/21/2012	
Independent QA/QC Review of Field Survey**	FEMA/PTS	1/7/2012	2/7/2012	2/21/2012	
Hydrologic Analyses	DNRC	12/15/11	4/5/2012	5/21/2012	
Independent QA/QC Review of Hydrologic Analyses	FEMA/PTS	4/6/2012	5/7/2012	5/21/2012	
Hydraulic Analyses	DNRC	4/20/2012	10/19/2012	12/6/2012	
Independent QA/QC Review of Hydraulic Analyses	FEMA/PTS	10/22/2012	11/22/2012	12/6/2012	
Floodplain Mapping	DNRC	12/7/2012	1/7/2013	2/22/2013	
Independent QA/QC Review of Floodplain Mapping	FEMA/PTS	1/8/2013	2/8/2013	2/22/2013	

Project: Flathead Digital Flood Insurance Rate Map & Flood Insurance Study Prepared for 12/6/2011 Kick-Off Meeting

Table 6.1g Cow Creek Schedule

ACTIVITIES	RESPONSIBLE PARTNER(S)	START DATE	Submittal DATE	END DATE	COW CREEK
Field Survey	DNRC	10/13/11	1/13/2012	3/1/2012	
Independent QA/QC Review of Field Survey**	FEMA/PTS	1/16/2012	2/16/2012	3/1/2012	
Hydrologic Analyses	DNRC	12/15/11	4/12/2012	5/28/2012	
Independent QA/QC Review of Hydrologic Analyses	FEMA/PTS	4/13/2012	5/14/2012	5/28/2012	
Hydraulic Analyses	DNRC	4/20/2012	10/26/2012	12/14/2012	
Independent QA/QC Review of Hydraulic Analyses	FEMA/PTS	10/29/2012	11/30/2012	12/14/2012	
Floodplain Mapping	DNRC	12/15/2012	1/15/2013	3/1/2013	
Independent QA/QC Review of Floodplain Mapping	FEMA/PTS	1/16/2013	2/15/2013	3/1/2013	

Table 6.1g Whitefish River @ Whitefish Schedule

ACTIVITIES	RESPONSIBLE PARTNER(S)	START DATE	Submittal DATE	END DATE	WR @ WHITE FISH
Field Survey	DNRC	10/13/11	1/13/2012	3/1/2012	
Independent QA/QC Review of Field Survey**	FEMA/PTS	1/16/2012	2/16/2012	3/1/2012	
Hydrologic Analyses	DNRC	12/15/11	4/12/2012	5/28/2012	
Independent QA/QC Review of Hydrologic Analyses	FEMA/PTS	4/13/2012	5/14/2012	5/28/2012	
Hydraulic Analyses	DNRC	4/20/2012	10/26/2012	12/14/2012	
Independent QA/QC Review of Hydraulic Analyses	FEMA/PTS	10/29/2012	11/30/2012	12/14/2012	
Floodplain Mapping	DNRC	12/15/2012	1/15/2013	3/1/2013	
Independent QA/QC Review of Floodplain Mapping	FEMA/PTS	1/16/2013	2/15/2013	3/1/2013	

Who to contact:

- Mary Gibson, DNRC project administrator, 444-6656, mgibson@mt.gov, after Dec. 19th
- Mary Guokas, Outreach, 444-1343, mguokas@mt.gov
- Carrie Higinbotham, Atkins (Bozeman), 624-3092, carrie.higinbotham@atkinsglobal.com
- Dan March, Atkins (Bozeman), 624-3098, Dan.march@atkinsglobal.com
- Marc Pitman, DNRC Kalispell, 752-2713 mpitman@mt.gov
- Steve Story, State Floodplain Engineer, 444-6664, sestory@mt.gov

A project charter agreement between the State of Montana, DNRC, FEMA and Flathead County entities was reviewed and taken under consideration.

Commissioner Holmquist: Elected County Officials Certification Phase II in Helena

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 7, 2011.

WEDNESDAY, DECEMBER 7, 2011

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

10:30 a.m. Commissioner Lauman: Meeting w/ Leaders of Tomorrow

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 8, 2011.

THURSDAY, DECEMBER 8, 2011

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

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

Bill Tanner, 688 Echo Lake Road explained he along with his son and daughter own Echo Lake Marina on LaBrant Road. He said those that live on the lake and depend on it for their income have been sorely upset because of the lack of traffic allowed on the lake with no wake zone, which he stated he did understand. He noted the problem will probably exist next summer, and said a discussion needs to take place in regards to mitigation. Tanner stated the frustrating part for him has been the extent of closing the causeway, and suggested consideration be made in imposing weight limits. He further said the county needs to either make LaBrant Road usable or figure out a way to mitigate the causeway.

MONTHLY MEETING W/ B. J. GRIEVE, PLANNING & ZONING OFFICE

[9:00:56 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Planning and Zoning Director B. J. Grieve, Clerk Kile

Grieve met with the commission and reviewed staff's work for the month of November. He noted the Growth Policy update is on schedule for approval five years after it was adopted. He spoke about continued work in implementing a subdivision-expiration tracking calendar as well as a permit mapping resource that will enable citizens to look up floodplain, lakeshore and conditional use permits on the county website. Grieve reported on their budget, cost savings measures, and progress with closing out enforcement issues. It was noted an official file regarding proposed housekeeping amendments to the subdivision regulations is moving forward and would be coming before them. Land use board-training will be held this month he reported for new members.

CONSIDERATION OF ADOPTION OF RESOLUTION: OPEN CAUSEWAY LANE WITH RESTRICTIONS/ ECHO LAKE

[9:16:13 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Bill Tanner, Clerk Kile

Steele explained the commission has the authority to close roads, which was done this past spring after Causeway Lane located on Echo Lake was under water. He noted Public Works Director Dave Prunty would like the authority to close it again if conditions deteriorate.

Commissioner Lauman made a **motion** to approve Resolution 2317, which would open Causeway Lane with restrictions. Commissioner Holmquist **seconded** the motion.

Commissioner Lauman said he feels there will be a point in time when a core drill will be required on the road.

Pence clarified the road could be closed again with a motion from the commission based on the resolution.

Aye - Dupont, Lauman and Holmquist. Motion carried unanimously.

RESOLUTION NO. 2317

WHEREAS, Section 7-14-2101, et seq., M.C.A., provides that the Board of County Commissioners may maintain, control and manage county roads within the county and may in its discretion do whatever is necessary in the best interest of county roads;

WHEREAS, Section 7-14-2127, M.C.A., provides that the Board of County Commissioners may temporarily close a county road or bridge or any part of a county road for maintenance or repair if the board determines that the road or bridge is unsafe;

WHEREAS, Causeway Lane, on Echo Lake, is a County Road;

WHEREAS, Causeway Lane was closed on or about July 13, 2011 due to the high water coming up over the road;

WHEREAS, the water is receding and is about one foot below the road surface and Causeway Lane can now be safely opened to passenger vehicles;

WHEREAS, while normal passenger traffic will not harm the road, larger vehicle traffic has the potential for causing harm;

THURSDAY, DECEMBER 8, 2011
(Continued)

WHEREAS, it is necessary and appropriate for Causeway Lane to be closed if damage, even under normal passenger traffic, begins to occur; and

WHEREAS, Causeway Lane can be kept open until the water comes up again to unsafe levels, which will most likely occur next spring or summer based on the fact that Echo Lake is currently about six feet higher than usual for this time of year.

NOW, THEREFORE, BE IT RESOLVED that the Public Works Director is hereby authorized to:

1. Open Causeway Lane.
2. Install "No Thru Trucks" signs.
3. Install weight restriction signs, restricting weight to a maximum of 350 pounds per square inch.
4. Close Causeway Lane if it is necessary to minimize any potential harm to the road and approved by the Board of County Commissioners.
5. Close Causeway Lane if the water comes up again in the spring or summer to an unsafe level.

DATED this 8th day of December, 2011.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

CONSIDERATION OF LAKESHORE PERMIT: DUNHAM

[9:31:58 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Bailey Minnich, Clerk Kile

Minnich entered into record FLP 11-62; an application submitted by Peter Dunham to construct a rock retaining wall across a jointly owned tract. The retaining wall will be approximately 35 feet long and run parallel to Lake Blaine with a maximum height of 6 ½ feet. The ends of the wall are proposed to extend back into the property to form a "C" shape with one side approximately 15 feet and the other 25 feet.

Commissioner Holmquist made a **motion** to approve Lakeshore Permit FLP 11-62. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: FLATHEAD COUNTY ROAD & BRIDGE DEPARTMENT/ FOY'S LAKE

[9:33:41 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Bailey Minnich, Clerk Kile

Minnich entered into record FLP 11-63; an application submitted by Flathead County Road and Bridge Department to remove one tree within the North Foy's Lake Road right-of-way that may be within the lakeshore protection zone. She noted since there is no defined high water elevation on Foy's Lake the assumption is the tree is within the 20-foot lakeshore protection zone. The proposal is to remove the 14-inch diameter tree this winter with the remaining stump to be removed in the spring.

Commissioner Lauman made a **motion** to approve FLP11-63 for Flathead County Road and Bridge Department. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT EXTENSION: DUGAN

[9:35:01 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Bailey Minnich, Clerk Kile

Minnich reported FLP 11-02 was issued on March 16, 2011 to construct an access bridge and install a dock entirely on private property located off Holt Drive on Flathead Lake. She noted the applicant requested a three-year extension, however, since the original permit was valid for only one year the extension would need to also be for one year.

Commissioner Holmquist made a **motion** to approve the extension request for Lakeshore Permit FLP 11-02 to March 16, 2013. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**THURSDAY, DECEMBER 8, 2011
(Continued)**

MONTHLY MEETING W/ SANDY CARLSON, FINANCE

[10:00:51 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Finance Director Sandy Carlson, Clerk Kile

Carlson reviewed the following cash balance report.

November 30, 2011 REVIEW OF CASH BALANCE									
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	RESOURCES AVAILABLE FY11 (estimated)	YTD CASH BALANCE AS OF November 30, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2012	PROJECTED DIFFERENCE	CASH RESERVE %
1000	GENERAL FUND	9,923,570	2,742,038	12,665,608	2,274,546	3,443,592	2,837,711	(602,881)	28.60%
2110	POOR FUND	376,983	79,068	456,051	77,894	79,056	119,731	40,675	11.70%
2130	BRIDGE FUND	982,767	202,252	1,185,019	380,541	228,618	201,301	(27,317)	20.48%
2140	WTFD	607,720	125,519	733,239	137,812	229,464	125,517	(108,947)	20.60%
2160	COUNTY FAIR	1,131,199	227,004	1,358,203	174,387	221,565	140,505	(81,060)	12.42%
2180	DISTRICT COURT	726,618	147,960	874,578	225,274	252,320	141,521	(110,799)	19.42%
2190	COMP INS	832,227	174,435	1,006,662	312,536	(189,086)	151,590	(140,676)	18.24%
2210	PARK	624,232	126,365	750,597	230,158	181,146	89,365	(91,781)	14.32%
2220	LIBRARY	1,857,016	338,940	1,495,956	355,287	327,647	281,177	(44,470)	20.87%
2280	AREA ON AGING	230,199	46,510	276,709	88,513	71,430	18,156	(53,274)	7.89%
2290	HURST	136,503	27,141	163,644	28,605	32,743	27,142	(5,601)	20.88%
2300	SHERIFF	9,169,291	2,304,266	11,473,557	1,974,461	2,454,557	2,315,092	(139,465)	25.25%
2370	RETIREMENT	2,567,825	524,138	3,091,963	1,465,705	1,214,575	473,847	(740,728)	18.40%
2380	GROUP INS	2,766,360	616,788	3,383,148	1,385,422	1,041,162	1,733,253	692,091	62.60%
2396	JUV DETENTION	644,798	142,835	787,633	207,629	175,171	121,393	(53,778)	18.82%
TOTAL COUNTYWIDE NON-VOTED		32,076,318	7,825,249	39,901,567	9,314,820	9,760,960	8,779,301	(981,659)	27.37%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	CASH RESERVES (\$ needed for 1st 4mos FY11)	YTD CASH BALANCE AS OF November 30, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2012	PROJECTED DIFFERENCE	CASH RESERVE %
2110	ROAD FUND	7,101,142	2,138,815	9,239,957	2,409,440	851,349	1,645,950	794,601	23.38%
2251	PLANNING	400,601	131,738	532,339	121,277	148,418	131,739	(16,719)	27.89%
TOTAL OUTSIDE CITIES NON-VOTED		7,501,743	2,270,553	9,772,296	2,530,717	999,767	1,777,689	777,882	23.70%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	CASH RESERVES (\$ needed for 1st 4mos FY11)	YTD CASH BALANCE AS OF November 30, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2012	PROJECTED DIFFERENCE	CASH RESERVE %
2270	HEALTH FUND	2,116,971	565,278	2,682,249	601,918	714,047	569,499	(144,548)	26.90%
TOTAL LEVIED FUNDS		2,116,971	565,278	2,682,249	601,918	714,047	569,499	(144,548)	26.90%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	CASH RESERVES (\$ needed for 1st 4mos FY11)	YTD CASH BALANCE AS OF November 30, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2012	PROJECTED DIFFERENCE	CASH RESERVE %
2200	MOSQUITO	181,289	57,611	238,900	23,511	58,309	31,287	(27,022)	17.26%
2272	EMS PROGRAM	230,375	71,529	301,904	73,864	89,215	71,592	(17,623)	23.68%
2273	SPECIAL EMS PROGRAM	446,772	70,708	517,480	56,499	251,308	70,708	(182,600)	15.81%
2332	PERMITS/INSUR/LEVY	1,176,851	-	1,176,851	-	493,411	-	(683,411)	0.00%
2382	SEARCH & RESCUE LEVY	223,624	69,343	292,967	69,302	110,238	44,180	(66,058)	19.76%
2390	TRANSPORTATION	1,963,873	288,244	2,252,117	416,514	69,626	344,126	(274,500)	17.52%
3001	911 GO BOND DEBT SERVICE	455,294	48,868	504,162	20,193	224,147	92,369	(131,778)	20.29%
TOTAL COUNTYWIDE VOTED/EXEMPT		4,678,078	606,303	5,284,381	659,883	1,298,254	654,262	(643,992)	13.89%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	CASH RESERVES (\$ needed for 1st 4mos FY11)	YTD CASH BALANCE AS OF November 30, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2012	PROJECTED DIFFERENCE	CASH RESERVE %
2260	EMERGENCY/DISASTER	330,156	45,847	376,003	45,847	167,880	45,847	(122,033)	13.89%
TOTAL OUTSIDE CITIES VOTED		330,156	45,847	376,003	45,847	167,880	45,847	(122,033)	13.89%

Discussion was held relative to the terms of a proposed 10-year loan to Hungry Horse Fire District.

Commissioner Lauman made a **motion** to approve the Hungry Horse Fire District budget for FY2012. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

Discussion continued with unanimous approval given for a 10-year loan to Hungry Horse Fire District. Carlson asked for commissioner guidance in pursuing electronic payments to vendors. The commission unanimously agreed to look into the prospect with potential cost savings to the county.

MEETING W/ MINDY COCHRAN/ GIS RE: BY-PASS EFFECT ON WEST RESERVE ROAD NAMES

[10:20:51 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Deputy County Attorney Tara Fugina, GIS Director Mindy Cochran, GISP Nate Holm, Duncan Scott, Clerk Kile

Cochran and Holms met with the commission and reviewed the potential problems regarding addressing when West Reserve Drive is no longer a continuous thoroughfare, which will create two and possibly three disconnected roads that are named West Reserve Drive. It was explained according to Flathead County Resolution 1626B, which establishes the procedures and policies Flathead County uses in naming of roads the potential changes could not comply with Section 2.04 of Resolution 1626B. Holms reviewed four options in renaming roads and asked for commissioner guidance in working with the City of Kalispell.

Chairman Dupont explained he would talk to the Mayor of Kalispell to address the concerns.

2:00 p.m. AOA Board meeting @ Kalispell Senior Center

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 9, 2011.

FRIDAY, DECEMBER 9, 2011

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

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 12, 2011.
