
MONDAY, MAY 5, 2008

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

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

MEETING W/ LARRY VAN RINSUM/ CONSERVATION DISTRICT RE: SUPPORT LETTER FOR LIDAR

[9:47:27 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Larry VanRinsum, Clerk Kile

Larry VanRinsum asked that a commitment be made from the Commission that LiDAR Mapping data will be used by Flathead County. He then explained the LiDAR mapping of the valley floor will be valuable data for floodplains, identifying roads and structures that are not currently mapped and the 911 system.

Commissioner Lauman made a **motion** to send a support letter to DNRC for LIDAR mapping. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

[10:00:34 AM](#)

Members present:

Commissioner Joseph D Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk Kile

Commissioner Lauman made a **motion** to approve the personnel transactions for the month of April 2008. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Campbell reported the OSHA recordable injuries for the calendar year are one less than last year with the highest work comp claims in the Road Department and Solid Waste. She then noted the health plan is up by one half million more in claims than a year ago. Also stated was a reported will be issued in regards to the Courthouse incident, policy manual changes will be forthcoming and negotiations on four contracts have taken place this past month.

PERSONNEL MATTER

[10:15:37 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Sheriff Mike Meehan, Kathy Frame, Dave Hutton, Pete Parsons

This meeting was closed to protect the privacy of the employee.

MONTHLY MEETING W/ GUY FOY, ROAD DEPT.

[11:00:26 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Operations Manager Guy Foy, Clerk Kile

Foy reported the Flathead County Road Department received several loads of millings from the Hwy 93 project. He then presented a list of projected road projects to the Commission which included needed overlays and the need of re-building portions of McMannamy Draw, Tetrault Road, Egan Road, Chapman Hill, Marquardt, Wertz Hill and Holt Stage. Discussion also included testing of road stabilization material, dust signs and purchasing equipment.

7:00 a.m. Commissioner Lauman to Prerelease Center Working Committee meeting @ Triangle Bldg.
8:30 a.m. Commissioner Lauman to AOA TAB meeting @ Eagle Transit

9:00 a.m. Commissioner Brenneman NTIP Conference Call
1:00 p.m. Commissioner Brenneman traveling to Helena

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 6, 2008.

TUESDAY, MAY 6, 2008

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

5:00 p.m. Commissioner Brenneman to Interoperability Montana Project Directors meeting in Helena
Commissioner Lauman to Kalispell Chamber of Commerce "Unwind" @ Central School Museum"

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 7, 2008.

WEDNESDAY, MAY 7, 2008

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

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

PUBLIC HEARING: DEN GAR PROPERTIES, ET AL, ZONE CHANGE/ BLANCHARD LAKE ZONING DISTRICT

[9:33:52 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, County Attorney Ed Corrigan, Deputy County Attorney Jonathan Smith, Tara Fugina, Vicki Eggum, Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Erica Wirtala, Jeff Jensen, Gary Ohs, Paul Biolo, Debbie Biolo, Clerk Kile

Hogle entered into record Staff Report FZC 07-14. He then reviewed the application submitted by Den Gar Properties, LLC, Paul and Debbie Biolo and Brian Lauterbach with technical assistance from Sands Surveying for consideration to change AG-20 Agricultural to B-2 General Business pertinent to two properties located within the Blanchard Lake Zoning District with existing businesses. The properties are located at 5015 Hwy 93 South and 1985 Hodgson Road and contain 12.656 acres. On March 19, 2008 the Flathead County Planning Board voted 5-2 to recommend approval of the proposal. Hogle noted it would be up to the Commission to make the determination as to if this proposal represents spot zoning. He further reviewed the application that indicates the owners' interest in re-zoning to correct the issue of non-conformance and the Evaluation Based on Statutory Criteria Report, 1-12. Hogle stated that as he prepared the Staff Report he based his answer on #12 of the Statutory Criteria Report that jurisdiction meant the boundaries of the zoning district. Also noted is the zoning request does not encourage the most appropriate use of the land throughout the jurisdiction of the land.

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition of the zone change.

Erica Wirtala, Sands Surveying presented a map of the Blanchard Lake Zoning District that was adopted in 1993. She then stated that she finds it unusual that the district boundaries actually go to the section line when you would have thought in 1993 that maybe they would have used Hwy 93 as a natural starting and stopping point. It was noted this is a large zoning district and when the 3 property owners had a chance to protest a zone change that was over laid upon them, they were overwhelmed by the majority of the land owners. She then said her clients are asking for an AG20 to a B2 in order to be zoned in accordance to what they are operating as. The proposal passed with a 5-2 vote with the Planning Board after considerable talk about spot zoning, and at the public hearing there was no public opposition to the proposal. Wirtala spoke about the Master Plan and compliance of it, spot zoning, density, infrastructure along Hwy 93 and stated that she agrees with Planner Hogle in that this is a jurisdictional area, and believes the Commission has the opportunity to govern the entire jurisdiction. She then said she received a letter from the County Attorneys Office that she was surprised to receive with the application being in the works since early December. She then noted case law examples in regards to spot zoning and commented that more current case law has pointed to the fact that if there is no public opposition that the third prong of the case law says, "if it is only to benefit one or fewer landowner at the expense of the surrounding land owner or the general public it fails on that if there is no public opposition." You have to meet three of the criteria in Little to be declared spot zoning.

Debbie Biolo explained that the Designated Land Uses Map is a flawed determination with it looking like it is all agricultural property. She then stated that she too was surprised to receive the letter from the County Attorney is regards to spot zoning. Biolo then said that she has previously asked that her situation be looked at for just what it is, with it not being what they are use to seeing; they are not asking to break up authentic agricultural land, they are only asking for their use to be consistent. As non-conforming and not being consistent the property cannot lapse for more than 180 days, and if the property were ever to be put up for sale, operating under non-conforming status could affect the value of the property. She then spoke about policies and goals from the Implementation Plan that was adopted on April 15, 2008 and asked that they be given the same shake as those that are coming in and breaking up authentic agricultural land and getting commercial designation.

Gary Oh's, owner of Oh's Body Shop stated that when he started his business in 1970 in Whitefish there was no zoning. He then added that he has been told by the Planning Office that his property is zoned and that his business is a non-conforming

use. Oh's then said he purchased land five miles out of town and relocated his business in an area of no zoning; once again he finds he is limited by zoning by being a non-conforming user in AG-20 zoning. He further stated he would like to have the option of expanding his business on a piece of property that he bought long before zoning and has paid commercial taxes on, and not be limited on and have severely devalued by unsuitable and unfair zoning.

Jeff Jensen, Happy Valley Storage stated that he is in support of the zone change request. He then noted that he didn't receive a notification letter in regards to a zone change taking place and asked that the Commission require that a certified letter be sent when a zone change is taking place. Jensen then said he pays commercial taxes although he doesn't have commercial zoning. He further noted when the State came in they talked to him and he was told they were planning on the area as a commercial area and that is why they curbed and guttered the area and put in the street lighting. Jensen then stated if you pay commercial taxes you should be able to have commercial zoning.

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

Commissioner Lauman made a **motion** to approve DenGar Etal, Blanchard Lake Zoning District, Resolution #966R. Commissioner Brenneman **seconded** the motion.

Commissioner Brenneman asked Wirtala if she advised the applicant on the zoning request.

Wirtala said she spoke to Planner Grieve at length in regards to what zoning to request with the I-1 allowing for Oh's Body Shop to continue, and with B-2 being a more generalized business zone.

Commissioner Brenneman asked if B-3 was discussed.

Debbie Biolo said that they found that auto sales were only allowed in Industrial and B-2 and to consider any of the others, which they did; they would come through again as being non-conformance and put them in the same jeopardy.

General discussion was held relative to other zoning possibilities.

Commissioner Lauman said he does support the zone change request because it does not fit the AG-20 agricultural, and feels it does fit B2.

Chairman Hall stated the fact that there is no opposition and was in use before the Blanchard Zoning District and does comply with the general master plan that he too is in support of it.

Aye - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intent and authorized the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 966R

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 7th day of May, 2008, concerning a proposal by Den Gar Properties, Paul and Debbie Biolo and Brian Lauterbach, to change the zoning designation in a portion of the Blanchard Lake Zoning District from AG-20 (Agricultural) to B-2 (General Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on April 26 and May 3, 2008;

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Blanchard Lake Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation on a portion of the Blanchard Lake Zoning District from Ag-20 (Agricultural) to B-2 (General Business), that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Blanchard Lake Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Blanchard Lake Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Blanchard Lake Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders within the Blanchard Lake Zoning District protest the proposed change in said districts, then the change will not be adopted.

DATED this 7th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Gary D. Hall
Gary D. Hall, Chairman

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

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

EXHIBIT "A"
REQUEST FOR ZONE CHANGE FROM AG-20 TO B-2

The boundaries of the property proposed for rezoning are the boundaries of two properties containing approximately 12.656 acres, one located on 5015 Highway 93 South and 1985 Hodgson Road, described as Tract 2FB in Section 25 (Shown as Parcel 2 of Certificate of Survey No. 4456), and Tract 3DB in Section 24 (Shown as Tract 1 of Certificate of Survey No. 10611), to be zoned B-2; all in Township 30 North, Range 22 West, P.M.M., Flathead County Montana.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 966R) on May 7, 2008, to change the zoning designation in a portion of the Blanchard Lake Zoning District from AG-20 (Agricultural) to B-2 (General Business).

The boundaries of the area proposed to be changed from the AG-20 and B-2 classification are set forth on Exhibit "A" hereto.

The proposed change would generally change the character of the zoning regulations applicable to the property from regulations intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to an area intended to provide for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities, and by businesses serving the general needs of the tourist and traveler.

The Flathead County Zoning Regulations defining the AG-20 and B-2 Zones 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://co.flathead.mt.us/fcpz/index.html>. Documents related to the proposed amendment are also on file for public inspection at the Office of the Clerk and Recorder and at the Flathead County Planning and Zoning Office.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Blanchard Lake Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 7th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Gary D. Hall
Gary D. Hall, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on May 12 and May 19, 2008.

EXHIBIT "A"
REQUEST FOR ZONE CHANGE FROM AG-20 TO B-2

The boundaries of the property proposed for rezoning are the boundaries of two properties containing approximately 12.656 acres, one located on 5015 Highway 93 South and 1985 Hodgson Road, described as Tract 2FB in Section 25 (Shown as Parcel 2 of Certificate of Survey No. 4456), Tract 3DB in Section 24 (Shown as Tract 1 of Certificate of Survey No. 10611), to be zoned B-2; all in Township 30 North, Range 22 West, P.M.M., Flathead County Montana.

MEETING W/ JOSH ALPERT/ N.W. CONSERVATION SERVICE RE: TRUST FOR PUBLIC LANDS PRESENTATION ON PUBLIC FINANCE MEASURES

[10:32:38 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Weed & Parks Director Jed Fisher, Planning & Zoning Director Jeff Harris, Larry Van Rinsum, Josh Alpert, Marilyn Wood, Karen Reeves, Stacy Allen, Jim Watson, Clyde Fisher, Ray Saunders, Ken Siderius, Alisha Young, Maray Mahr, L. Blood, Eleanor Morris, Clerk Kile

Marilyn Wood with Flathead Land Trust reported they would be holding a series of informational meetings for the Commissioners as well as the public in partnership with the Conservation District and Parks Board to better inform rural land owners about incentives and opportunities that can be brought forth to meet the needs for parks, trails and protecting working lands.

Josh Alpert, the director for Northwest Conservation Services for Public Lands said their mission is to conserve lands for people to enjoy as parks, gardens, and other natural places ensuring livable communities for generations to come. He then noted they were started as a giant land trust and since have moved into other services which include:

- Conservation Vision – Helping communities to develop implementation strategies for their land conservation goals.
- Conservation Finance – Helping government partners and communities to create funding for parks and land conservation
- Conservation Transactions – Helping government partners and communities to evaluate and purchase lands

Josh Alpert then noted Trust Public Lands (TPL) also helps states, counties and municipalities to create and pass ballot measures for conservation with the research team providing analysis and recommending strategies that result in measures that align with public priorities with voter support of nearly 84 percent. He further spoke about conducting national surveys, bond measures and stated their intention is to go out into the field and do a survey to get a broad view of what the issues in the Flathead are.

Marilyn Wood asked that a letter be sent from the Commission in support of a survey.

CONSIDERATION OF COS: ABELL

[10:48:32 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman

Members absent:

Chairman Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Planner Andrew Hagemeyer, Planner Dianna Broadie, Sarah Arrigoni, Brad Abell, Clerk Kile

Hagemeyer reviewed the Abell COS review proposal located between Whitefish and Columbia Falls, south of Hwy 40 off Kinnikinnick Lane, in which 1.24 acres is to go to Jesse Abell, 1.11 acres to Jennifer McCowe, 2.33 acres to Denna Abell, and 2.26 acres to be retained by the owner.

Commissioner Brenneman PT explained Resolution 509D and asked the applicant what the purpose of the transfer is.

Brad Abell stated the property would be given to his two daughters and wife.

Commissioner Brenneman PT questioned Mr. Abell in regards to his intent with parcel 3.

Brad Abell said he would be holding it for his oldest daughter.

General discussion was held relative to parcel 3.

Commissioner Brenneman PT asked Sarah Arrigoni if she would state in her professional opinion that this is not an evasion.

Sarah Arrigoni replied that it was not.

Commissioner Lauman made a **motion** to approve the COS for Abell. Commissioner Brenneman PT **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

11:00 a.m. County Attorney meeting @ Co. Atty's Office
12:00 p.m. Commissioners' Building Facilities Work Session

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 8, 2008.

THURSDAY, MAY 8, 2008

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

Chairman Hall opened public comment on matters within the Commissions' Jurisdiction.

George Culpepper, Northwest Montana Association of Realtors said that apparently things are getting out of control with the Planning Department, in that members from Bigfork have told him there was a meeting on Monday held by BLUAC with the Planning Department Chairman Jeff Harris with no public notice given. He continued with it was just recently found out this morning that their minutes were now posted, but he feels that was only done because it was brought to their attention and that he feels it is inexcusable with the Northwest Montana Association of Realtors having great concern. Culpepper then asked the Commission to take appropriate action to address this to make sure it doesn't happen again.

No one else rising to speak, Chairman Hall closed the public comment period.

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:04:17 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, George Culpepper, Clerk Kile

Discussion was held relative to issues raised by BLUAC members and their concerns regarding staff presentations and staff reports.

Harris said when they send out their packets to board members they include the Staff Report. In the case of BLUAC they were sent just the application package that gives them as much information as they have before the Staff Report is written; it is basically a timing issue they need to deal with. If a copy of the Staff Report was available it would be sent to them, and they do send it when it's available before the packets go out. Harris then said that it is BLUAC's responsibility to advertise their meetings; we don't set their agenda or advertise their agenda. He then emphasized that everything that is done for the public needs to be advertised.

Harris then presented a "FY 2009 Strategic Work Plan" from the Planning and Zoning Office and the Flathead County Transportation Plan Phase II, Goals & Objectives Technical Memorandum, Socioeconomic Analysis and Growth Projections Technical Memorandum, Paved vs. Unpaved Roadways Technical Memorandum and Maintenance Rating System Technical Memorandum that are working drafts associated with specific tasks. He then noted the studies do not include the incorporated cities.

Discussion also included details from the retreat held for the Planning Board in which Harris noted there is frustration with the board in regards to procedures. Harris said they would like to bring a list before the Commission for support of things they want to work on.

OPEN BIDS: CRUSHED GRAVEL/ ROAD DEPT

[9:45:19 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Road Department Shop Superintendent Ted Gilbertson, Dick Brady, Michelle Reeves, John Barek, Jeff Claridge, Clerk Kile

Bids received with bid bonds enclosed for 50,000 tons 3" minus crushed gravel at Shepherder Pit.

LHC, Inc.	\$2.93/T	\$146,500.00
Goose Bay	\$3.38/T	\$169,000.00

Bids received with bid bonds enclosed for 100,000 tons ¾" minus crushed gravel at Shepherder Pit.

LHC, Inc.	\$3.44/T	\$344,000.00
Goose Bay	\$3.38/T	\$338,000.00

Bids received with bid bonds enclosed for 100,000 tons ¾" minus crushed gravel at Bush Pit.

Schellinger Construction	\$3.30/T	\$165,000.00
LHC, Inc.	\$3.64/T	\$182,000.00
Goose Bay	\$3.38/T	\$169,000.00

Bids received with bid bonds enclosed for 50,000 tons ¾" minus crushed gravel at Gladys Glen Pit.

Schellinger Construction	\$3.27/T	\$163,500.00
LHC, Inc.	\$3.65/T	\$182,500.00
Goose Bay	\$3.38/T	\$169,000.00
Spoklie's	\$4.20/T	\$210,000.00

Commissioner Lauman made a **motion** to refer the bids to the Road Department. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

BUDGET AMENDMENT: HEALTH DEPT.

[9:59:30 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve Budget Amendment Resolution #2144. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2007-2008, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2007-2008; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 8th day of May 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Gary D. Hall
Gary D. Hall, Chairman

By _____
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

DATE OF ISSUE:		4/24/2008	FY 08 RESOL 2144		VOUCHER #:	
DATE OF RECORD:					Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESC	DEBIT	CREDIT
2969	0190	344066		FCHC State Funding	\$139,888	
2969	0190	344060		FEES	\$14,399	
2969	0190	343130		MEDICAID	\$10,000	
2969	0190	344120		MEDICARE	\$5,000	
2969	0190	344067		INSURANCE	\$10,000	
2969	0190	440510	110	SALARIES		\$43,466
2969	0190	440510	141	UNEMPLOYMENT		\$109
2969	0190	440510	142	INDUSTRIAL ACCIDENT		\$361
2969	0190	440510	143	HEALTH INS		\$4,475
2969	0190	440510	144	FICA		\$2,695
2969	0190	440510	145	PERS		\$2,956
2969	0190	440510	147	MEDICARE TAX		\$630
2969	0190	440510	150	LIFE INSURANCE		\$0
2969	0190	440510	210	OFFICE SUPPLIES		\$1,800
2969	0190	440510	212	EQUIPMENT		\$45,830
2969	0190	440510	215	COMP EQUIP/SFTWR/HRDWR		\$25,200
2969	0190	440510	222	CHEM/LAB/MED SUPPLIES		\$5,315
2969	0190	440510	228	EDUCATIONAL SUPPLIES		\$1,500
2969	0190	440510	229	OTHER OPER SUPPLIES		\$0
2969	0190	440510	311	POSTAGE		\$200
2969	0190	440510	335	MEMBERSHIPS/REG		\$4,600
2969	0190	440510	345	TELEPHONE		\$10,000
2969	0190	440510	363	MACHINE REPAIR		\$0
2969	0190	440510	378	TRAVEL		\$500
2969	0190	440510	380	TRAINING		\$1,000
2969	0190	440510	398	CONTRACTED SERVICES		\$23,650
2969	0190	440510	510	INSURANCE		\$5,000
BUDGET AMENDMENT (FUNDING FOR MAY & JUNE 2008)					\$179,287	\$179,287
We received State funding for the Flathead Community Health Center. It starts May 1, 2008.						
This is the budget for the FCHC for May & June, 2008.					Approved by:	Joe Russell
					Date:	4/24/2008

DOCUMENT FOR SIGNATURE: SERVICE PROVIDER DESIGNATION FORM/ CDC

10:01:24 AM

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:
Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the service provider document for signature for the Chemical Dependency Clinic. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

LOAD LIMITS

[10:02:00 AM](#)
Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Mike Pence, Clerk Kile

Chairman Hall read into the record the load limits will be lifted effective today.

CONSIDERATION OF PRINTING BIDS: LIBRARY

[10:02:06 AM](#)
Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to award the Library bid to American Printing for 1,250 summer reading program covers for \$625.29. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: CADY ZONE CHANGE/ EVERGREEN & VICINITY ZONING DISTRICT

[10:03:23 AM](#)
Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve final Resolution #797ES. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 797 ES

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 25th day of March, 2008, to consider a proposal to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to R-2 (One-Family Limited Residential);

WHEREAS, the Board of Commissioners heard public comment on the proposed zoning change at said hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Evergreen and Vicinity Zoning District;

WHEREAS, based upon that recommendation and the public testimony, 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. 797 ER, dated March 25, 2008) to change the zoning designation from R-1 (Suburban Residential) to R-2 (One-Family Limited Residential); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on March 29 and April 5, 2008, and the Board of Commissioners did not receive written protests to the change from forty per cent (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 Evergreen and Vicinity Zoning District to change the zoning designation, for the area described as the boundaries of Lots 8, 9 and 10 of Block 1 in Scenic Tracts Subdivision in Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, from R-1 (Suburban Residential) to R-2 (One-Family Limited Residential), as those terms are used and defined in the Flathead County Zoning Regulations.

DATED this 8th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Gary D. Hall
Gary D. Hall, Chairman

By _____

Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

CONSIDERATION OF COS REVIEW: QUIST

[10:08:06 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planner Andrew Hagemeyer, Rob Quist, Bonni Quist, Clerk Kile

Hagemeyer reviewed the COS review for the Quist family transfer. The proposal is to retain parcel 2, which is 2.02 acres and to transfer parcel 1, which is 18.20 acres to his daughter. The subject property is located on Riverside Road south of where the road crosses Mill Creek.

Rob Quist stated the request is for estate planning and the property will be given to his daughter.

Commissioner Lauman made a **motion** to approve the Quist family transfer. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERTION OF ADOPTION OF RESOLUTION: FIRE SEASON 2008

[10:18:32 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Lauman made a **motion** to adopt Resolution #2145 to establish the 2008 fire season. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 2145

WHEREAS, The Board of Commissioners, Flathead County, Montana, has the authority, pursuant to Section 7-33-2205, M.C.A., to establish fire seasons annually, during which no person may ignite or set any forest fire, slash burning fire, land-clearing fire, or debris burning fire within areas of the County which they so designate, without the individual or other person desiring to ignite or set any of the above mentioned fires, having obtained an official written permit for such a fire from the recognized protection agency for that protection area;

WHEREAS, burning permits are typically required during the May 1 through September 30 State Forest Fire Season; and

WHEREAS, the Board of Commissioners, Flathead County, Montana has determined that the following fire season and the fire protection areas, as below set forth, should be set.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby establishes a fire season for the year 2008 to run from May 8 to September 30, 2008, inclusive.

BE IT FURTHER RESOLVED, that the protection area to which this resolution applies is the entire Flathead County area, except the three Incorporated Cities in Flathead County and the areas inside the City Limits thereof. This does and shall include all private, State and Federal lands within Flathead County, outside the Cities.

BE IT FURTHER RESOLVED that the recognized protection agencies for the designated protection areas are the Rural Fire Districts, and Fire Service Areas authorized under State law to provide fire protection within their districts and the Department of Natural Resources and Conservation, Glacier National Park, and Flathead National forest, authorized to provide fire protection on certain private, Federal and State land.

BE IT FURTHER RESOLVED, that any person desiring to ignite or set any forest fire, slash-burning fire, land-clearing fire or debris-burning fire within the jurisdictional area of any of the above enumerated protection agencies during the May 1 to September 30 period, or any extension thereof, must first obtain an official written permit from that particular agency.

BE IT FURTHER RESOLVED, that this resolution will take effect on May 8, 2008.

PASSED AND ADOPTED this 8th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Gary D. Hall
Gary D. Hall, Chairman

By _____

Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: FOSTER ZONE CHANGE/ BLANCHARD LAKE ZONING DISTRICT

[10:18:43 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Deputy County Attorney Jonathan Smith, Eric Mulcahy, Clerk Kile

Commissioner Lauman made a **motion** to approve final Resolution #966Q for the Foster Zone Change. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 966 Q

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 1st day of April, 2008, concerning a proposal to change the zoning designation in portions of the Blanchard Lake and Highway 93 North Zoning Districts from AG-40 (Agricultural) and AG-20 (Agricultural) to SAG-5 (Suburban Agricultural) and SAG-10 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed changes in the Blanchard Lake and Highway 93 North Zoning Districts;

WHEREAS, based upon that recommendation and the public testimony, 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. 966 P) on April 1, 2008, to change the zoning designation in portions of the Blanchard Lake and Highway 93 North Zoning Districts from AG-40 (Agricultural) and AG-20 (Agricultural) to SAG-5 (Suburban Agricultural) and SAG-10 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on April 5 and April 12, 2008, and the Board of Commissioners did not receive written protests from forty percent (40%) of the freeholders within the either the Blanchard Lake Zoning District or the Highway 93 North Zoning District.

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 Blanchard Lake and Highway 93 North Zoning Districts to change the zoning designation for the areas described on Exhibit A attached hereto, from AG-40 (Agricultural) and AG-20 (Agricultural) to SAG-5 (Suburban Agricultural) and SAG-10 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations.

DATED this 8th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Gary D. Hall
Gary D. Hall, Chairman

By _____
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

EXHIBIT "A"
ZONE CHANGE FROM AG-40 AND AG-20 TO SAG-10 and SAG-5

The boundaries of the property proposed for rezoning are the boundaries of two properties containing approximately 1,107 acres, one located on Brady Way, Stelle Lane and US Highway 93 South, described as Tract 4 in Section 26, Tract 4 in Section 25, Tracts 2E, 3F, 4, 5, 5-100 in Section 24, and Tract 5BA in Section 23, to be zoned SAG-5; and one located on KM Ranch Road and Whitefish Ranch Road, described as Tracts 1, 2, 2B and 4A in Section 22, Tracts 1, 2, 2A, 3, 3A, and 3B in Section 23 and Tracts 1, 5, and 5B and Lot 12 in Whitefish Hills, Phase 1, in Section 14, to be zoned SAG-10; all in Township 30 North, Range 22 West, P.M.M., Flathead County Montana.

DOCUMENT FOR SIGNATURE: DNRC RRGL GRANT APPLICATION

[10:20:39 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Grant Writer Debbie Pierson, Clerk Kile

Pierson reported the document is an authorizing statement needed in order to apply for the Bigfork Storm Water Project.

Commissioner Lauman made a **motion** to approve the DNRC RRGL grant application and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF EXTENSION REQUEST: LAKESIDE ESTATES, PHASES 3-5

[10:30:58 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Dale W. Lauman
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Planning & Zoning Director Jeff Harris, Eric Mulcahy, Tom Sands, Brett Birk, Charles Siderius, Clerk Kile

Chairman Hall noted that one extension has already been granted to Lakeside Estates.

Eric Mulcahy explained they basically have everything complete for phase 3 of the project and are waiting for a DEQ Certificate. He then stated that Brett Birk has been working with DEQ and Lakeside Water & Sewer District to try to resolve the issues and hopes to have Phase 3 to the Planning Office shortly. He then presented a copy of MCA 76-3-610 to the Commission that allows for extensions when extenuating circumstances are present.

Commissioner Lauman made a **motion** to extend the extension request for Lakeside Estates, Phase 3-5 for 3 months. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

- 12:00 p.m. Bigfork Steering Committee Public Forum @ Bethany Lutheran Church**
- 12:00 p.m. Commissioner Hall to Montana Dept. of Commerce Development of Montana's Consolidated Plan @ Grouse Mountain Lodge**
- 2:00 p.m. Commissioner Lauman to AOA Board meeting @ Solid Waste District Conference Room**
- 7:00 p.m. Road Advisory Committee meeting @ Solid Waste District Conference Room**
- 7:00 p.m. Prerelease Center Working Committee Public Forum @ Fairgrounds Expo Building**
- 7:30 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 May 9, 2008.

FRIDAY, MAY 9, 2008

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

- 9:00 a.m. Commissioner Lauman to Audit Committee meeting @ Commissioners' Meeting Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 12, 2008.
