
MONDAY, AUGUST 4, 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.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: FALCON & HAY ZONE CHANGE/ BLANCHARD LAKE ZONING DISTRICT

10:01:04 AM

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planner Andrew Hagemeyer, Clerk Kile

Commissioner Lauman made a **motion** to approve final Resolution #837BP to change zoning from SAG 10 to SAG 5 in the Blanchard Lake Zoning District. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 837 BP

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 24th day of June, 2008, concerning a proposal to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Highway 93 North 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. 837 BO, dated June 24th, 2008) to change the zoning designation of the property described on Exhibit A, in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on June 28 and July 5, 2008, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders in 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 Highway 93 North Zoning District to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), that property being described on Exhibit A.

DATED this 4th day of August, 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

By: _____
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

DOCUMENT FOR SIGNATURE: CTA ARCHITECTS ENGINEERS CONTRACT ADDENDUM/ 911 EMERGENCY OPERATIONS CENTER

10:33:57 AM

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Corey P. Johnson, Mark Peck, Clerk Kile

Commissioner Lauman made a **motion** to approve the CTA document for signature for the 911 Emergency Operations Center. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

BOARD APPOINTMENT: SWAN HILL TV DISTRICT

10:34:35 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 appoint James Lowe to the Swan Hill TV District. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

BUDGET AMENDMENT: RADON/ HEALTH DEPT.

10:40:08 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 #2154. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

BUDGET AMENDMENT RESOLUTION NO. 2154

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 4th day of August 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:		7/27/2008			VOUCHER #:	
DATE OF RECORD:		Resolution #2154			Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2966	0190	344085		RADON TEST KIT SALES	\$267.00	
2966	0190	440110	110	SALARIES		\$267.00
Explanation				BUDGET AMENDMENT	\$267.00	\$267.00
We received more revenue in test kit sales than anticipated. We would like to use it for Salaries & Benefits.						
					Approved by:	Joe Russell
					Date:	7/27/08

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #08-07-4-51-103-0

[10:47:02 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 DPHHS Contract #08-07-4-51-103-0 and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #08-07-5-21-008-0

[10:47:55 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 DPHHS Contract #08-07-5-21-008-0 and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ANNEXATION INTO SOMERS FIRE DISTRICT/MACBEAR LTD. PARTNERSHIP

[10:50:31 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 Resolution of Intent #2155 and authorized publication of the Notice of Public Hearing for annexation into the Somers Rural Fire District. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 2155

WHEREAS, Section 7-33-2125, M.C.A., allows for annexation of adjacent property into a fire district upon petition by at least 50% of the owners in an area to be annexed and approval by the Trustees of the Fire District;

WHEREAS, a petition was received from 100 % of the owners of property that is currently in the Flathead County Fire Service Area, to be annexed into the Somers Rural Fire District and that petition was approved by the Board of Trustees of the Somers Rural Fire District;

WHEREAS, the property to be annexed is described as Lots 1 through 8 of Bear Mountain Estates Subdivision located in the SE ½ of Section 1, Township 26 North, Range21 West, P.M.M., Flathead County, Montana, and shown on Exhibit A hereto;

WHEREAS, Section 7-33-2125, M.C.A., requires that the Board of Commissioners hold a hearing on the petition to annex; and

WHEREAS, Section 7-33-2401, M.C.A., allows the Board of Commissioners to alter the boundaries of the Flathead County Fire Service Area upon petition and after passage of a resolution of intent and conduct of a public hearing.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that it intends to alter the boundaries of the Flathead County Fire Service Area by transferring the property described as Lots 1 through 8 of Bear Mountain Estates Subdivision located in the SE ½ of Section 1, Township 26 North, Range21 West, P.M.M., Flathead County, Montana into the Somers Rural Fire District.

BE IT FURTHER RESOLVED that the Board of Commissioners will hold a public hearing on its intent to alter said boundaries and on the petition to annex the property into the Somers Rural Fire District on the **19th** day of **August, 2008**, at **9:45 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will accept written protests from property owners of the property described above and will receive general protests and comments relating to the alteration of the boundaries of the Flathead County Fire Service Area and the Somers Rural Fire District.

BE IT FURTHER RESOLVED that notice of the passage of this resolution of intent and of the scheduling of the public hearing shall be published pursuant to the terms of Section 7-1-2121, M.C.A.

Dated this 4th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Gary D. Hall

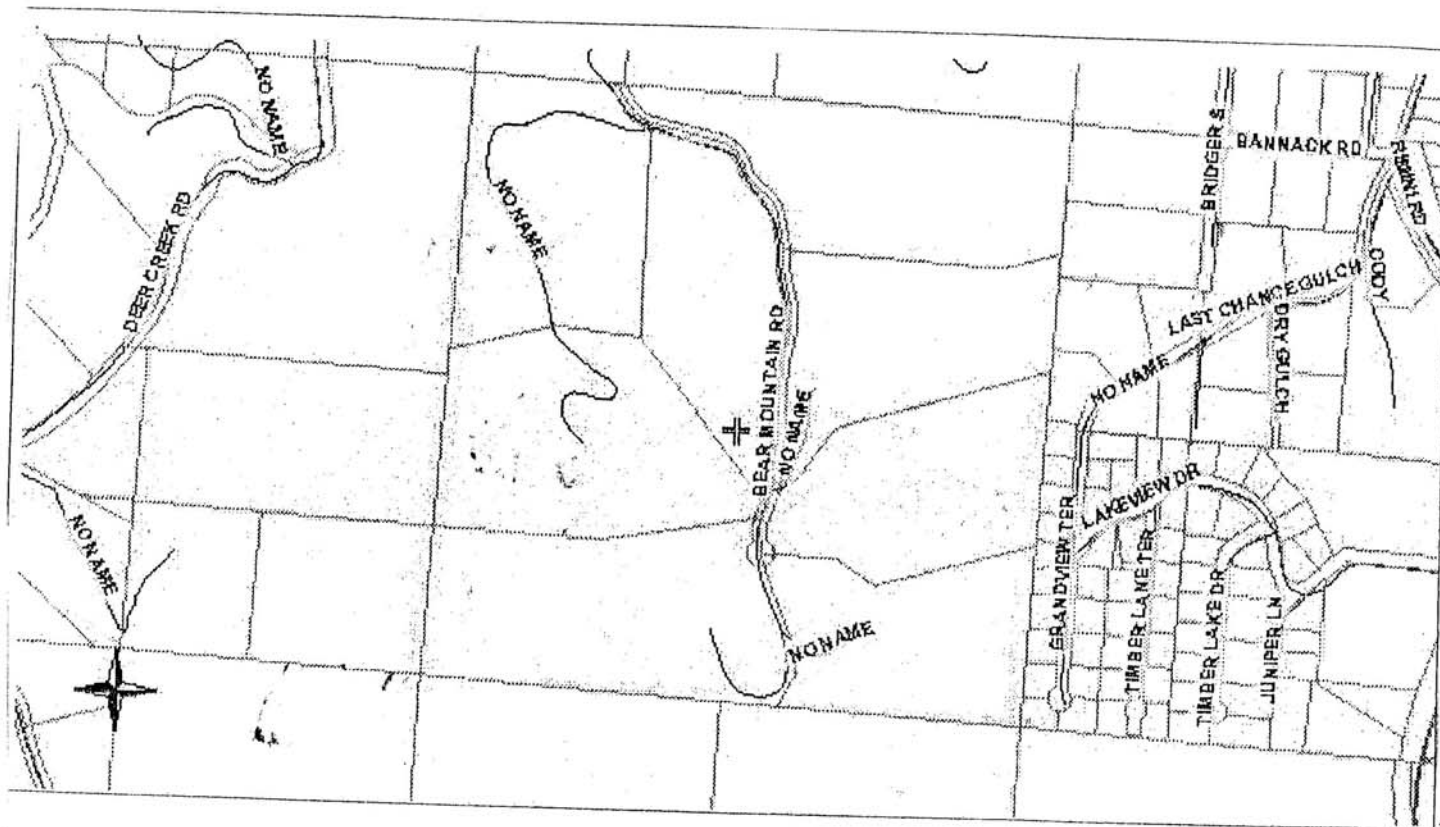
Gary D. Hall, Chairman

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



VICINITY MAP
BEAR MOUNTAIN ESTATES, LAKESIDE
SECTION 1, TOWNSHIP 26 NORTH, RANGE 21 WEST

Exhibit "A"

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 7-33-2125(1)(b), M.C.A., that it will hold a public hearing to consider a petition to annex territory into the Somers Rural Fire District, said territory being described as Lots 1 through 8 of Bear Mountain Estates Subdivision located in the SE 1/2 of Section 1, Township 26 North, Range 21 West, P.M.M., Flathead County, Montana, and to alter the boundaries of the Flathead County Fire Service Area.

The Board of Commissioners has received a petition in writing by the owners of 100% of the land of the area to be annexed asking that such area be annexed into the Somers Fire District and has passed a Resolution of Intent to alter the boundaries of the Flathead County Fire Service Area by transferring the property described as Lots 1 through 8 of Bear Mountain Estates Subdivision located in the SE 1/2 of Section 1, Township 26 North, Range 21 West, P.M.M., Flathead County, Montana, into the Somers Rural Fire District.

The public hearing will be held on the 19th day of August, 2008, at 9:45 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed annexation, and will consider whether a protest petition signed by a majority of the landowners of the area proposed for annexation, which would prevent the annexation, is presented at the hearing.

DATED this 4th day of August, 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 August 7 and August 14, 2008.

MONTHLY MEETING W/ GUY FOY & DAVID PRUNTY, ROAD DEPT.

11:00:07 AM

Members present:

- Chairman Gary D. Hall
- Commissioner Dale W. Lauman

Members absent:

- Commissioner Joseph D. Brenneman

Others present:

- Assistant Mike Pence, Public Works Director David Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Clerk Kile

A chip seal / overlay cost analysis report was presented to the Commission that included the total miles and labor involved for repair of roads in the county. A request by a citizen to personally pave 1,000 feet of road not up to county standards was discussed and denied. Discussion was also held relative to a proposal for a road closure permit application and No-Thru Truck signs on Marquardt Lane from North Hill Road to Kienas Road and Batavia Lane, the gravel portion of Belton Stage from Lake Five Road to the asphalt surface, Helena Flats Roads from Hwy 35 North to E. Reserve Drive and Meadowlake Drive from Tamarack Lane North to its intersection with Glen Eagles Trail. The Road Advisory Committee report was presented with their recommendations also.

- 8:00 a.m. Commissioner Brenneman: Meeting w/ Bigfork Stormwater Committee
- 9:00 a.m. Commissioner Brenneman: Travel to Helena
- 1:00 p.m. Commissioner Brenneman: Meeting w/ Sheena Wilson @ Governor's Office
- 3:00 p.m. Commissioner Brenneman: Meeting w/ Harold Blattie @ MACo, Helena

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

TUESDAY, AUGUST 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.

Larry Wayne, 653 Swan Mountain Village stated that he and three of his neighbors filed complaints against their neighbor in April and asked for an update as to what is being done. He then said their neighbor's property is zoned residential and is being used as a depot for large trucks and earth moving equipment. Wayne further said it is noisy with the diesel trucks idling from 6 a.m. up until 9:30 p.m. Copies of the violation forms submitted were given to the Commission.

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

BI-MONTHLY MEETING W/ VICKI SAXBY, I.T.

[9:23:52 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

I.T. Director Vicki Saxby, Clerk Kile

Saxby reported the web enhancement project is going well with traffic usage to the website doubled. Also noted was the new website will have a county intranet site for posting internal information and will soon be available to renew vehicle licenses online. She then reported on programmer projects that included work on online tax payments and programmatically correcting DOR data errors. Saxby then explained the Performance Measure and Workload Indicator Report that was presented. It was also reported new versions of anti-virus software are being installed on workstations and servers. Discussion was then held relative to offering office training classes to City employees' in which Commission approval was granted when space is available.

PRELIMINARY PLAT: SUBDIVISION NO. 276

[9:35:10 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Jamie Reed, Clerk Kile

Hogle entered into record Staff Report FSR 08-06. He then reviewed the application submitted by Laurence and Jennifer Wilke with technical assistance from Sands Surveying for preliminary plat approval of Subdivision No. 276; a one lot minor subdivision on 20.395 acres located east of Hwy 206 at 745 Mooring Road. The proposal would create one 2.5 acre residential lot and one 17.89 acre remainder lot from the subject property. It was noted Deputy County Attorney Peter Steele submitted a letter that states he feels it is appropriate to review the subdivision with the remainder lot as a matter of timing. Hogle then stated the subdivision regulations require 29' of the road be paved. Also noted was no variance has been requested by the applicant for access onto a collector road; although a variance to Section 4.7.7(c) is required in order to comply with the Flathead County Subdivision Regulations. Staffs recommendation is that Flathead County Commission adopt staff Report FSR 08-06 as Findings of Fact and approve Subdivision 276 subject to a variance from the requirement of Section 4.7.7.(c) and 19 conditions.

Commissioner Lauman commented that 29' of paving is costly and questioned cash in lieu instead of paving.

Commissioner Lauman made a **motion** to adopt Staff Report FSR 08-06 as Findings of Fact. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Discussion was then held relative to cash-in-lieu for the 29' paving requirement.

Commissioner Lauman made a **motion** to leave variance 4.7.7(c) in. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Condition 15 was changed to state: From the edge of the existing pavement southward toward the subject property, Mooring Road shall be improved with 29 feet of pavement constructed to standards outlined in the Flathead County Road and Bridge Departments "Minimum Standards for Design and Construction Manual". The improvement shall be completed and certified by a licensed engineer prior to final plat. The applicant may provide cash-in-lieu of road improvement based upon a paving contractor's estimate of cost within six months of the date of final plat accompanied by a letter of concurrence with the contractor's cost estimate from the Flathead County Public Works Director.

Commissioner Lauman made a **motion** to approve preliminary plat of Subdivision No. 276 with amended conditions. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Standard Conditions

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.17(iv), Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road Department or the Montana Department of Transportation indicating the approach has been built and received final inspection and final approval. [Section 4.7.17, FCSR]
3. A dust control plan shall be re-submitted that adequately addresses measures to minimize construction dust and includes post-construction dust mitigation measures. [Section 4.7.14, FCSR]
4. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that the plat meets the requirements of the fire district shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
5. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.26, FCSR]
6. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.24, FCSR]
7. The proposed water, wastewater treatment and stormwater drainage systems for the subdivision shall be reviewed as applicable by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, FCSR]

8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.27.c, FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.24, FCSR]
 - c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.23, FCSR]
 - d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.26, FCSR]
 - e. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
 - f.

Waiver of Protest
Participation in Special Improvement District
[per County Resolution 503-M]

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
10. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]
11. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
12. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.2.19, FCSR]
13. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.2.15, FCSR]
14. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. [Section 4.2.13, FCSR]

Project-Specific Conditions

15. From the edge of the existing pavement southward toward the subject property, Mooring Road shall be improved with 29 feet of pavement constructed to the standard outlined in the Flathead County Road and Bridge Departments' "Minimum Standards for Design and Construction Manual". The improvement shall be completed and certified by a licensed engineer prior to final plat, OR the applicant may provide cash-in-lieu of road improvement based upon a paving contractor's estimate of cost within six months of the date of final plat accompanied by a letter of concurrence with the contractor's cost estimate from the Flathead County public works director. [Sections 4.7.18 and 4.7.9 FCSR]
16. Applicant shall submit an improved Dust Plan for Subdivision 276 that complies with Section 4.7.14 of the Flathead County Subdivision Regulations prior to final plat.
17. The 60' Private Road and Utility Easement drawn on the Remainder, as indicated on the preliminary plat, shall not be included on the face of the final plat.
18. The existing 30 foot wide road and utility easement that occurs across the northern boundary of the subject property and indicated on Certificate of Survey 10035 shall be shown on the face of the final plat.
19. Applicant shall submit a stormwater management plan for review and approval as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality prior to final plat. In the event that Lot 1 is exempt from this standard requirement, a statement accompanied by citing of applicable state law shall be submitted prior to final plat approval.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: THELINE ZONE CHANGE/ EVERGREEN & VICINITY ZONING DISTRICT

[10:00:13 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to authorize publication of the Notice of Public Hearing for the Theline Zone Change/ Evergreen & Vicinity Zoning District and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Clint Theline, et al, to change the zoning designation in a portion of the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) and R-2 (One Family Limited Residential) to B-2 (General Business).

The boundaries of the area proposed to be amended from R-1 and R-2 to B-2 are attached as the boundaries of Tract 5 together with Tract 5FA together with Tract 5F together with Tract 5H located in Section 33, Township 29 North,

Range 21 West, P.M.M., Flathead County, Montana located between the 840-108 blocks on the south side of West Reserve Drive, Kalispell, containing 7.4 acres.

The proposed change would generally change the character of the zoning regulations applicable to the property from providing an area intended to provide 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, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc., and a residential district for large tract development in suburban areas, beyond sanitary sewer and/or water lines, to providing for 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 regulations defining the R-1, R-2 and B-2 Zones are contained in the Flathead County Zoning Regulations, 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 zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **21st day of August, 2008, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

DATED this 5th day of August, 2008.

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

Publish on August 9 and August 16, 2008.

DOCUMENT FOR SIGNATURE: QUIT CLAIM DEED/ WENDT AND CITY OF WHITEFISH (2ND ST & W. LAKESHORE DRIVE)

[10:01:28 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Deputy County Attorney Peter Steele, Deputy County Attorney Jonathan Smith, Debbie Boreson, Clerk Kile

Steele noted the QCD is an exchange.

Commissioner Lauman made a **motion** to approve the QCD for Norma and Patricia Wendt. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Steele then noted Flathead County is giving a portion of E. 2nd Street and a portion of W. Lakeshore Drive to the City of Whitefish.

Commissioner Lauman made a **motion** to transfer a portion of E. 2nd Street and a portion of W. Lakeshore Drive to the City of Whitefish and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: LEASE FOR OLD DOMINION AT KALISPELL FEED & GRAIN

[10:07:39 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Deputy County Attorney Jonathan Smith, Debbie Boreson, Clerk Kile

Commissioner Lauman made a **motion** to approve the lease for another year and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: ADDENDUM TO INTERLOCAL AGREEMENT/ AIRPORT AUTHORITY

[10:08:01 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:
 Commissioner Joseph D. Brenneman
 Others present:
 Deputy County Attorney Jonathan Smith, Debbie Boreson, Clerk Kile

Smith explained the addendum to the interlocal agreement is for another year.

Commissioner Lauman made a **motion** to approve the addendum to the interlocal agreement and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

[10:11:08 AM](#)
 Members present:
 Chairman Gary D. Hall
 Commissioner Dale W. Lauman
 Members absent:
 Commissioner Joseph D. Brenneman
 Others present:
 HR Director Raeann Campbell, Clerk Kile

Campbell presented the personnel transactions for the month of July.

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

Campbell then reported the turnover statistics for 2008 is at 6%. It was also reported negotiations are continuing with the Operating Engineer's, loss control training was held with the Sheriff's Supervisors and meetings will be scheduled with individual departments to explain benefit changes.

MONTHLY MEETING W/ KIM CROWLEY, LIBRARY

[10:18:31 AM](#)
 Members present:
 Chairman Gary D. Hall
 Commissioner Dale W. Lauman
 Members absent:
 Commissioner Joseph D. Brenneman
 Others present:
 Library Director Kim Crowley, Library Office Administrator Karen Marr, Clerk Kile

Crowley reported the July 2008 statistics are up 22% over July of 2007. The following report was presented to the Commission.

JULY Historic all Branches			
Station Library	JULY	Total Circulation	Change Vs. Previous Year FY July June
Bigfork	2005	1,757	-21.63%
	2006	1,918	9.16%
	2007	1,512	-21.17%
	2008	2,361	56.15%
Columbia Falls	2005	4,513	-5.64%
	2006	4,986	10.48%
	2007	4,603	-7.68%
	2008	6,098	32.48%
Main	2005	22,135	-5.82%
	2006	23,239	4.99%
	2007	26,060	12.14%
	2008	31,186	19.67%
Marion	2006	56	
	2007	97	73.21%
	2008	81	-16.49%
Whitefish	2005	7,009	7.90%
	2006	6,792	-3.10%
	2007	6,417	-5.52%
	2008	7,488	16.69%
Systemwide	2005	35,414	
	2006	36,991	4.45%
	2007	38,689	4.59%

2008	47,214	22.03%
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% Overall Checkout	
Main	66.05%
Whitefish	15.86%
C Falls	12.92%
Bigfork	5.00%
Marion	0.17%

Also reported was the Columbia Falls library project is moving forward with the Architects still working on the budget that is projected to be between 1.4 and 2.4 million. Discussion was then held relative to board openings that will close on August 8 with tentative board orientation on August 21, and the first board meeting on August 28, 2008.

CONSIDERATION OF PRINTING BIDS: ELECTION DEPT

[10:46:10 AM](#)

Members present:

- Chairman Gary D. Hall
- Commissioner Dale W. Lauman

Members absent:

- Commissioner Joseph D. Brenneman

Others present:

- Clerk Kile

Commissioner Lauman made a **motion** to approve the print bid from Masters Touch for \$3,250.90 for ballot secrecy envelopes, return envelopes and mail out envelopes for the Election Department. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

MEETING W/ ALEX HOGLE/ PLANNING & ZONING OFFICE RE: KILA BIKE PATH UPDATE

[11:04:13 AM](#)

Members present:

- Chairman Gary D. Hall
- Commissioner Dale W. Lauman

Members absent:

- Commissioner Joseph D. Brenneman

Others present:

- Planner & Zoning Director Jeff Harris, Planner Alex Hogle, Valerie Parsons, Fred Adkins, Allen Sieler, Helen Pilling, Clerk Kile

Hogle reviewed the status of the CTEP projects.

Allocations			Project Name	Encumbered CTEP \$	Status
Year	Federal CTEP			\$106,468.10	Closed
1992	\$222,110.00			\$106,759.75	Closed
1993	\$235,147.00			\$59,593.95	Closed
1994	\$230,301.00			\$194,191.17	Closed
1995	\$251,636.00			\$105,658.55	Closed
1996	\$194,173.00			\$153,137.84	Closed
1997	\$83,799.00			\$192,471.13	Closed
1998	\$171,386.00			\$205,555.01	Closed
1999	\$209,465.00			\$118,102.66	Closed
2000	\$226,668.00			\$430,674.12	Closed
2001	\$241,970.00			\$359,953.40	Closed
2002	\$289,180.00			\$12,781.68	Closed
2003	\$236,419.00			\$143,015.44	Closed
2004	\$234,951.00		Lakeside-Somers	\$257,727.02	Closed
2005	\$243,494.00		E Evergreen	\$491,823.75	Active
2006	\$243,494.00		Sam Bibler Memorial	\$194,371.23	Active
2007	\$243,494.00		Kila Path SW	\$77,808.58	Active
2008	\$255,268.41		Total Encumbered \$	\$3,210,093.38	
Total	\$3,812,955.41		(Allocation - Encumbrances)		
			Balance	\$602,862.03	
		Corrected Project Cost	Const + Eng or Est	Cost Difference	
		E Evergreen	\$538,056.42	\$46,232.67	
		Kila Path SW	\$187,342.00	\$109,533.42	
		Sam Bibler Memorial	Current PSA		
				\$155,766.09	
			Adjusted Balance	\$447,095.94	

Hogle noted the E. Evergreen bike path is proposed to be done before start of the school year and the Kila Bike Path pre-bid meeting is scheduled for August 19, 2008.

Discussion was held relative to prioritization of bike paths.

Commissioner Lauman made a **motion** to authorize publication of Call for Bids for the Kila Bike Path. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

INVITATION TO BID

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive sealed bids for construction of:

Kila Path – SW of Kalispell

All sealed bids, **plainly marked** **“SEALED BID - KILA PATH”** must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Mt., 59901, on or before 5:00 p.m. on Friday, August 29, 2008. Bids will be opened and read at 9:30 a.m. on Tuesday, September 2, 2008, in the Commissioner's Office at the West Annex of the Courthouse.

The project is located southwest of Kalispell, Montana along Highway 2 and Kila Road. The project improves a non-motorized existing Rail to Trails path. The project includes a crossing on Kila Road to Kila School. The work contemplated generally consists of the placement of an eight (8) foot wide bituminous surface for pedestrian/bike path and incidentals in accordance with the contract documents set forth herein. The project is being funded by Flathead County and the Montana Department of Transportation (MDT).

All bids must be in accordance with the Contract Documents on file with the Flathead County Planning & Zoning, 1035 1st Avenue West, Kalispell, Montana, (406) 751-8200 and at the offices of Robert Peccia & Associates, 102 Cooperative Way, Suite 300, Kalispell, Montana; (406) 752-5025 and 825 Custer Avenue, Helena Montana; (406) 447-5000.

Copies of the Contract Documents for use in preparing bids may be obtained from Robert Peccia & Associates at the addresses stipulated above upon receipt of a non-refundable deposit of \$50.00 for each set of documents including 11"x 17" drawings.

A pre-bid conference will be held, commencing at 9:00 AM at the office of **Robert Peccia and Associates, 102 Cooperative Way, Suite 300, Kalispell, Montana 59903** on Tuesday, August 19, 2008. **IT IS HIGHLY RECOMMENDED THAT ALL PERSONS WHO WISH TO SUBMIT BIDS ON THIS PROJECT ATTEND THE PRE-BID CONFERENCE.**

Work at the site is to commence within ten (10) days after the Notice to Proceed is issued. Completion of the work is required within **30** consecutive calendar days after the Notice to Proceed is given. The project includes liquidated damages that will be assessed as set forth in the Special Provisions at \$500.00 per calendar day, in addition to any damages required under the Contractor Reimbursed Engineering Costs Section of the Supplementary Conditions, if the work is not complete within the allotted contract time.

CONTRACTORS and any of the CONTRACTOR'S subcontractors doing work on this project will be required to obtain registration with the Montana Department of Labor and Industry (DLI). Forms for registration are available from the Department of Labor and Industry, P.O. Box 8011, 1805 Prospect, Helena, MT 59604-8011. Information on registration can be obtained by calling (406) 444-7734. CONTRACTORS are not required to have registered with the DLI prior to bidding on this project, but must have registered prior to execution of the construction agreement. All laborers and mechanics employed by CONTRACTORS or subcontractors in performance of the construction work shall be paid wages at rates according to the current Federal Davis-Bacon Wage Rates. The CONTRACTOR must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin.

Each bid must be accompanied by a Certified Check, Cashier's Check or Bid Bond payable to **Flathead County**, in an amount not less than ten percent (10%) of the total amount of the bid. Successful BIDDER(S) shall furnish an approved Performance Bond and a Labor and Materials Payment Bond, each in the amount of one-hundred percent (100%) of the contract amount within seven (7) calendar days after the Notice of Award is issued. Insurance as required shall be provided by the successful BIDDER(S), and a certificate(s) of that insurance shall be provided.

Flathead County reserves the right to reject all proposals and bids received, to waive informalities, to postpone the award of the contract for a period not to exceed sixty (60) days, and to accept the lowest responsive and responsible bid that is in the best interest of Flathead County.

Flathead County is an Equal Opportunity Employer.

Dated this 5th day of August, 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

Publication Dates: August 9, August 16 and August 23, 2008.

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

WEDNESDAY, AUGUST 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.

9:15 a.m. Commissioner Lauman: RSVP Board meeting @ Heritage Place
11:00 a.m. County Attorney meeting @ Co. Atty's Office

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

THURSDAY, AUGUST 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.

8:30 a.m. Commissioner Lauman: AOA TAB meeting @ Eagle Transit
11:00 a.m. Commissioner Brenneman: Rotary @ Hilton Garden Inn

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

FRIDAY, AUGUST 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.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 11, 2008.
