
MONDAY, AUGUST 18, 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.

Jim Clark, 128 Hill Dale stated he feels the County Commissioners owe the children in the valley an apology for the poor way they were treated at the fair, with advertised prices being different than what they were charged when purchasing their tickets. He then asked that an apology be forthcoming on the local evening news, printed in the newspaper and posted on the County website.

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

[9:00:29 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Atkinson reported bids have gone out for a new Eagle Transit bus. He then noted Eagle Transit buses will be running on Election Day and in exchange for that they will not run buses the day after Christmas; it will be considered a holiday exchange for personnel. Discussion was then held relative to the bus service in Glacier Park that has been reduced with the Sprinter buses having moved to the east side of the park. Also reported was a new computer program for dispatch has been installed and the senior assistance services are still continually increasing.

MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

This meeting was not held.

CONSIDERATION OF LAKESHORE PERMIT: CARTER

[9:48:29 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planner George Smith, Clerk Kile

Smith reviewed the application submitted by Edna Carter requesting a permit to excavate accumulated washed-in silt and mud from an existing dredged channel to a residential dock. Sections of the adjacent soil groin will be reinforced by the application of washed gravel to repair damage caused by ranging cattle and muskrats. This project will be reviewed by the Army Corp of Engineers Regulatory Project manager prior to issuance of a permit.

Commissioner Lauman made a **motion** to approve Lakeshore Permit #FLP 08-80 and authorized the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

PUBLIC HEARING: SCOPE & EXTRACTIVE INDUSTRIES TEXT AMENDMENT/ FLATHEAD COUNTY ZONING REGULATIONS

[10:00:13 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Pat Wagner, Craig Wagner, Gina Klempel, Elna Darrow, Bruce Tutvedt, Gary Krueger, Pam Butler, Mark Schwager, Pat Arnone, Bill Baum, Mayre Flowers, Linda Christensen, Clerk Kile

Harris reviewed the proposed language from the Planning Board for Section 4.10.040 that required DEQ approval of the development plan before they were submitted a conditional use application.

- When such a plan is also required by the open cut mining act the submitted plan must include all information required by the Department of Environmental Quality for such an application.

Smith explained that in the case involving the Tutvedt Pit the Montana Supreme Court recognized the catch 22 and said someone had to fix it; that it couldn't be ignored. That someone wanting a conditional use permit for gravel operations wouldn't be in the position of having to get the states okay before they receive approval from the county, or having to get county approval before the states.

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

Public Comment received via e-mail:

Linda Johnson: Please make this email part of the Hearing scheduled on Monday morning in your office: Please support the Planning Board's recommendation to the Gravel Zone text change. Also extend the compliance for N.P.'s to the year 2012 (not 2010)...thank you. Russell and Linda Johnson

Doug Morehouse: Karen and I would like to see the County Commission accept the Planning Board's position on the neighborhood zone text change with a compliance date of 2012 instead of 2010. We would also like to see the Planning Board's position on the gravel zone text change be approved by the commission. We have been residents of the valley for 35 years. Karen and Doug Morehouse

Beth and Al Koss: We apologize for not being timely. We just received an email on this item a few minutes ago. We wish to go on record as being against the neighborhood zone text change. However, we support the compromise recommended by the Planning Board providing that the compliance date is extended to 2012, not 2010. Also, we support the Planning Board's recommendation to the gravel zone text change which cleans up a catch-22 in two conflicting rules, but calls for an applicant for a gravel permit with the county to submit a copy of all application materials required by the MT DEQ to the county as well.

Gina Klempel submitted for public comment the following letter regarding gravel extractions:

It seems that people resent even agriculture which is also according to Webster's Dictionary an industry as well as tourism. Its impacts are dust, noise and smells. So shall we stop growing crops and cease to eat?

To not extract the resource that happens to reside in some areas of contention is the same as telling a farmer that he can plant his field, combine or cut his product, not sell it but only lay it aside. This is the same concept as allowing someone to move gravel that lies under the ground on a piece of agricultural land but not process it. Agricultural lands are the most appropriate place to extract and process gravel, and since this residential invasion has now taken place in the Flathead they want to stop the extractive process period.

Air quality and traffic concerns are the same montras heard from end to end in the Flathead Valley regarding gravel extraction. Now when it comes to tourism and its impacts to say it does not violate air and quality is hypocritical at best.

Gravel pits are monitored by the DEQ. Now who monitors tourism and its impact? Sound rather silly; well so does shutting down the gravel extraction in Flathead Valley as well, simply because it impacts the neighbor's way of life. Well tourism impacts my way of life winter and summer, so where are my rights?

All in all to make the consumer of the Flathead pay three times as much for the same product that is under their feet by importation is a cowardly approach to an overblown opinion of some. Cary Hegenberger said it all before and he is correct, it will be a much larger issue with traffic and public welfare if all this product is buried under more development and lost forever.

Bruce Tutvedt, 2335 West Valley Drive stated he can live with the new language but is unsure what it means. He further said there are various levels of how much information is required by the DEQ, with it being a whole lot of information as the process goes on.

Gary Krueger, 805 Church Drive stated he has been through the process as far as filling out DEQ applications, however, he sees things changing in the legislature where the DEQ process could become more involved as far as environmental assessment and water quality studies. He then said if they have to be done ahead of time when they don't even know if they can get a conditional use permit; it could be quite a bit of additional cost. Krueger further stated he doesn't have any problem giving as much information to the county about a gravel pit as he can. What seems to be a problem in the process here is the rumors that get started.

Mayre Flowers, Citizens for a Better Flathead spoke in favor of the Planning Board's recommendation. She stated she believes that when the county is being asked to approve a conditional use permit for both the public and counties benefit to have as much information up front is a benefit to everyone, and hopefully will clear up misconceptions up front. Flowers further stated this is a reasonable recommendation and encouraged the Commission to move forward with the Planning Board's recommendation.

Linda Christensen stated that her experience with the gravel process is that every one would be approved, and that the only way one could not be approved is if we found an Indian burial site that had a small pox outbreak in the population buried there; which she has found to be quite accurate. Christensen further stated the main problem to her is that DEQ has to approve the application within 60 – 90 days of receiving the application, so an EA is never done. The information they do receive they don't consider and she would like the process to be concrete in terms of actually taking the EA and realizing the impact it will have on future generations on water quality. Whatever you do she feels we need to insure that an environmental review is adequately reviewed and considered.

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

Harris noted that after listening to comments that clarification needs to be made in that it is more than filing an application. He then said if the proposed language is accepted that it would put a time line on the initial application.

General discussion was held relative to information required on the application form and when the application is considered complete.

Harris noted the important part of the text change has to do away with the piece that says they have to receive DEQ approval prior to county approval. The process would involve DEQ receiving the application and after they run through it to make sure it is complete they will begin an environmental assessment process and at that time will ask for additional information.

Harris then reviewed the process involved when someone comes to the county for a permit, which involves submitting all the information to the county that they are going to submit to DEQ, the county processes the information for the CUP with the condition of the CUP being that a DEQ permit is required. They go to DEQ to get their open cut mining permit and submit their application, DEQ goes through the process before they can issue the permit, when the permit is issued it triggers a CUP

permit which satisfies the condition. If they don't get their DEQ permit then the CUP is left hanging because they cannot satisfy the condition of state approval.

Chairman Hall reviewed the proposed language change which states: When such a plan is also required by the open cut mining act the submitted plan must include all information required by the DEQ for such an application.

Commissioner Lauman made a **motion** to approve Resolution #955GX and authorized publication of the Notice of Passage of Resolution of Intent and authorized the Chairman to sign. Commissioner Brenneman **seconded** the motion.

Commissioner Brenneman expressed concern in that the applicant still is not going to know for sure what to submit.

Harris stated the Planning & Zoning Office will take the DEQ applications and create an appended to the conditional use application for gravel pits so they will have something to work from.

Aye – Hall and Lauman. **Opposed** – Brenneman. Motion carried by quorum.

RESOLUTION NO. 955 GX

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 18th day of August, 2008, to consider a change to the text of the Flathead County Zoning Regulations proposed by Flathead County and the Flathead County Planning and Zoning Office, by deleting or amending the sentence in Section 4.10.040;

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on August 5 and August 12, 2008;

WHEREAS, the Board of Commissioners heard public comment on the proposed amendments to the Flathead County Zoning Regulations at that hearing; and

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

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and adopts this resolution of intention to amend Section 4.10.040 of the Flathead County Zoning Regulations, setting forth the process by which conditional use permits for gravel pits are issued, by deleting the sentence thereof which requires that "When such a (development) plan is also required by the Open Cut Mining Act, the submitted plan shall have been approved by the Department of Environmental Quality," and replacing it with a sentence that states that "When such a plan is also required by the Open Cut Mining Act, the submitted plan must include all information required by the Department of Environmental Quality for such an application."

BE IT FURTHER RESOLVED, that notice of the passage of this resolution, stating the general character of the proposed change to the Flathead County Zoning Regulations, that said proposed change and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the adoption of the proposed change, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests to the adoption of the proposed change will be received from persons owning real property within any zoning district heretofore created by Flathead County, for a period of thirty (30) days after the 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 percent of the free-holders protest the adoption of the proposed change, the change will not be adopted.

DATED this 18th 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/Dale W. Lauman
Dale W. Lauman, Member

By/s/Diana Kile
Diana Kile, Deputy

By _____
Joseph D. Brenneman, Member

PUBLIC HEARING: GENERAL PROVISIONS SCOPE TEXT AMENDMENT/ FLATHEAD COUNTY ZONING REGULATIONS

[10:41:12 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Pat Wagner, Craig Wagner, Gina Klempel, Elna Darrow, Bruce Tutvedt, Gary Krueger, Pam Butler, Mark Schwager, Pat Arnone, Bill Baum, Mayre Flowers, Linda Christensen, Clerk Kile

Harris reviewed FZTA 08-02; a proposal to delete Section 1.04. The suggested replacement language proposal from staff states:

- The growth policy and neighborhood plans are not regulatory and do not confer any authority to regulate. The growth policy and neighborhood plans are intended to provide direction and guidance when consideration is given to adopting, amending and interpreting zoning regulations.

The suggested replacement language proposal from the Planning Board states:

- The growth policy and neighborhood plans, new or revised after March 2007, are not regulatory and do not confer any authority to regulate. Neighborhood plans have until January 1, 2010 to become compliant with the growth policy. All neighborhood plans will become non-regulatory after January 1, 2010. In cases where a neighborhood plan that was adopted prior to March 2007 contains aspects related to zoning and is under the jurisdiction of these regulations, the provisions of the more restrictive shall control until January 1, 2010.

Harris then said there is language through out the growth policy, which includes neighborhood plans that says neighborhood plans are not regulatory. He then added that the goals and policies in the neighborhood plans are difficult to interpret as regulatory and that the rationale for coming up with the proposed language is to link the growth policy and neighborhood plans to the zoning regulations in land use decision making.

Smith added the issue came up in the gravel pit case where the Supreme Court said our plans are regulatory. He then stated that his experience here is that they have never been regulatory. The neighborhood plans were not drafted as regulations; they are drafted as plans, goals and objectives and are difficult in many cases to have any specificity as far as regulations are concerned.

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

Craig Wagner, Chairman of the Bigfork Steering Committee stated thousands of hours have gone into their plans with over \$15,000.00 being spent on putting the plan together.

Mark Schwager said neighborhood plans are developed by neighbors and citizens of a specific area. He then added there are certain goals and issues that vary from neighborhood plan to neighborhood plan and stated if the plans weren't regulatory they wouldn't have specific conditional use permits that vary from plan to plan. The Supreme Court has determined that neighborhood plans are regulatory, and rightly so, because the county varies from area to area neighborhood plans are the key to developing a specific area. Schwager then said do not take away the authority of neighborhood plans to decide their own destiny, to do so would be to rob the citizens living in the neighborhood plan area of their due process.

Tom Clark commented that he feels the original intent of the West Valley Neighborhood Plan and other plans were to be regulatory; that in the spirit of compromise that he would go along with the text amendment with the condition that instead of 1 ½ years they would be given 2 ½ years to re-do the plan. He then said it has taken a lot of court time and people time to come to a truce in West Valley in regards to the gravel situation. If it is given a year before they start working on the plan people will have time to settle down and look at it rationally and can come back and work on a good plan. Clark then commented that he feels some sort of arbitration system needs put into place to prevent cases from going to District Court.

Linda Christensen noted that she is a resident that lives over the shallow aquifer. She then added that she too put a lot of time into their neighborhood plan and they currently have no zoning in the area, and questions what will happen with the new regulations. Christensen then asked that the Helena Flats area be addressed in regards to what will happen now.

Gary Krueger, 805 Church Drive commented that there is a process that the county goes through to adopt and amend zoning and it ends at the commission level. He then stated that the word "interpret" must come out.

Elna Darrow stated that she has worked on the original and the current Bigfork Neighborhood Plan and is the Vice-Chairman of the Bigfork Neighborhood Plan Committee. She then noted that she is today speaking for herself and added that she is not going to suggest that the members of the Montana Supreme Court are all smarter than them; however, they might know more about the law, and it seems to her that the neighborhood plans were meant to be regulatory and doesn't like them being re-defined.

Mayre Flowers, Citizens for a Better Flathead stated that any action taken today does not change the fact that state law requires that zoning and subdivision regulations are consistent with the adopted growth policy and neighborhood plans. She then said that the situation has come to a healthy wake up call for those that support neighborhood plans in that we need to be really clear in our neighborhood plans that for every policy that a neighborhood puts into their plan they need to make sure they have a way to implement the policy to assure there is consistency between the zoning and subdivision regulations. Flowers stated that they don't feel the zone text should be changed, however, if it is she strongly urged that neighborhood plans be given 3 years to come up with the changes. She then read a motion made by DeKort that she felt does not reflect the intent of the discussion she heard at the Planning Board.

- The growth policy neighborhood plans new or revised after March 2007 are not regulatory and do not confer any authority to regulate. Neighborhood plans have until January 1, 2010 to become compliant with the growth policy.

Flowers continued with she wants to make sure that we are making a distinction that there is a process that neighborhood plans are going through to be revised to become consistent with the growth policy.

Bruce Tutvedt commented that the law is clear that neighborhood plans are not regulatory unless made so by the Commissioners. He then said if you read the West Valley Neighborhood Plan it refers to the process of implementation to zoning; that if you want to change zoning you go through a public process. If the word "interpret" is allowed there is no due process.

Pat Arnone, 595 Lauman Road stated that she has been asked to try to get the East Valley Neighborhood Plan started again. She then said when the original plan was started that some of the residents were told that it was a way to do back door zoning. Arnone stated that she is seeing areas where there is zoning where landowners are arbitrarily getting it changed without the majority of the people that approved the zoning in the first place.

Jean Olsen, 160 West Valley Acres commented that she worked on the West Valley Neighborhood Plan and just recently spent time trying to update their plan and got nowhere with the community being split. She then said she is sorry to see the teeth taken out of the neighborhood plans because when they originally worked on them they did not envision them as being merely suggestions. Olsen added that if you feel you must do this; at least give us more time.

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

Chairman Hall asked Deputy County Attorney Smith to address concerns raised by Linda Christensen in regards to zoning regulations.

Smith commented in the Helena Flats area if you just have a plan and no zoning regulations there are no regulations; that it is only a plan. The process is planning and zoning, first the planning and then you adopt zoning regulations to implement the plan. The zoning regulations are written like statute that spell out what you can and cannot do and right now in the Helena Flats area there is nothing that says here is a list of permitted / conditional uses.

Chairman Hall then asked Smith to compare the North Fork Plan.

Smith said the North Fork has a plan they implemented with regulations. He then added they also have Little Bitterroot Lake Zoning, West Valley Zoning, West Valley Overlay Zoning, Hubbard Dam Zoning, Rogers Lake Zoning, Ashley Lake Zoning and LaBrant Lindsey Zoning. The North Fork has a plan and they went ahead and did regulations and got the Commissioners to adopt the regulations based upon the plan to put regulations into effect to have some control.

Harris then added that the text change and the regulations apply only to the lands that are under jurisdiction of the regulations and Helena Flats is not under the jurisdiction of the zoning regulations. The CALURS in the Canyon Area is a unique zoning instrument that is separate and distinct from the zoning regulations and this amendment would not apply since they have their own set of regulations.

Smith explained that interpreting zoning regulations in the language we have is if you come up with a question, what does the zoning regulation mean is based upon a particular neighborhood plan then you go back to the neighborhood plan. No matter how tight the regulations are written if you have to interpret the regulation that is what you go back and look at in interpreting; otherwise you are interpreting in the blind.

Harris said he has spoken to some individuals who feel if you have zoning you ignore the neighborhood plan that you only look at the zoning. He then added that is not the way planning is done, that you look at the zoning and also the neighborhood plan for guidance, direction and understanding. Harris stated that they feel the word "interpret" needs to be in the sentence and if they choose to go with staff's suggestions instead he strongly urges the word be kept in.

Commissioner Lauman commented that 1 ½ years ago during a public hearing discussion was held during the process of the growth policy at which time they said it was not regulatory; but a policy. He then said that after working on neighborhood plans over the years that their interpretation has always been that they would never be regulatory. The step Lakeside took beyond the neighborhood plan was to zone the downtown area; so within the Lakeside Neighborhood Plan you have the downtown zoned area and Caroline Point that was zoned before the plan ever existed.

Commissioner Brenneman said that they have always said that the growth policy wouldn't be regulatory and commented he would like more time to think about the amendment and suggested it be taken under advisement.

Chairman Hall questioned the comment made during public comment in regards to the feasibility of an arbitration clause.

Smith said in any case if it goes to District Court and needs a trial, before you go to trial you have to have a settlement conference, which is meditation not arbitration. He then added that arbitration is not something generally used in a zoning context.

Harris commented that if there is any type of arbitration it should occur before a decision is reached.

Chairman Hall read the proposed language from staff:

- The growth policy and neighborhood plans are not regulatory and do not confer any authority to regulate. The growth policy and neighborhood plans are intended to provide direction and guidance when consideration is given to adopting, amending and interpreting zoning regulations.

Chairman Hall made a **motion** to adopt Resolution #955GV that states the growth policy plan is not regulatory and authorized publication of the Notice of Passage of Resolution of Intent. Commissioner Lauman **seconded** the motion.

Commissioner Brenneman stated that he feels there are improvements that can be made with more thought.

Aye – Hall and Lauman. **Opposed** – Brenneman. Motion carried by quorum.

RESOLUTION NO. 955 GV

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 18th day of August, 2008, to consider a change to the text of the Flathead County Zoning Regulations proposed by Flathead County and the Flathead County Planning and Zoning Office, to amend Section 1.04.020 of the Flathead County Zoning Regulations to clarify that the Flathead County Growth Policy and Neighborhood Plans are not regulatory but are to provide direction and guidance in land use decision-making;

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on August 5 and August 12, 2008;

WHEREAS, the Board of Commissioners heard public comment on the proposed amendment to the Flathead County Zoning Regulations at that hearing; and

WHEREAS, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendment.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts as findings of fact the analysis of the statutory criteria set forth in the Planning and Zoning Office staff report FZTA-08-01, and adopts this resolution of intention to amend Section 1.04.020 of the Flathead County Zoning Regulations to state as follows:

The growth policy and neighborhood plans are not regulatory and do not confer any authority to regulate. The growth policy and neighborhood plans are intended to provide direction and guidance when consideration is given to adopting, amending and interpreting zoning regulations.

BE IT FURTHER RESOLVED, that notice of the passage of this resolution, stating the general character of the proposed change to the Flathead County Zoning Regulations, that said proposed change and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the adoption of the proposed change, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests to the adoption of the proposed change will be received from persons owning real property within any zoning district heretofore created by Flathead County under Section 76-2-106, M.C.A., for a period of thirty (30) days after the 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 percent of the free-holders protest the adoption of the proposed change, the change will not be adopted.

DATED this 18th 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/Dale W. Lauman
Dale W. Lauman, Member

By/s/Diana Kile
Diana Kile, Deputy

By _____
Joseph D. Brenneman, Member

MEETING W/ DAVID GREER RE: PLUM CREEK

11:31:50 AM

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, David Greer, Jim Lehner, Jerry Sorensen, Mayre Flowers, Clerk Kile

David Greer, Planner in Montana for Plum Creek stated they would like to start meeting with the Commission on a regular basis and gave an overview of their business plans in regards to Flathead County. He then presented a map to the Commission that illustrates the land Plum Creek owns in Flathead County which is 30% of the private land totaling 252,000 acres.

Jim Lehner, Director of Corporate Affairs reported that the Montana operations are the center for information technology for the entire 19 states, all finance and human resources. He then noted the company employees 2,100 employees with 1,400 of them in Montana and 1,100 of them residing in Flathead County with 9 facilities in Montana. Lehner then presented statistics from an economic analysis done.

Jerry Sorensen, Director of Real Estate Sales stated over the last five years in Flathead County 8,000 acres have been sold; with the estimated average sale of between 1000 – 2000 acres per year. He then spoke about subdivisions, conservation easements, forest service road issues and easements.

12:00 p.m. Commissioner Brenneman: CDC meeting @ CDC Office
4:00 p.m. Commissioner Brenneman: CDC Open House/ Thank You Reception @ CDC Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 19, 2008.

TUESDAY, AUGUST 19, 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: ANNEXATION TO SOUTH KALISPELL RURAL FIRE DISTRICT/ RUTHER

9:30:47 AM

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition of annexation of property into the South Kalispell Rural Fire District.

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

Commissioner Brenneman made a **motion** to adopt Resolution #2158. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 2158

WHEREAS, the Board of Commissioners of Flathead County, Montana, received a petition, pursuant to Section 7-33-2126, M.C.A., requesting that certain property be allowed to withdraw from the Smith Valley Fire District and be annexed to the South Kalispell Rural Fire District;

WHEREAS, the territory to be withdrawn and annexed is described as Tract 3J in the N ½ and Tract 4B in the SE¼Ne¼, Section 6, Township 27 North, Range 21 West, Flathead County, Montana, shown on Certificate of Survey No. 16742, and excepting therefrom that portion deeded to the State of Montana Department of Transportation by Bargain and Sales Deed recorded June 1, 1994, as Document No. 94-152-11310, Records of Flathead County, Montana; located at 705 Foy's Canyon Road, Kalispell, and shown on Exhibits A and B;

WHEREAS, a Notice of Public Hearing was published on August 5 and August 12, 2008, giving notice that the Commissioners would hear protests to the requested withdrawal and annexation;

WHEREAS, the Board of Commissioners conducted the public hearing as noticed and received input from the public on the requested withdrawal and annexation; and;

WHEREAS, the Board of Commissioners has determined that the requested withdrawal and annexation would result in a more advantageous proximity to the firefighting facilities of the South Kalispell Rural Fire District for the annexed property and more advantageous communications with the firefighting facilities of the South Kalispell Rural Fire District for the annexed property.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the petition is granted and the property described as a Tract 3J North Half and Tract 4B in the SE¼Ne¼, Section 6, Township 27 North, Range 21 West, Flathead County, Montana, shown on Certificate of Survey No. 16742, and excepting therefrom that portion deeded to the State of Montana Department of Transportation by Bargain and Sales Deed recorded June 1, 1994, as Document No. 94-152-11310, Records of Flathead County, Montana; located at 705 Foy's Canyon Road, Kalispell, and shown on Exhibit A and B, is hereby withdrawn from the Smith Valley Fire District and annexed to the South Kalispell Rural Fire District.

Dated this 19th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

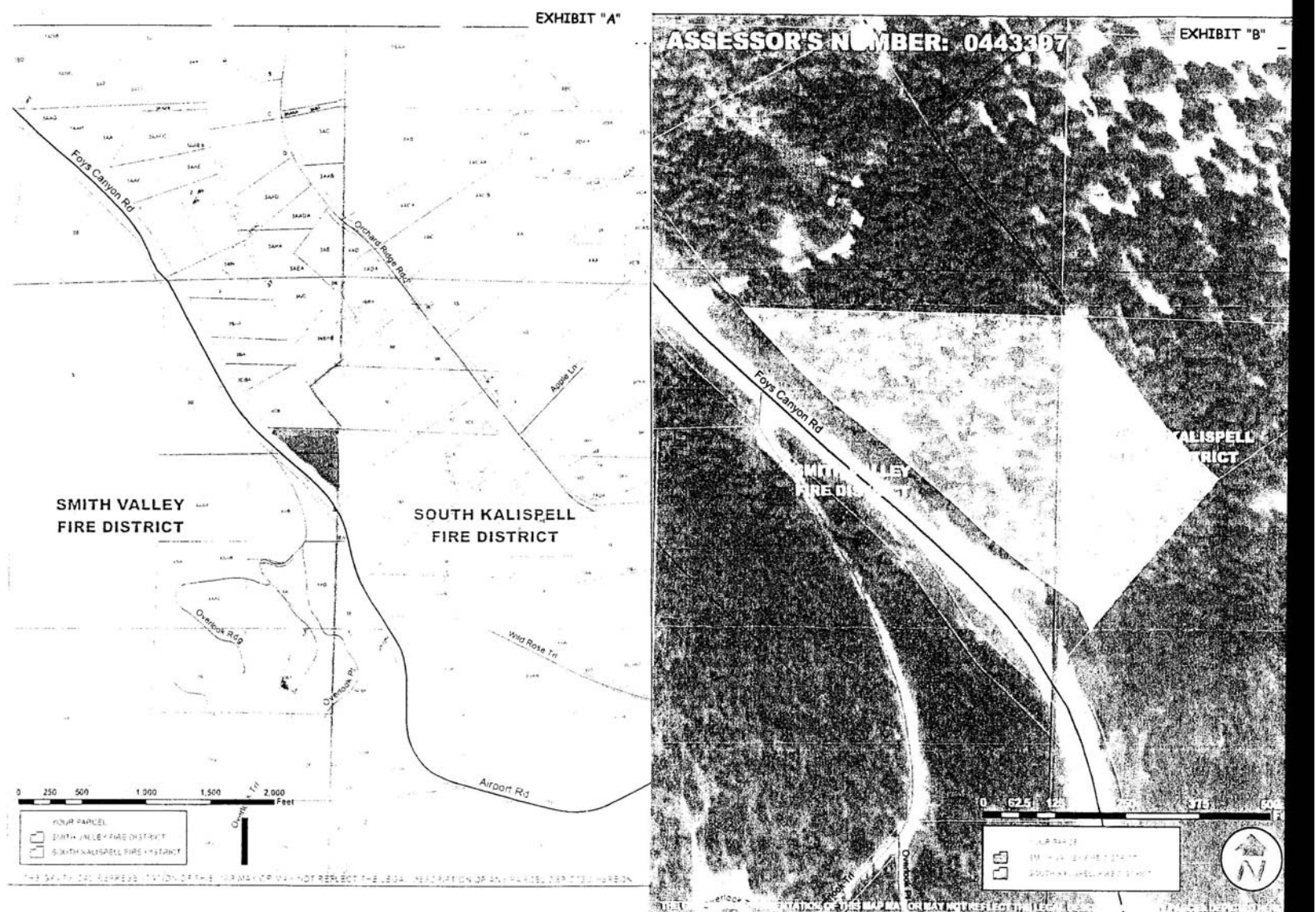
By/s/Gary D. Hall
Gary D. Hall, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy



PUBLIC HEARING: ANNEXATION TO SOMERS FIRE DISTRICT/ MACBEAR, LTD

[9:45:40 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Lanny McDonald, Andra Townsley, Clerk Kile

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition of annexation of property into the Somers Rural Fire District.

Lanny McDonald, developer of the property stated he and his daughter were there in support of the annexation. He then stated they have tried to do everything first class right from the start, which included mitigating for fire danger on the entire 160 acres.

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

Commissioner Lauman made a **motion** to adopt Resolution #2155A. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 2155 A

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;

WHEREAS, the Board of Trustees of the Somers Rural Fire District approved the proposed annexation;

WHEREAS, the Board of Commissioners, pursuant to the provisions of Section 7-33-2125(1)(b), M.C.A., passed a resolution of intent (Resolution No. 2155, dated August 4, 2008) to grant that petition and to transfer the property into the Somers Rural Fire District, and set a public hearing on the proposal for August 19, 2008;

WHEREAS, the Board of Commissioners published notice of the public hearing to be held to allow the public an opportunity to be heard regarding the proposed annexation, and to consider whether a protest petition signed by a majority of the landowners of the area proposed for annexation would be received; and

WHEREAS, the Board of Commissioners conducted said public hearing on August 19, 2008, and did not receive a protest petition signed by a majority of the landowners of the area proposed for annexation.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, Montana, that the property being 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, is hereby annexed into the Somers Fire District as shown on the attached Exhibit A.

BE IT FURTHER RESOLVED, by the Board of Commissioners that the boundaries of the Flathead County Fire Service Area are hereby amended 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.

Dated this 19th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

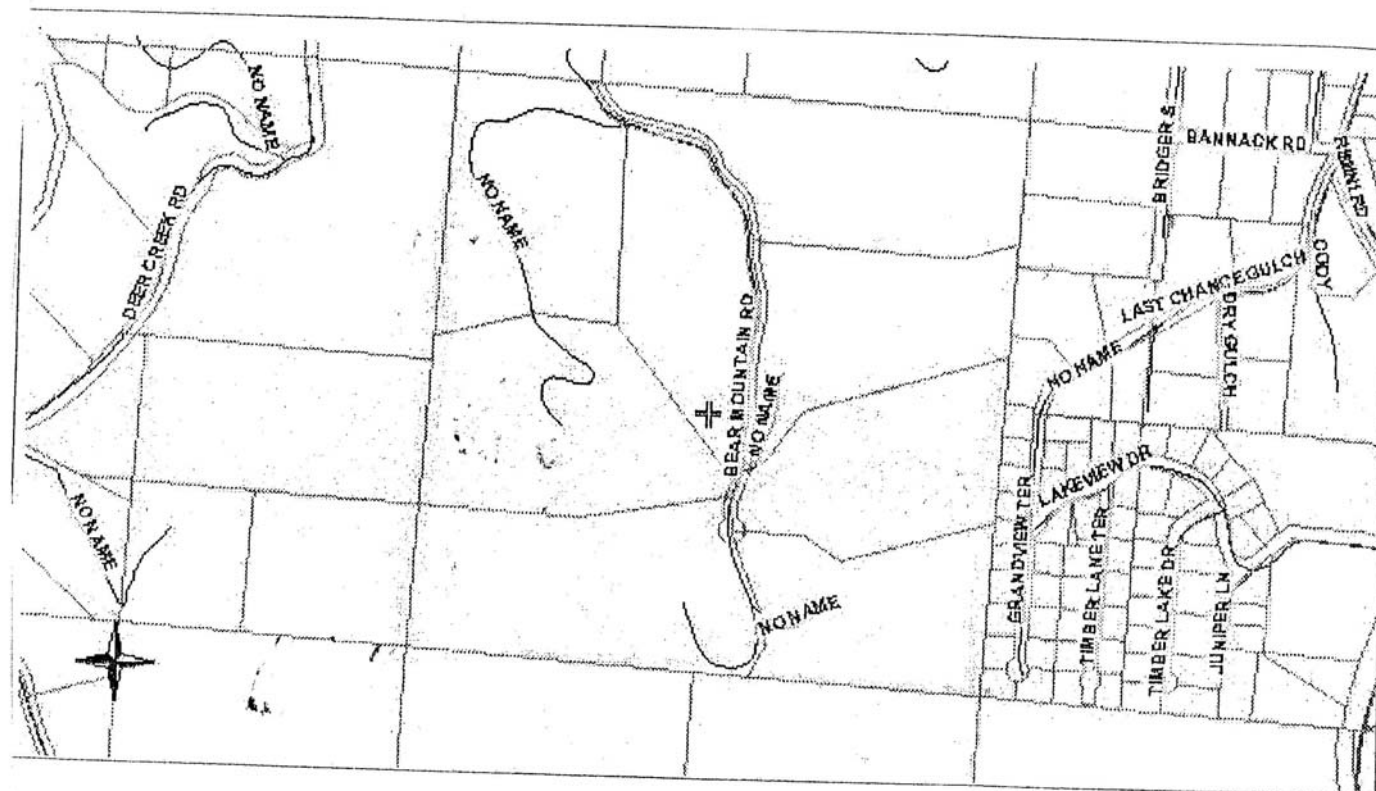
By/s/Gary D. Hall
Gary D. Hall, Chairman

By/s/Joseph D. Brenneman
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"

BI-MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE

[10:00:14 AM](#)

Members present:

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

Others present:

- Assistant Mike Pence, 4-H Director Karole Sommerfield, Clerk Kile

Sommerfield report the 2008 Northwest Montana Fair went very well with sales being above average. Discussion was then held relative to the need to address the flooring in the Trade Center building and the search for a new Ag Extension Agent.

MEETING W/ KEN FLANIGAN RE: BLAZING TRAIL ROAD NAME

[10:15:54 AM](#)

Members present:

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

Others present:

- Assistant Mike Pence, Ken Flanigan, Clerk Kile

Flanigan explained his concerns in regards to his address being changed to Blazing Trail and asked that he be able to keep his old Rhodes Draw address. He then explained that the end of his driveway is on the road that was named Saw Mill Lane which would be a more appropriate than Blazing Trail.

Commissioner Brenneman explained that if he had a driveway that touched Rhodes Draw that he would then be able to have a Rhodes Draw address.

Chairman Hall added that because of health and safety issues the roads are being named under certain conditions and suggested he talk with the West Valley Fire Chief and the Flathead County Address Coordinator.

PUBLIC HEARING: FLATHEAD COUNTY EMS REGULATIONS

[10:27:15 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Health Dept Director Joe Russell, Dan Diehl, W. A. Miller MD, Nan Askew, Clerk Kile

Joe Russell, Health Officer for Flathead City County Health Department reported early in 2007 the Board of Health conducted a strategic plan with many members of the EMS community. The principal outcome of the finding exercise focused on creation of a body of regulations to assist the Board of Health and the Medical Director with administration of a county wide EMS System. On July 9, 2007, the Board of Commissioners signed Resolution 2075 authorizing the Board of Health to convene a user advisory group of EMS providers to advise the Board of Health and Medical Director into initiating a rule making process authorized under Section 7-34-103 (1) d of MCA. It was proposed in this resolution that these rules would include creation of response jurisdictions, authority to define levels of care provided by an EMS Unit, development of standards in the EMS review procedure, authority to establish remedies for non-compliance and ensure the interests of the EMS system are properly represented in the development and management of a modern consolidated dispatch system.

Russell then reviewed what the Emergency Medical Service Regulations would do.

- Establish an EMS Advisory Committee, consisting of 11 voting members and 6 non-voting members
- Define and describe the roles and responsibilities of the Flathead County EMS Medical Director
- Define and describe the roles and responsibilities of provider agencies Offline Medical Directors
- Establish local medical direction for all EMS provider agencies
- Define procedures to create pre-hospital care policies
- Define levels of pre-hospital care in Flathead County
- Create dispatch criteria for EMS Services
- Create a quality improvement process and a conflict resolution process

Minor editorial changes were then made.

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

Dan Diehl, Acting Fire Chief Kalispell Fire Department stated that he came to speak against the regulations. He then gave the following reasons he was against them: substantial changes from the version he received yesterday from the version proposed today, notice of public hearing was just recently received by him and the regulations were not available on the website. It was then noted the Kalispell Fire Department is the largest EMS provider in the county and the 5th largest in the state. They transport 70% of all the patients in the county and over 90% of all advanced life support patients in the county, and for that they need to be more involved in the regulations before they are adopted. Another issue of concern is the Kalispell Fire Department has a conflict on the day the meetings occur with City Council meetings. As an ALS Agency and all Paramedic service they are highly regulated by the State of Montana Board of Medical Examiners, Department of Laborer, EMS Section, International Association of Fire Chiefs, International Association of Firefighters and the National EMS Information Systems are all regulations they comply with and have to adopt. Diehl then stated that he believes the EMS liaison should be a Paramedic/Trainer; we don't need another coordinator. Another issue they were completely unaware of was the short form that has no benefit in the regulations. He then spoke in opposition to 6.3.5, 6.5.1(b), 6.5.3 (b), 7.3, 7.4, 8.1, 11.1.2 and stated that the regulations go way beyond the original rules and regulations that were outlined when this was first started.

Dr. Wayne Miller, Board of Health said that he respected Chief Diehl's opinions and comments yet disagrees with him entirely. He further said that he feels we need to have a formalized set of regulations in order to effectively carry out the resolution as it was intended a year ago. He then noted the regulations were available on the website and said the Advisory Committee meeting on Monday is on the agenda to be changed next week as they were not aware of the conflict. Miller further said the Kalispell Fire Department being highly regulated by the state in no way weakens or challenges the regulations at all; they are intended to compliment them. The EMS liaison being a Paramedic has been addressed by the Board of Health and will be discussed further. He then added that he just became aware of the concern with the short form and stated that no patient should be transferred from one handler to another without information being transmitted in written form and then said their intention is to improve delivery of services in Flathead County and to formalize them in such a way that they have consistency across the board.

Nan Askew, Board of Health asked for a copy of Chief Diehl's objections and noted that the City of Kalispell has been involved through the process.

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

Chairman Hall stated that as a result of the Chief's testimony that he did have concerns and asked how long the committee has been in place.

Joe Russell stated they have been meeting monthly for a year.

Acting Chief Diehl noted that Chief Brodehl has not been present in the department for approximately six months and that he is the alternate and has not attended any meetings. He then noted that he had not seen the regulations until yesterday.

Commissioner Brenneman commented that the Kalispell Fire Department asked that the regulations be written. He then said we need to remember this is an effort to provide structure for largely the volunteer responders; that is where the biggest area is lacking. Still to date while you have the statistics for what Kalispell Fire Department does the person first on scene is probably 75-80% chance going to be a volunteer, and what we are lacking in Flathead County is a real uniform way of providing a standard of care that is uniform. Brenneman then noted that the meetings were noticed and the regulations were available for review.

Dan Diehl then said that he is completely for the committee and a set of regulations and then apologized for the miscommunication in his own department. He then stated that the regulations he has seen were a surprise to him with there being a lot of new things in there that he had not seen. The regulations he sees now are expanded regulations beyond what he originally saw and feels there are things in them now that effect them negatively; specifically related to the patient reporting procedure.

General discussion was held relative to the reporting procedure.

Commissioner Brenneman said there clearly is a process in place for changing the regulations and stated that we need to adopt these today and Kalispell Fire will hopefully send a consistent representative to meetings; that this gives us something to start with and nothing in it will prevent medical service being administered.

Commissioner Brenneman made a **motion** to adopt Resolution #2075B. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 2075 B

WHEREAS, Sections 7-34-101 through 7-34-104, M.C.A., authorize the Board of Commissioners to establish and/or maintain ambulance services including adopting rules and establishing fees and charges for the furnishing of ambulance services;

WHEREAS, there are approximately 29 organizations in Flathead County which provide pre-hospital response units including ambulances, quick response units and first responder units, most of which are staffed by volunteers;

WHEREAS, the need to coordinate the emergency medical service units in the areas of direction, purchasing equipment, education and certification of the responders, both volunteer and paid, and patient care, has grown with the growing number of responders and the growing number of incidents which require emergency medical response;

WHEREAS, the voters of Flathead County, in 2004 and 2007, have authorized the levy of up to three mills for the purpose of coordinating the emergency medical service units in Flathead County in the areas of direction, equipment, education and certification of responders and patient care;

WHEREAS, this Board adopted Resolution No. 2075 on July 9, 2007, authorizing the Flathead City-County Board of Health to:

Initiate and implement the rule making process authorized under Section 7-34-103(1)(d) M.C.A., including but not limited to:

- o Adopting rules for the provision of emergency medical services, subject to approval by the Board of Commissioners.
- o The creation of response jurisdictions within the "county" district.
- o Authority to define levels of care within each response unit balancing state protocols with local policies and procedures.
- o Collaborate with the county planning office to develop standards and an EMS review procedure for development projects.
- o Ensure that the interests of the EMS system are appropriately represented in the development and management of a modern, consolidated dispatch system.
- o Authority to establish administrative and or legal remedies for non-compliance.

WHEREAS, the Flathead City-County Board of Health has drafted and proposed the adoption of the attached "Flathead County Emergency Medical Services Regulations";

WHEREAS, based upon that recommendation, the Board of Commissioners of Flathead County, Montana, adopted a resolution of intention (Resolution No. 2075 A dated July 31, 2008) to adopt the draft regulations and set a public hearing thereon; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, held the public hearing on the 19th day of August, 2008, following publication of legal notice on August 5 and August 12, 2008, and has considered the testimony presented at that hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, hereby adopts the attached "Flathead County Emergency Medical Services Regulations."

Dated this 19th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

The above referenced regulations can be seen at:

http://www.flathead.mt.gov/downloads/documents/document_281_1220479859.pdf

10:29:19 AM

Members present:

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

Others present:

Assistant Mike Pence, Frank S. Stock, Lulu Stock, Terry Richmond, Cindy Dooley, Clerk Kile

One bid received for each RSID with bond enclosed from Bitterroot Valley Bank, Lolo, Montana.

RSID #143	check enclosed for \$6,880.00 with total of RSID \$344,000.00 @ 4.6% / annum at par
RSID #144	check enclosed for \$8,616.40 with total of RSID \$430,820.00 @ 4.6% / annum at par
RSID #145	check enclosed for \$5,480.00 with total of RSID \$274,000.00 @ 4.7% / annum at par

Commissioner Brenneman made a **motion** to adopt resolutions #2031C for RSID # 143, # 2112C for RSID # 145 and # 2113C for RSID #144 that awards the sale of bonds. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Flathead County, Montana (the "County"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION RELATING TO \$344,000 RURAL SPECIAL IMPROVEMENT DISTRICT BONDS (RURAL SPECIAL IMPROVEMENT DISTRICT NO. 143); AWARDED THE SALE THEREOF AND APPROVING CERTAIN MATTERS WITH RESPECT THERETO" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of Commissioners of the County at a regular meeting on August 19, 2008, and that the meeting was duly held by the Board of Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: Chairman Hall, Commissioner Brenneman and Commissioner Lauman; voted against the same _____; abstained from voting thereon; _____; or were absent; _____.

WITNESS my hand and seal officially this 19th day of August, 2008.

By/s/Diana Kile
Deputy County Clerk and Recorder



RESOLUTION NO. 2031C

RESOLUTION RELATING TO \$344,000 RURAL SPECIAL IMPROVEMENT DISTRICT BONDS

(RURAL SPECIAL IMPROVEMENT DISTRICT NO. 143); AWARDED THE SALE THEREOF AND APPROVING CERTAIN MATTERS WITH RESPECT THERETO

BE IT RESOLVED by the Board of Commissioners (the "Board") of Flathead County, Montana (the "County"), as follows:

1. This Board on July 31, 2008, adopted Resolution No. 2031B providing for the public sale of \$344,000 Rural Special Improvement District Bonds (Rural Special Improvement District No. 143) (the "Bonds") to finance the costs of certain local improvements to be undertaken in or for the benefit of Rural Special Improvement District No. 143. Notice of the sale has been duly published in accordance with Montana Code Annotated, Sections 7-12-2 172, 7-7-4252 and 17-5-106. Pursuant to the notice of sale, one sealed bid for the purchase of the Bonds was received at or before the time specified for receipt of bids. The bid has been opened and publicly read and considered, and the purchase price, interest rates and true interest cost under the terms of each bid have been determined.

2. The bid of Bitterroot Valley Bank, of Lolo, Montana, (the "Purchaser"), attached as Exhibit A, to purchase the Bonds of the County, is hereby determined to comply with the notice of sale, and to be the lowest, most reasonable bid for the purchase of the Bonds. The bid of the Purchaser is hereby accepted by the Board and the sale of the Bonds is hereby awarded to the Purchaser. The bid security of the Purchaser shall be retained pending delivery of the payment for the Bonds and the bid security of all other bidders shall be promptly returned.

3. The Chair and the County Clerk and Recorder are hereby authorized and directed to execute on behalf of the County a contract for the sale of the Bonds with the Purchaser.

4. This Board shall prescribe the form and security for the Bonds in a subsequent resolution.

PASSED AND ADOPTED by the Board of County Commissioners of Flathead County, Montana, this 19th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By/s/Joseph D. Brenneman
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"
Resolution #2031C

Frank S. Stock
PO Box 1001
Polson, MT 59860
August 19, 2008

County Commissioners
Flathead County
Flathead County Court House
800 S. Main
Kalispell, MT 59901

Dear Commissioners:

This letter is written in response to the legal notice requesting bids for the bonds for Rural Special Improvement District No. 143 in the total amount of \$344,000. The Bitterroot Valley Bank, PO Drawer 9, Lolo Shopping Center, Lolo, MT 59847, phone 406-273-2400 is willing to purchase said bonds at a yield of 4.6 percent per annum at par. The details of the settlement are to be worked out between Kate Templeman, Vice President of the Bank, and the County if the Bank is the successful bidder.

This bid is based upon preliminary information provided by Jonathan B. Smith, Deputy of the Flathead County Attorney Office. The County is requested as part of this bid to provide a list of the property owners in the Rural Special Improvement District and the debt due on each parcel of real estate in the rural improvement district and the total reserves in the County's Rural Special Improvement District Revolving Fund. The bank would also like a copy of the documents and resolutions forming the rural special improvement district and authorizing the issuance of the bonds. Please refer to the enclosed November 21, 2007 letter.

Enclosed is a check payable to Flathead County for \$6,880 as requested in the legal notice. Said \$6,880 can be applied toward the purchase price if the bank is the successful bidder or returned if the bank is not the successful bidder. If the bank is the successful bidder and does not complete the bond purchase the \$6,880 may be kept by the county.

Sincerely,



Frank S. Stock
Agent for The Bitterroot Valley Bank

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Flathead County, Montana (the "County"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION RELATING TO \$430,820 RURAL SPECIAL IMPROVEMENT DISTRICT BONDS (RURAL SPECIAL IMPROVEMENT DISTRICT NO. 144); AWARDED THE SALE THEREOF AND APPROVING CERTAIN MATTERS WITH RESPECT THERETO" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of Commissioners of the County at a regular meeting on August 19, 2008, and that the meeting was duly held by the Board of Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: Chairman Hall, Commissioner Brenneman and Commissioner Lauman; voted against the same _____; abstained from voting thereon; _____; or were absent; _____.

WITNESS my hand and seal officially this 19th day of August, 2008.

By/s/Diana Kile
Deputy County Clerk and Recorder



RESOLUTION NO. 2113C

RESOLUTION RELATING TO \$430,820 RURAL SPECIAL IMPROVEMENT DISTRICT BONDS (RURAL SPECIAL IMPROVEMENT DISTRICT NO. 144); AWARDING THE SALE THEREOF AND APPROVING CERTAIN MATTERS WITH RESPECT THERETO

BE IT RESOLVED by the Board of Commissioners (the "Board") of Flathead County, Montana (the "County"), as follows:

1. This Board on July 31, 2008, adopted Resolution No. 2031B providing for the public sale of \$430,820 Rural Special Improvement District Bonds (Rural Special Improvement District No. 144) (the "Bonds") to finance the costs of certain local improvements to be undertaken in or for the benefit of Rural Special Improvement District No. 144. Notice of the sale has been duly published in accordance with Montana Code Annotated, Sections 7-12-2 172, 7-7-4252 and 17-5-106. Pursuant to the notice of sale, one sealed bid for the purchase of the Bonds was received at or before the time specified for receipt of bids. The bid has been opened and publicly read and considered, and the purchase price, interest rates and true interest cost under the terms of each bid have been determined.
2. The bid of Bitterroot Valley Bank, of Lolo, Montana, (the "Purchaser"), attached as Exhibit A, to purchase the Bonds of the County, is hereby determined to comply with the notice of sale, and to be the lowest, most reasonable bid for the purchase of the Bonds. The bid of the Purchaser is hereby accepted by the Board and the sale of the Bonds is hereby awarded to the Purchaser. The bid security of the Purchaser shall be retained pending delivery of the payment for the Bonds and the bid security of all other bidders shall be promptly returned.
3. The Chair and the County Clerk and Recorder are hereby authorized and directed to execute on behalf of the County a contract for the sale of the Bonds with the Purchaser.
4. This Board shall prescribe the form and security for the Bonds in a subsequent resolution.

PASSED AND ADOPTED by the Board of County Commissioners of Flathead County, Montana, this 19th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By/s/Joseph D. Brenneman
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"
Resolution #2113C

Frank S. Stock
PO Box 1001
Polson, MT 59860
August 19, 2008


County Commissioners
Flathead County
Flathead County Court House
800 S. Main
Kalispell, MT 59901

Dear Commissioners:

This letter is written in response to the legal notice requesting bids for the bonds for Rural Special Improvement District No. 144 in the total amount of \$430,820. The Bitterroot Valley Bank, PO Drawer 9, Lolo Shopping Center, Lolo, MT 59847, phone 406-273-2400 is willing to purchase said bonds at a yield of 7.6 percent per annum at par. The details of the settlement are to be worked out between Kate Templeman, Vice President of the Bank, and the County if the Bank is the successful bidder.

This bid is based upon preliminary information provided by Jonathan B. Smith, Deputy of the Flathead County Attorney Office. The County is requested as part of this bid to provide a list of the property owners in the Rural Special Improvement District and the debt due on each parcel of real estate in the rural improvement district and the total reserves in the County's Rural Special Improvement District Revolving Fund. The bank would also like a copy of the documents and resolutions forming the rural special improvement district and authorizing the issuance of the bonds. Please refer to the enclosed November 21, 2007 letter.

Enclosed is a check payable to Flathead County for \$8,616.40 as requested in the legal notice. Said \$8,616.40 can be applied toward the purchase price if the bank is the successful bidder or returned if the bank is not the successful bidder. If the bank is the successful bidder and does not complete the bond purchase the \$8,616.40 may be kept by the county.

Sincerely,

Frank S. Stock
Agent for The Bitterroot Valley Bank

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Flathead County, Montana (the "County"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION RELATING TO \$274,000 RURAL SPECIAL IMPROVEMENT DISTRICT BONDS (RURAL SPECIAL IMPROVEMENT DISTRICT NO. 145); AWARDED THE SALE THEREOF AND APPROVING CERTAIN MATTERS WITH RESPECT THERETO" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of Commissioners of the County at a regular meeting on August 19, 2008, and that the meeting was duly held by the Board of Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: Chairman Hall, Commissioner Brenneman and Commissioner Lauman; voted against the same _____; abstained from voting thereon; _____; or were absent; _____.

WITNESS my hand and seal officially this 19th day of August, 2008.

By/s/Diana Kile
Deputy County Clerk and Recorder



RESOLUTION NO. 2112C

RESOLUTION RELATING TO \$274,000 RURAL SPECIAL IMPROVEMENT DISTRICT BONDS (RURAL SPECIAL IMPROVEMENT DISTRICT NO. 145); AWARDED THE SALE THEREOF AND APPROVING CERTAIN MATTERS WITH RESPECT THERETO

BE IT RESOLVED by the Board of Commissioners (the "Board") of Flathead County, Montana (the "County"), as follows:

1. This Board on July 31, 2008, adopted Resolution No. 2112B providing for the public sale of \$274,000 Rural Special Improvement District Bonds (Rural Special Improvement District No. 145) (the "Bonds") to finance the costs of certain local improvements to be undertaken in or for the benefit of Rural Special Improvement District No. 145. Notice of the sale has been duly published in accordance with Montana Code Annotated, Sections 7-12-2 172, 7-7-4252 and 17-5-106. Pursuant to the notice of sale, one sealed bid for the purchase of the Bonds was received at or before the time specified for receipt of bids. The bid has been opened and publicly read and considered, and the purchase price, interest rates and true interest cost under the terms of each bid have been determined.
2. The bid of Bitterroot Valley Bank, of Lolo, Montana, (the "Purchaser"), attached as Exhibit A, to purchase the Bonds of the County, is hereby determined to comply with the notice of sale, and to be the lowest, most reasonable bid for the purchase of the Bonds. The bid of the Purchaser is hereby accepted by the Board and the sale of the Bonds is hereby awarded to the Purchaser. The bid security of the Purchaser shall be retained pending delivery of the payment for the Bonds and the bid security of all other bidders shall be promptly returned.
3. The Chair and the County Clerk and Recorder are hereby authorized and directed to execute on behalf of the County a contract for the sale of the Bonds with the Purchaser.
4. This Board shall prescribe the form and security for the Bonds in a subsequent resolution.

PASSED AND ADOPTED by the Board of County Commissioners of Flathead County, Montana, this 19th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By/s/Joseph D. Brenneman
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"
Resolution #2112C

Frank S. Stock
PO Box 1001
Polson, MT 59860
August 19, 2008

County Commissioners
Flathead County
Flathead County Court House
800 S. Main
Kalispell, MT 59901

Dear Commissioners:

This letter is written in response to the legal notice requesting bids for the bonds for Rural Special Improvement District No. 145 in the total amount of \$274,000. The Bitterroot Valley Bank, PO Drawer 9, Lolo Shopping Center, Lolo, MT 59847, phone 406-273-2400 is willing to purchase said bonds at a yield of 4.7 percent per annum at par. The details of the settlement are to be worked out between Kate Templeman, Vice President of the Bank, and the County if the Bank is the successful bidder.

This bid is based upon preliminary information provided by Jonathan B. Smith, Deputy of the Flathead County Attorney Office. The County is requested as part of this bid to provide a list of the property owners in the Rural Special Improvement District and the debt due on each parcel of real estate in the rural improvement district and the total reserves in the County's Rural Special Improvement District Revolving Fund. The bank would also like a copy of the documents and resolutions forming the rural special improvement district and authorizing the issuance of the bonds. Please refer to the enclosed November 21, 2007 letter.

Enclosed is a check payable to Flathead County for \$5,480 as requested in the legal notice. Said \$5,480 can be applied toward the purchase price if the bank is the successful bidder or returned if the bank is not the successful bidder. If the bank is the successful bidder and does not complete the bond purchase the \$5,480 may be kept by the county.

Sincerely,



Frank S. Stock
Agent for The Bitterroot Valley Bank

CONSIDERATION OF APPROVAL OF ANIMAL ADVISORY COMMITTEE BYLAWS

[11:10:17 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Lauman made a **motion** to adopt the Animal Advisory Committee by-laws. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: MONTANA WOOL GROWERS ASSOCIATION MOU

[11:13:08 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve the MOU for Montana Wool Growers Association. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: PLACE 911 DISPATCH CENTER ON BALLOT

[11:27:19 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Mark Peck, Kristi Massey, Clerk Kile

Commissioner Lauman made a **motion** to adopt Resolution #2159. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Flathead County, Montana (the "County"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SUBMITTING TO THE QUALIFIED ELECTORS OF FLATHEAD COUNTY, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES IN THE AMOUNT OF UP TO SIX MILLION NINE HUNDRED THOUSAND AND NO/100 DOLLARS (\$6,900,000.00) FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING RIGHTS AND INTERESTS IN AND TO A PARCEL OF LAND LOCATED NEAR STILLWATER ROAD IN THE VICINITY OF THE NEW FOREST SERVICE BUILDING, IN KALISPELL, MONTANA, OR ANOTHER SUITABLE LOCATION WITHIN FLATHEAD COUNTY; OF DESIGNING, CONSTRUCTING, EQUIPPING AND FURNISHING THEREON AN EMERGENCY COORDINATION CENTER; AND OF THE SALE AND ISSUANCE OF THE BONDS" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of County Commissioners of the County at a meeting on August 19, 2008, and that the meeting was duly held by the Board of County Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: Chairman Hall, Commissioner Brenneman and Commissioner Lauman; voted against the same _____; abstained from voting thereon; _____; or were absent; _____.

WITNESS my hand and seal officially this 19th day of August, 2008.

By/s/Diana Kile
Paula Robinson, Clerk & Recorder
Flathead County, Montana



RESOLUTION NO. 2159

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SUBMITTING TO THE QUALIFIED ELECTORS OF FLATHEAD COUNTY, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES IN THE AMOUNT OF UP TO SIX MILLION NINE HUNDRED THOUSAND AND NO/100 DOLLARS (\$6,900,000.00) FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING RIGHTS AND INTERESTS IN AND TO A PARCEL OF LAND LOCATED NEAR STILLWATER ROAD IN THE VICINITY OF THE NEW FOREST SERVICE BUILDING, IN KALISPELL, MONTANA, OR ANOTHER SUITABLE LOCATION WITHIN FLATHEAD COUNTY; OF DESIGNING, CONSTRUCTING, EQUIPPING AND FURNISHING THEREON AN EMERGENCY COORDINATION CENTER; AND OF THE SALE AND ISSUANCE OF THE BONDS

RECITALS

WHEREAS, the board of commissioners of a county may issue bonds on the credit of the county for the purpose of acquiring land for sites and grounds for public buildings; constructing, erecting, or acquiring by purchase necessary public buildings within the county, under its control and authorized by law; making additions to and repairing buildings; and furnishing and equipping the same, upon approval of the electorate of the county, provided that the amount of indebtedness does not exceed 2.50% of the total assessed value of taxable property within the county, calculated in accordance with Section 7-7-2101, M.C.A.; and

WHEREAS, a board is authorized pursuant to Section 7-7-2223, M.C.A., to call a bond election by adopting a resolution to that effect; and

WHEREAS, the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County"), has determined that there should be submitted to the electors of the County qualified to vote at bond elections the question of whether the Board shall be authorized to issue and sell bonds of the County in one or more series to obtain funds for the purpose of paying the costs of acquiring rights and interests in and to a parcel of land located near Stillwater Road in the vicinity of the new Forest Service Building, in Kalispell, Montana, or another suitable location within Flathead County; of designing, constructing, equipping and furnishing thereon an Emergency Coordination Center (the "Center"); and of the sale and issuance of the bonds; and

Whereas, the Center is designed to address space, technology, and coordination issues for 9-1-1 Dispatch and the Office of Emergency Services, and would consist of an emergency operations and training center for emergency responders; an attached or adjacent depot for storage of materials and equipment, including vehicles, relating to emergency response and office space; and related improvements; and

WHEREAS, it is the judgment of the Board that the sum of up to Six million Nine Hundred Thousand and No/100 Dollars (\$6,900,000.00) in bonds will be necessary to carry out the purpose set forth above; and

WHEREAS, the Board has determined that the issuance of general obligation bonds in one or more series in the amount of up to \$6,900,000 will not cause the County to exceed its indebtedness limitation, which as currently calculated is \$165,550,278.50 (2.5% X \$6,622,011,142); and

WHEREAS, it is the judgment and determination of the Board that bonds will be payable during a term not to exceed twenty (20) years and shall be redeemable after one-half of the term for which they are issued.

NOW, THEREFORE, BE IT RESOLVED By the Board of the County as follows:

1. Calling of the Election. The Board of the County hereby calls and directs a county election be held in conjunction with the general election on November 4, 2008, for the purpose of voting on the following question:

Shall the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County") be authorized to issue and sell general obligation bonds of the County, in one or more series in the amount of up to Six Million Nine Hundred Thousand and No/100 Dollars (\$6,900,000.00), bearing interest at rates to be determined by the Board at a competitive sale, payable semiannually during a term not to exceed twenty (20) years and redeemable after one-half of their term, for the purpose of paying the costs of acquiring rights and interests in and to a parcel of land located near Stillwater Road in the vicinity of the new Forest Service Building, in Kalispell, Montana, or another suitable location within Flathead County; of designing, constructing, equipping and furnishing thereon an Emergency Coordination Center (the "Center"); and of the sale and issuance of the bonds? The Center is designed to address space, technology, and coordination issues for 9-1-1 Dispatch and the Office of Emergency Services, and would consist of an emergency operations and training center for emergency responders; an attached or adjacent depot for storage of materials and equipment, including vehicles, relating to emergency response and office space; and related improvements.

2. Conduct of Election. All qualified electors of the County shall be entitled to vote at the bond election. The Flathead County Election Administrator is hereby requested and authorized to give proper notice of the close of registration and thereafter prepare printed lists of the electors in the County entitled to vote in the election in the County and to conduct the election in the form and manner prescribed by law.

3. Notice of Election. The Election Administrator is hereby authorized and requested to cause notice of the call and holding of the election to be given by publishing notice at least once a week for the three consecutive weeks before the election in *The Daily Inter Lake*, a newspaper of general circulation in the County. The notice of election as published shall read substantially as follows:

NOTICE OF FLATHEAD COUNTY
9-1-1 DISPATCH AND EMERGENCY COORDINATION CENTER
BOND ELECTION
Flathead County, Montana
November 4, 2008

NOTICE IS HEREBY GIVEN by the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County"), that pursuant to a certain resolution duly adopted at a regular meeting of the Board on August 19, 2008, a special election of the registered voters of the County will be held on November 4, 2008, in conjunction with the general election, for the purpose of voting on the following question:

Shall the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County") be authorized to issue and sell general obligation bonds of the County, in one or more series in the amount of up to Six Million Nine Hundred Thousand and No/100 Dollars (\$6,900,000.00), bearing interest at rates to be determined by the Board at a competitive sale, payable semiannually during a term not to exceed twenty (20) years and redeemable after one-half of their term, for the purpose of paying the costs of acquiring rights and interests in and to a parcel of land located near Stillwater Road in the vicinity of the new Forest Service Building, in Kalispell, Montana, or another suitable location within Flathead County; of designing, constructing, equipping and furnishing thereon an Emergency Coordination Center (the "Center"); and of the sale and issuance of the bonds? The Center is designed to address space, technology, and coordination issues for 9-1-1 Dispatch and the Office of Emergency Services, and would consist of an emergency operations and training center for emergency responders; an attached or adjacent depot for storage of materials and equipment, including vehicles, relating to emergency response and office space; and related improvements.

The annual tax upon the issuance of the full \$6,900,000 in bonds, assuming a 5.00% interest rate per annum on the bonds for 20 years and based on the current assessed value of taxable property in the County, is estimated to be \$6.22 for a home with an assessed market value for tax purposes of \$100,000 and \$12.44 for a home with an assessed market value for tax purposes of \$200,000.

The polling places for the election shall be the normal polling places for County residents during the general election and polls shall be open between the hours of 7:00 a.m. and 8:00 p.m.

Absentee ballots may be obtained at the office of the Flathead County Election Administrator at 800 South Main Street, Kalispell, Montana, from October 6, 2008 until 12:00 noon, November 3, 2008.

County Clerk and Recorder

Publish: September 18, 2008, September 25, 2008, and October 2, 2008

4. Ballots. The Election Administrator is hereby requested to prepare suitable ballots for use at the election at the polling places, together with the precinct lists.

5. Form of Ballot. The ballot shall be printed in substantially the following form:

OFFICIAL BALLOT
FLATHEAD COUNTY, MONTANA
9-1-1 DISPATCH AND EMERGENCY COORDINATION CENTER
BOND ELECTION
NOVEMBER 4, 2008

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue, make an X or similar mark in the vacant square before the words "BONDS--NO."

Shall the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County") be authorized to issue and sell general obligation bonds of the County, in one or more series in the amount of up to Six Million Nine Hundred Thousand and No/1 00 Dollars (\$6,900,000.00), bearing interest at rates to be determined by the Board at a competitive sale, payable semiannually during a term not to exceed twenty (20) years and redeemable after one-half of their term, for the purpose of paying the costs of acquiring rights and interests in and to a parcel of land located near Stillwater Road in the vicinity of the new Forest Service Building, in Kalispell, Montana, or another suitable location within Flathead County; of designing, constructing, equipping and furnishing thereon an Emergency Coordination Center (the "Center"); and of the sale and issuance of the bonds? The

Center is designed to address space, technology, and coordination issues for 9-1-1 Dispatch and the Office of Emergency Services, and would consist of an emergency operations and training center for emergency responders; an attached or adjacent depot for storage of materials and equipment, including vehicles, relating to emergency response and office space; and related improvements.

The annual tax upon the issuance of the full \$6,900,000 in bonds, assuming a 5.00% interest rate per annum on the bonds for 20 years and based on the current assessed value of taxable property in the County, is estimated to be \$6.22 for a home with an assessed market value for tax purposes of \$100,000 and \$12.44 for a home with an assessed market value for tax purposes of \$200,000.

BONDS - YES

BONDS - NO

Notice to County Election Administrator. A copy of this resolution will be provided to the Election Administrator as soon as possible after its adoption and approval in order to inform him/her of the details of the election and the pertinent requests and authorizations as to the conduct of the election.

PASSED AND ADOPTED by the Board of County Commissioners of Flathead County, Montana, this 19th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

DOCUMENT FOR SIGNATURE: DEQ CONTRACT #509003

[11:14:41 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve DEQ Contract #509003. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

BOARD APPOINTMENT: TAX APPEAL BOARD

[11:15:20 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to appoint Ernest Hutchinson to the Tax Appeal Board. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CONSIDERATION OF EXTENSION REQUEST: PAINTED HORSE RANCH

[11:16:53 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Chairman Hall noted the extension is to September 19, 2009.

Commissioner Brenneman made a **motion** to approve the extension request for Painted Horse Ranch. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: PRE-DISASTER MITIGATION PLAN

[11:18:55 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Kristi Massey, Mark Peck, Clerk Kile

Commissioner Brenneman made a **motion** to adopt Resolution #1802A. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 1802 A

WHEREAS, the Disaster Mitigation Act of 2000 requires that local government entities adopt a Pre-Disaster Mitigation Plan in order to be eligible to receive Hazard Mitigation Grant Program project funding;

WHEREAS, the Office of Emergency Services for Flathead County, Montana, prepared a "Flathead County Pre-Disaster Mitigation Plan";

WHEREAS, the Board of Commissioners of Flathead County reviewed and adopted the Flathead County Pre-Disaster Mitigation Plan by the adoption of Resolution No. 1802 on February 28, 2005;

WHEREAS, the Flathead County Pre-Disaster Mitigation Plan has not been approved by the State of Montana, Disaster and Emergency Services Division and the Federal Emergency Management Agency, and has since been revised by the Office of Emergency Services for Flathead County, Montana; and

WHEREAS, the Board of Commissioners has given notice of the availability of the revised Flathead County Pre-Disaster Mitigation Plan for review and comment by the public by publication of legal notices on June 30 and July 7, 2008, and no comment was received.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the attached, revised Flathead County Pre-Disaster Mitigation Plan is hereby adopted.

Dated this 19th 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/s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

The above Pre-Disaster Mitigation Plan can be seen at:

http://www.flathead.mt.gov/downloads/documents/document_281_1220479859.pdf

11:30 a.m. County Attorney meeting @ Co. Atty's Office

7:00 p.m. Commissioner Lauman: Solid Waste District Public Meeting re: Marion green box site

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 20, 2008.

WEDNESDAY, AUGUST 20, 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 Brenneman: Flathead Basin Commission meeting @ Glacier Park Community Ctr.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 21, 2008.

THURSDAY, AUGUST 21, 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.

BI-MONTHLY MEETING W/ JED FISHER, WEED/ PARKS/ MAINTENANCE

[9:01:49 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Dale W. Lauman

Others present:

Weed & Parks Director Jed Fisher, Clerk Kile

Discussion was held relative to an appraisal on Stillwater Christian School and the availability of other facilities for Parks and Rec. Fisher noted the Master Plan for parks will be completed by next spring. He then reported they would like to be able to start writing their own tickets for park violations. Discussion also included the extent of involvement the county should go to in controlling weeds on properties.

PUBLIC HEARING: THELINE ZONE CHANGE/ EVERGREEN & VICINITY ZONING DISTRICT

[9:30:55 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Dale W. Lauman

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Clint Theline, Clerk Kile

Broadie reviewed Staff Report FZC 08-05; an application to change zoning from R-1 and R-2 to B-2 located on the south side of West Reserve Drive. The total area for the proposed re-zone is 7.4 acres contained within four tracts of land currently with an existing non-conforming auto repair shop, two single family homes and a church.

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

Clint Theline noted he was there to answer any questions if there were any.

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

Commissioner Brenneman made a **motion** to adopt Resolution #797EV and authorized publication of the Notice of Passage of Resolution of Intent and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 797 EV

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 21st day of August, 2008, 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);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on August 9 and August 16, 2008;

WHEREAS, the Board of Commissioners received public comment on the proposed zoning change; and

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Evergreen and Vicinity 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 for a portion of the area in the Evergreen and Vicinity Zoning District from R-1 and R-2 to B-2, that area being described as Tracts 5, 5FA, 5F and 5H, located in Section 33, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, and addressed as 84 to 108 West Reserve Drive, Kalispell, containing 7.4 acres.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Evergreen and Vicinity Zoning District to be changed, the general character of the proposed change in regulations for the area, 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 Evergreen and Vicinity 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 Evergreen and Vicinity 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 Evergreen and Vicinity Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 21st day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

By: _____
Dale W. Lauman, Member

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
EVERGREEN AND VICINITY ZONING DISTRICT

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. 797 EV) on August 21, 2008, 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 the boundaries of Tract 5, Tract 5FA, Tract 5F and Tract 5H, located in Section 33, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana. The property is addressed as 84 to 108 West Reserve Drive, Kalispell, and contains 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 on file for public inspection at the Office of the Clerk and Recorder, 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/downloads/documents/document_228_1213654574.pdf. 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 Evergreen and Vicinity 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 21st day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on August 26 and September 2, 2008.

CONSIDERATION OF EXTENSION: THE HOMESTEAD AT WHITEFISH, PHASE 2

[9:46:53 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Dale W. Lauman

Others present:

Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Eric Mulcahy, Clerk Kile

Chairman Hall read a letter received from Sands Surveying requesting a one year extension for Homestead at Whitefish, Phase 2.

Hogle stated after reviewing the file that the request is appropriate. He then noted that under today's regulations more information would be required in regards to a phasing plan during preliminary plat.

General discussion was held relative to a phasing schedule and changing the subdivision regulations.

Commissioner Brenneman made a **motion** to grant an extension for Phase 2 as requested for one year with the understanding that Phase 3 is now valid through September 14, 2011, Phase 4 is valid through September 14, 2013 with possible extensions subsequently being granted. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

TAKE ACTION: STILL RIVERS EDGE AND YO BEAR ESTATES SUBDIVISION

[10:04:30 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Dale W. Lauman

Others present:

Clerk Kile

Chairman Hall read into the record that Still Rivers Edge and Yo Bear Estates Subdivision are now dead files; they will not go to final plat.

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

[10:07:09 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Members absent:
Commissioner Dale W. Lauman
Others present:
Finance Comptroller Joe Garza, Clerk Kile

Garza reported the Clerk & Records Convention is being held in Missoula that he would be attending. He then noted they plan to close the books for the year on August 31 and are also waiting on certified taxable values that are being re-worked by the DOR.

TAX REFUND REQUEST: SCRANTON

[10:16:26 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Members absent:
Commissioner Dale W. Lauman
Others present:
Clerk Kile

Commissioner Brenneman made a **motion** to approve the tax refund request for Scranton. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: PROFESSIONAL SERVICES CONTRACT/ MC CARTHY

[10:25:12 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Members absent:
Commissioner Dale W. Lauman
Others present:
I.T. Director Vicki Saxby, Clerk Kile

Commissioner Brenneman made a **motion** to approve the professional services contract for Allison McCarthy. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

CONSIDERATION OF TEMPORARY ROAD CLOSURE: STILLWATER ROAD GOOSE BAY CONSTRUCTION

[10:32:34 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Members absent:
Commissioner Dale W. Lauman
Others present:
Clerk Kile

No action was taken.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #08-07-4-31-015-0

[10:41:27 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Members absent:
Commissioner Dale W. Lauman
Others present:
Clerk Kile

Commissioner Brenneman made a **motion** to approve DPHHS Contract #08-07-4-31-015-0 and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #09-07-5-11-008-0

[10:43:03 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Members absent:
Commissioner Dale W. Lauman
Others present:
Clerk Kile

Commissioner Brenneman made a **motion** to approve DPHHS Contract #09-07-5-11-008-0 and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #09-07-3-31-023-0

[10:44:03 AM](#)
Members present:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Members absent:
Commissioner Dale W. Lauman
Others present:
Clerk Kile

Commissioner Brenneman made a **motion** to approve DPHHS Contract #09-07-3-31-023-0. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

12:00 p.m. Commissioner Brenneman: Rotary @ Hilton Garden Inn
2:00 p.m. Commissioner Brenneman: Health Board meeting @ Earl Bennett Bldg.
7:00 p.m. Road Advisory Committee meeting @ Solid Waste District Conference Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 22, 2008.

FRIDAY, AUGUST 22, 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.

10:00 a.m. Surplus Auction @ Justice Center: Tract 7HA in Gov't Lot 3

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 25, 2008.
