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## MONDAY, DECEMBER 8, 2008

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

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

Fred Bryant presented the commission with a packet of aerial photos of his property. He then explained that he needed to sell a portion of his property to pay medical bills, but after talking to a realtor, surveyor and the planning office and finding out all of the hoops he had to jump through in order for him to sell off just five acres that the cost was excessive.

John Wilke, a resident on Deer Creek Road explained there are problems with traffic and commercialization of the area with traffic accessing off of Hwy 93 creating a problem. He then stated there are also problems with the Lakeside School Bus being passed in the area when it is stopped.

Susan Handy presented the commission with minutes from the Flathead County Planning Board meeting where they reiterated eliminating the passing zone. She also noted the opposition from the Lakeside Neighborhood Plan and Lakeside Community Council of commercial development in the area.

Mayre Flowers, Citizens for a Better Flathead commented that she felt the original subdivision regulations before them provided incredible flexibility in that someone could engineer a system to address water quality. She then explained if you don't want to go to the extra expense the setbacks proposed are reasonable and are being followed by a lot of developers right now. Flowers then stated this seems the simplest and cleanest way to move forward; we do need to have tools in place to make sure we are protecting our water quality.

Sharon DeMeester, 415 Chestnut Drive stated she was a little stressed that they were not going to take a position on the stream side setbacks with so much effort put into the subdivision regulations over the past two years. She then added she has attended some of the public meetings and the commission has asked the public, the planning board and staff to put in a huge amount of effort to give them the guidance they need in making the decision, and it seems as if they feel they don't have enough information. She spoke to a hydrologist that told her he cannot make a recommendation to someone without guidelines to follow; with guidelines he would have a starting point. DeMeester then said we have a country being more conscience about our water than we are with the Flathead being pulled out of the coal methane project to protect our water. She further added that she feels it is the commission's responsibility to take the lead and set guidelines to protect water quality.

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

### **MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS**

[9:09:23 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Fair Director Jay Scott, Clerk Kile

Scott reported the gun show this past weekend was well attended. Discussion was then held relative to upcoming Fair Board appointments and a proposed on line ticketing system.

### **CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: SR 2.5 TEXT AMENDMENT/ FLATHEAD COUNTY ZONING REGULATIONS**

[9:20:34 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

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

Chairman Hall read into the record no protest letters were received.

Commissioner Lauman made a **motion** to adopt Final Resolution 955HA / SR2.5 Text Amendment Regulations. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

#### RESOLUTION NO. 955 HA

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 29<sup>th</sup> day of October, 2008, concerning a proposal to change the text of the Flathead County Zoning Regulations;

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

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

**MONDAY, DECEMBER 8, 2008**  
**(Continued)**

WHEREAS, based upon that recommendation and the testimony of the public, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 955 GZ dated October 29, 2008) to add a new Section 3.43 to the Regulations which would define a new zoning classification denominated R-2.5 (Rural Residential) intended for rural, primarily residential areas where larger, estate-type lot sizes are appropriate and where agricultural, silvicultural and horticultural operations are a decreasingly viable land use, as set forth on Exhibit A hereto; and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on November 4 and November 11, 2008, and the Board of Commissioners did not receive written protests to the change from forty percent (40%) of the freeholders.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Flathead County Zoning Regulations by adding Section 3.43 to the Regulations which would define a new zoning classification denominated R-2.5 (Rural Residential) intended for rural, primarily residential areas where larger, estate-type lot sizes are appropriate and where agricultural, silvicultural and horticultural operations are a decreasingly viable land use, and by amending other sections of the Flathead County Zoning Regulations to make references to the new classification where appropriate, as set forth on Exhibit A hereto.

DATED this 8<sup>th</sup> day of December, 2008.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By \_\_\_\_\_  
Joseph D. Brenneman, Member

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

ATTEST  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

SEE CLERK & RECORDERS FILE FOR EXHIBIT "A"

**OPEN BIDS: LEGAL ADVERTISING 2009**

9:35:39 AM

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Bid received with bid bond enclosed from The Daily Inter Lake.

Commissioner Lauman made a **motion** to take the bid for legal advertising under advisement. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

**BUDGET AMENDMENTS: MISC**

9:37:10 AM

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, I.T. Director Vicki Saxby, Clerk Kile

Garza reported the Universal Power Supply replaced was destroyed in a recent power outage.

Commissioner Lauman made a **motion** to approve Budget Resolution 2180. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Budget Amendment Resolution No. 2180

**WHEREAS**, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2008-2009, are required, and;

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

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

**MONDAY, DECEMBER 8, 2008  
(Continued)**

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

DATED this 8<sup>th</sup> day of December, 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

<b>DATE OF ISSUE:</b>		12/8/2008		<b>BUDGET ENTRY</b>		<b>VOUCHER NO.:</b>	
<b>DATE OF RECORD:</b>						Entered by:	
				Resolution 2180			
<b>Fund</b>	<b>Dept</b>	<b>ACTIVITY</b>	<b>OBJECT</b>	<b>ACCOUNT DESC</b>	<b>DEBIT</b>	<b>CREDIT</b>	
2901	0201	410580	948	Computer Equipment		11,330.53	
2901		242000			11,330.53		
<b>Explanation</b>					11,330.53	11,330.53	
Establish spending authority for capital hardware in FY2009 to cover the cost of a new Universal Power Supply (UPS) that was destroyed in the recent power outage incident.							

Garza reported the medical bill is in regards to breathing issues incurred during construction in the Courthouse from a Clerk and Recorder employee.

Commissioner Lauman made a **motion** to approve Budget Resolution 2179. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Budget Amendment Resolution No. 2179

**WHEREAS**, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2008-2009, are required, and;

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

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

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

DATED this 8<sup>th</sup> day of December, 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

<b>DATE OF ISSUE:</b>		12/5/2008		<b>BUDGET ENTRY</b>		<b>VOUCHER NO.:</b>	
<b>DATE OF RECORD:</b>						Entered by:	
				Resolution 2179			
<b>Fund</b>	<b>Dept</b>	<b>ACTIVITY</b>	<b>OBJECT</b>	<b>ACCOUNT DESC</b>	<b>DEBIT</b>	<b>CREDIT</b>	
2901	0201	410910	351	Med/Dent/Pharmacy		416.60	
2901		242000			416.60		
<b>Explanation</b>					416.60	416.60	
Establish line item in PILT for Medical costs that were incurred during construction in courthouse.							

MONDAY, DECEMBER 8, 2008  
(Continued)

**DOCUMENT FOR SIGNATURE: CONTRACT MODIFICATION NO. 2/ EAST EVERGREEN BIKE PATH**

[9:44:13 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman [9:50:09 AM](#) (Seated)

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Clerk Kile

Hogle explained that early in 2008 a modification was made to the engineering contract for the East Evergreen Bike Path at which time the engineer tapped into his portion of the allocated budget for oversight by the consultant. The funds were used during the design phase so the contract modification was made in the amount of \$29,959.00. The project construction since has run into a number of road block issues that contributed to the extension of time to complete the project which has put them into liquidated damage stages. Hogle stated that because of the extra amount of time required by the engineer to perform his duties during the liquidated damage phases, he has requested an additional amount of money referred to as Contract Modification II for \$13,400.00, which would bring the total engineering cost for the project up to \$132,278.00 with the total project now up to \$563,217.00. It was noted the way the CTEP Program works is the county or the local community will be required to come up with 13.42% (\$2,000.00) of the additional monies; referred to as a local match.

Discussion was held relative to issues with the project and documented correspondence with the engineer.

Hogle was asked to contact the engineer for a detailed explanation of the bill.

**PUBLIC HEARING: TAX INCENTIVE/ TOTAL LABEL USA**

[10:08:10 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, Terry Hensleigh, Nancy Kimball, Clerk Kile

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

Terry Hensleigh with Total Label USA stated he feels the company deserves the incentive with their employment going from 31 to 43 employees this year. He then added they have the foundation to actually become even larger because of the expansion done.

Deputy County Attorney Smith explained the Department of Revenue said the way the company set up all the different things they put money into was fine, but the drainfield and fire hydrants are not separately assessed or appraised; they appraise the building and ground and the appraisal may not equal what the investment is. He then stated that whatever the appraisal is will be subject to the reduction.

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

Commissioner Brenneman made a **motion** to adopt Resolution 2181. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 2181

WHEREAS, the Board of Commissioners of Flathead County, Montana, passed Resolution No. 476 on April 8, 1983, and Resolution No. 476A on February 21, 1984, allowing tax benefits for new or expanding industry in Flathead County;

WHEREAS, Total Label USA, LLC of Whitefish, Montana, has applied for the tax benefits with regard to the additional purchase of equipment and improvements added to the current facility located at 500 Label Lane, Whitefish;

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing under the provisions of section 15-24-1402, M.C.A., on the 8<sup>th</sup> day of December, 2008, concerning the request for tax benefits filed by Total Label USA, LLC; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, having reviewed the application of Total Label USA, LLC, and the testimony presented at the public hearing, has concluded that the application for tax reduction benefits meets the requirements of the applicable statutes and resolutions.

**MONDAY, DECEMBER 8, 2008**  
**(Continued)**

NOW, THEREFORE, BE IT RESOLVED that the additional \$152,000 worth of new equipment and improvements added to the Total Label USA, LLC located on 500 Label Lane, Whitefish, Montana, shall be granted the tax benefits set forth in Resolution Nos. 475 and 475A and Section 15-24-1402, M.C.A., and the added value will be taxed at fifty percent of its taxable value in the first five years after approval; in each year thereafter, the percentage will be increased by 10 percent until the full taxable value is attained in the tenth year.

DATED this 8<sup>th</sup> day of December, 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

**PRELIMINARY PLAT: MARCO HEIGHTS 2**

[10:23:29 AM](#)

Members present:

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

Others present:

Planner Allison Mouch, Johna Morrison, Marc Leichti, Dan Gullotta, Suzanne Gullotta, Charles Lapp, Susan Handy, Clerk Kile

Mouch entered into record Staff Report FPP 08-20; an application submitted by Dan Gullotta with technical assistance from Johna Morrison for preliminary plat approval of Marco Heights, a major subdivision that would create two commercial lots located at the intersection of Hwy 93 and Deer Creek Road north of Lakeside. The proposed lots would be 0.88 and 0.97 acres in size and would be served by public on site well and sewer service. It was noted for the record traffic concerns onto Hwy 93 and public comments received in regards to the approach: Policy 6.1 and Policy 23.10 designate there should be internal interconnected subdivision roads for commercial development. Mouch stated that a reasonable alternative access exists to provide access to Lot 1 in the means of an existing access easement that runs the length of the western property boundary. The recommendation from staff and the Lakeside Land Use Advisory Council is in support of the proposed subdivision and ask for support in denial of the variance.

Commissioner Brenneman noted the Planning Board did make a proposed change to the finding of fact.

Mouch stated that after hearing public comment the Planning Board wanted to note the concern over increased traffic and to make the recommendation that the passing lane be taken out.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP 08-20 with Finding of Fact 20 added as proposed by the Planning Board. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Morrison pointed out that Deer Creek Road had 250 vehicle trips per day in August of 2007. She then said the MDOT doesn't see a huge traffic problem there. There have been no vehicle accidents reported at this particular intersection; close calls only. Morrison then explained that the reason they asked for a variance was in order to use the road there would have to be a number of variances in play. She then said they are concerned about the road radius the way it turns and has to meet the intersection, coming into the property there is a pretty good grade that will take a lot of fill to make it work, the stacking distance at the intersection would be a problem and the well.

Leichti explained why a variance was requested. He then presented a suggested layout for the access and a drawing of what the county is requesting and explained the slope would be 15%. Leichti then said that most of the customers that would be using the parking lot would be elderly and asked that the variance be reconsidered.

Chairman Hall asked what the future was for the area and said that it looked as if it was being prepared for additional commercial development. He then said that both proposals presented make sense, yet they are faced with health and safety in the future.

General discussion was held relative to a variance and an approach.

Commissioner Lauman said the Flathead County Planning Board and Lakeside Community Council opposed the variance against the driveway onto the highway, yet in the wintertime you would have shaded areas with ice and snow build up and access onto the highway would be the best rather than going back behind it and going down into the low end.

General discussion continued in regards to easements and a possible solution therein.

Chairman Hall stated there is going to be future development there and we don't need a bunch of accesses onto the highway, especially in a section where people speed; we don't like putting accesses onto county roads or the highway every time there is a project.

**MONDAY, DECEMBER 8, 2008**  
**(Continued)**

Commissioner Brenneman said that he agrees with the concept of the existing right of way, but has difficulty figuring out how the variance could be changed so that it would be approved. He then questioned Marc Leichti in regards to how steep the road would be.

Leichti explained they would have to put the cul-de-sac deep in there and then turn back into the parking lot to make it and even then the grade would be around 5 to 6 percent.

Commissioner Brenneman then stated that he agreed with Commissioner Hall that putting cars onto high speed roads is always more dangerous than an inclined road going down to Deer Creek, and he thinks that in weighing all the information the best they are able he would have to say it would be safer to go down onto Deer Creek; that it does comply with and more easily fits into the variance. He then asked if they could live with condition 21 in regards to the road.

Leichti said that the only time that it would be an issue is when the developer to the north doesn't agree to let them use it, with him having partial ownership of the easement. He then added they usually don't ask for variances for this, yet this is a case where it does not fit the rules and that is why the variance process is an option.

Commissioner Lauman said he understands the safety issue onto the highway but feels it is the easiest access.

Commissioner Brenneman said if we have the choice between putting people onto a county road by Deer Creek Road or putting people onto a high speed highway he feels we have an obligation to figure out a way to put them onto the safer road.

Leichti said if something ever happened and the owner decided to sell or those to the north developed that they would be open to working with them to try to get a road in.

Commissioner Brenneman stated that wouldn't be an option.

Dan Gullotta the property owner explained that they are only looking at splitting off a lot; they are not doing a major subdivision that will add a lot of traffic. He then added the MDOT has agreed upon the access already that he feels should be eligible to be used for the lot; which was his understanding when he purchased the lot. Gullotta continued with if you go a little further up the road there is a subdivision going in that has access off Hwy 93 that will have more traffic than he will.

Chairman Hall noted that it is his understanding that they don't have an approved permit yet.

Gullotta continued with when they built the clinic they were asked to move the entrance from where it was to where it is now, which they complied with. He then stated that both entrances are already in compliance. Also noted was the proposed road change would make it difficult for senior citizens to drive on. Also added was concern about future development would be subject to future review by the commission and shouldn't be considered at this point.

Commissioner Lauman said that either way you come out on Deer Creek or Hwy 93 with both being a health and safety issue and that obviously more so on Hwy 93 with more traffic. If you look at Deer Creek and exit off Hwy 93 and go up an incline you bring all the traffic onto Deer Creek in an incline and in winter type driving that creates a hazard.

Leichti said they would love to find a way to get into the property from behind it; that it is a safe and feasible option in his view and would not jeopardize their decisions in the future.

General discussion was held relative to changing condition 21.

Mouch explained that it is her understanding that the easement crosses over 2 lots that are owned by the Gullotta's to provide access to their lot, so they have 2/3<sup>rd</sup> of the say in how it can be used. She further explained the improvements have only been required to the absolute minimum to access lot 1. If the north lot were to never develop it could remain a gravel dirt road, 40 foot unimproved easement.

Commissioner Brenneman asked for clarification as to if they had control of the property to make the road.

Morrison stated they had 2/3<sup>rd</sup> control of it. The way the easement is written is that Mr. Wilke has a 40 foot easement to access his property and it is very vague, but any time an easement is altered you have to have all the parties involved approve the change.

Commissioner Brenneman said if it was left at a 40 foot easement that nothing would need changed.

Mouch said the way the proposed plan by Marc Leichti was drawn was the reason they were requiring it to be brought up to a 60 foot easement to allow them the appropriate angle intersection on Deer Creek Road; right now it doesn't meet Flathead County Road and Bridge standards. She then noted the way the condition is written is if they were to meet condition 21 there would be no need for any variances.

Discussion continued in regards to findings of fact, easements and road width.

Commissioner Lauman made a **motion** to approve preliminary plat of Marco Heights 2 to include using the driveway access onto Hwy 93 and to eliminate condition 21. **Motion** died for lack of a second.

Commissioner Brenneman said that after adopting findings that state the variance doesn't qualify that it would be inappropriate to approve something they have adopted findings that say they shouldn't do. He then asked if there was any way to make the 40 foot easement on the back work. He further said we could approve it with condition 21 as it reads or turn it down.

Leichti asked for additional time to see if it would work engineering wise.

Harris explained the preliminary plat could be amended and taken back through the public hearing process or they could terminate the application and start over.

Leichti asked if it would be possible to ask for a delay in consideration.



MONDAY, DECEMBER 8, 2008  
(Continued)

Chairman Hall explained that it would have to be reviewed by December 31, 2008.

Commissioner Lauman made a **motion** to continue preliminary plat consideration of Marco Heights 2. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**CONTINUATION OF CONSIDERATION OF ADOPTION OF RESOLUTION: SUBDIVISION REGULATION AMENDMENTS**

[11:39:27 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Deputy County Attorney Peter Steele, Mayre Flowers, Bill Myers, Caryn Miske, Richard Kuhl, Sharon DeMeester, Ardis Larsen, Charles Lapp, Marc Leichti, Clerk Kile

Commissioner Brenneman said he feels we have come up with a way to look at things on a case by case basis with the goal of protecting water quality. If someone subdivides land we have a way to look at the site and decided whether it will or won't work.

Page 4-41 4.7.12 Stream Riparian Protection Requirements

b (ii) B Contribution of the vegetative type to stream bank stabilization. Will be removed.

b (ii) C Susceptibility of soil in the vegetative type to compaction. Will be removed.

b (ii) D Contribution of the vegetative type in preventing erosion. Will be changed to:

Contribution of the vegetative type in preventing erosion; stream bank stabilization.

b (ii) F Hydrological analysis of the site and potential impacts of the proposed uses. Will be removed.

Chairman Hall read into record Resolution 2077A.

Discussion was held relative to when the changes would take effect in regards to a specific date.

Commissioner Brenneman made a **motion** to adopt Resolution 2077A to adopt the Flathead County Subdivision Regulations. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 2077A

WHEREAS, the Board of Commissioners has the authority under Section 76-3-501, MCA, to adopt subdivision regulations in conformance with the requirements of the Montana Subdivision and Platting Act;

WHEREAS, the Board of Commissioners of Flathead County, Montana, adopted the current subdivision regulations in July of 2007, and at that same time, the Commissioners referred several sections of the regulations to the Flathead County Planning Board for further review and recommendations;

WHEREAS, over the last year, the Flathead County Planning Board spent over 100 hours conducting public workshops, as well as holding two public hearings, to consider and to make recommendations regarding those sections;

WHEREAS, after using the new regulations for over a year, the Flathead County Planning and Zoning Office suggested changes to clarify or simplify parts of the subdivision regulations;

WHEREAS, the Flathead County Planning Board and the Flathead County Planning and Zoning Office proposed amendments to the subdivision regulations;

WHEREAS, the proposed amendments were made available for public inspection by hard copy or on-line;

WHEREAS, in accordance with Section 76-3-503, MCA, the Board of Commissioners of Flathead County, following publication of legal notice on October 9 and October 16, 2008, held public hearings, on October 23 and October 31, 2008, to consider the proposed amendments to the subdivision regulations;

WHEREAS, the Board of Commissioners of Flathead County held workshops on November 10, November 19, and December 1, 2008, to consider comments submitted and to make changes to the proposed amendments;

WHEREAS, the Board of Commissioners of Flathead County has considered the proposed amendments to the subdivision regulations, the public testimony given at the hearings and submitted written comments.

**MONDAY, DECEMBER 8, 2008**  
**(Continued)**

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, that the proposed revision of the Flathead County Subdivision Regulations is hereby adopted and that the Subdivision Regulations attached hereto shall take effect on January 15, 2009, and shall replace the Flathead County Subdivision Regulations previously adopted by Flathead County.

DATED this 8<sup>th</sup> day of December, 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

Commissioner Brenneman stated he feels it would be a value to continue to improve the subdivision regulations and proposed that a committee that works with the subdivision regulations be appointed to review their functionality.

Commissioner Brenneman made a **motion** that each commissioner contact one or two people that they feel do good work and ask if they would be willing to consider sitting on a committee to review the regulations and make proposals to the commission in ways they could be changed. At the same time they would want the Planning Office to advise them on perhaps why they shouldn't be changed and it would be the responsibility of the Board of Commissioners to make the decision rather than the Planning Board. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 9, 2008.

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**TUESDAY, DECEMBER 9, 2008**

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

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

Charles Lapp, 3230 Columbia Falls Stage Road commented that he felt it would be a tremendous idea to set up a committee to review the subdivision regulations. He then said he feels it would help the whole process to have someone that uses the regulations to be able to add their rational to the changes. He then spoke about an easement issue that is being dealt with in which he stated we need to make sure easements are set up to be specific.

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

**MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE**

9:00:35 AM

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Charles Lapp, Clerk Kile

Harris reported the transportation plan is now two months behind in the projected date of completion with MDOT not having started modeling yet. He then noted the City of Columbia Falls received an application to create two lots on a piece of property that falls under the Interlocal Agreement and bi-sects both jurisdictions. After discussion it was decided the Flathead County Planning Board should process the application. Harris then noted the Planning Office sent out two different letters to property owners in Whitefish who fall under the Proposed Whitefish Area Zoning District; one for property owners currently zoned by the City of Whitefish and the other for properties currently unzoned to notify them of the public hearing that will be held by the Planning Board on December 17, 2008. On January 13, 2009 a public hearing will be held by the commission prior to the decision on the proposed zoning district. Discussion was also held relative to floodplain regulations that need resolved.



TUESDAY, DECEMBER 9, 2008  
(Continued)

**MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER**

[9:39:32 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Juvenile Detention Director Laurie Rebeck, Clerk Kile

Rebeck reported Juvenile Detention Center population is down. She then explained that through the course of the years they have been trying to deter detaining juveniles in the jails and placing them elsewhere; also noted was the crime rate and drug use among them seems to be going down somewhat. Discussion was held relative to the need for a generator for their building.

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

[10:00:22 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 reported the 4-H club profited \$2,300.00 from a fund raiser held at Majestic Valley Area. She then noted they helped with the preparation of the Sykes Thanksgiving meal, which they cooked at the Christian Center. Also reported was the Leadership Banquet was well attended, shooting sports training was held at the Fairgrounds, a new family orientation workshop and a beef cattle specialist workshop will be held in January.

**FINAL PLAT: MOOSE MEADOWS, PHASE 2**

[10:17:25 AM](#)

Members present:

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

Others present:

Planner Alex Hogle, Erica Wirtala, Clerk Kile

Hogle entered into record Final Plat FFP 08-49; Moose Meadows Phase 2, an application received from Joy Wildebour and Douglas and Maureen Walker with technical assistance from Sands Surveying for an 8 lot residential subdivision located on the lower side of Lower Prairie Road. Preliminary plat approval was granted on June 21, 2007, subject to 14 conditions under Amended Plat of Lots 3 & 4, Moose Meadows, Tract 1 of COS 15205. All conditions have been met and staff recommends approval. Hogle noted the applicant and fire chief worked out an arrangement that was more appropriate and desirable for the district in regards to fire suppression.

Commissioner Brenneman made a **motion** to approve final plat of Moose Meadows, Phase 2. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**MONTHLY MEETING W/ CINDY MULLANEY, OES & LINCOLN CHUTE, FIRE SERVICE AREA MANAGER**

[10:32:45 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Interim OES Director Cindy Mullaney, Fire Service Manager Lincoln Chute, Clerk Kile

Discussion was held relative to a fuels reduction program getting started in Lakeside, continuing work on inventory and the VFA Grant to acquire gear for wildland training. Chute noted that 70% of the fires that DNRC ran on this year were human caused and questioned if that increased substantially because restrictions didn't happen. He then said a weather station needs to be located on the valley floor.

Mullaney reported the exercise with the Bureau of Reclamation on failure of Hungry Horse Dam will be held next week. She then explained they have worked with the GIS Department and have created an overlay for a map that will show structures and color coding to the depth of water for damages. Also noted was discussion is being held in regards to a functional exercise with BNSF (Amtrak) for an avalanche scenario. Mullaney stated that the Emergency Operation Plan is still being worked on as well as Northern Tier Interoperability.

Discussion was held relative to disposal of old equipment that is no longer used.

TUESDAY, DECEMBER 9, 2008  
(Continued)

**CONSIDERATION OF HR TRANSMITTALS: CIVIL OFFICER/ SHERIFF'S OFFICE AND VET TECH/ ANIMAL SHELTER**

[11:01:25 AM](#)

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

Commissioner Lauman made a **motion** to approve the revised job classification for a Civil Officer for the Sheriff's Office and authorized the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the revised job classification for a Vet Tech at the Animal Shelter and authorized the chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**CONSIDERATION OF EXTENSION REQUEST: COVE CREEK RIDGE**

[11:04:33 AM](#)

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

Commissioner Brenneman made a **motion** to approve the extension request for Cove Creek Ridge. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**1:15 p.m. 911 meeting @ Justice Center**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 10, 2008.

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**WEDNESDAY, DECEMBER 10, 2008**

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

**8:00 a.m. Commissioner Brenneman: Flathead Basin Commission meeting @ Bethany Lutheran**  
**11:00 a.m. County Attorney meeting @ Co. Atty's Office**  
**11:30 a.m. Commissioner Lauman and Commissioner Hall: RSVP Christmas Potluck @ Earl Bennett Bldg.**

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

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**THURSDAY, DECEMBER 11, 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.

**11:30 a.m. Commissioner Brenneman: Agency Administrator Lunch Meeting @ McKenzie River Pizza In Whitefish**  
**1:30 p.m. Commissioner Brenneman: 911 Interlocal Review Committee meeting @ Earl Bennett Bldg.**  
**2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Sr. Center**  
**5:30 p.m. Commissioner Lauman and Commissioner Brenneman: Community Health Center tour @ Earl Bennett Bldg.**  
**7:00 p.m. Commissioner Lauman: Road Advisory Committee meeting @ Solid Waste Conference Room**  
**7:30 p.m. Fair Board meeting @ Fair Office**

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

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**FRIDAY, DECEMBER 12, 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.

**12:45 p.m. Commissioner Brenneman: Panelist for Leadership Flathead @ FVCC**  
**4:00 p.m. Commissioner Lauman: Fairgrounds Christmas Party @ Country Fair Kitchen**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 15, 2008.

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