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## MONDAY, FEBRUARY 2, 2009

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

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

Dianne Sande, 675 Spring Hill Road stated she felt her taxes should not have to go towards supporting Haskill Mountain Ranch Subdivision; if they want to build out in God's country they should have their own Fire Department. She then noted the Fire Department would not be able to get there in time to stop anything and would not have enough water to stop anything so we would be risking life and limb for frivolity to have it annexed in.

Jeff Hutton, a resident from Kila said he was confused about the process. He then said he didn't understand the process and felt that the annexation would come after preliminary plat approval. Right now the subdivision is just a proposal and the cart is in front of the horse. He further added that he would be worried that if the property was annexed and the subdivision was not approved then the 538 acres of timberland would come under the jurisdiction of the rate payers of Smith Valley Fire District and that it might be better for timberland to be under the jurisdiction of the State DNRC.

Mark Nevas, 285 Dower Draw said he is concerned about the need for fire protection that deep in the woods with that many homes clustered together. He then stated he was in hopes of having an example of a cooperative effort rather than having to point out weaknesses in the application.

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

### **MONTHLY MEETING W/ MINDY COCHRAN, GIS**

[9:30:10 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, GIS Director Mindy Cochran, Clerk DeReu

Cochran reported the GIS Department is working on the following projects:

- Working with Jim Burton to write legal descriptions for school districts across the county
- Working with Pete Darling at the Woodland Cemetery to map grave sites within the cemetery
- Assisting Jerry Murphy from the Historical Society in mapping the Old Fort Steele Road
- Assisting Jim Watson from the Parks and Recreation Board in identifying trails in Herron park that are over a 10% grade
- Assisting U-Dig in a new mapping program
- GPSing roads for fuel tax calculations
- Mapping and inventorying locations of records in the Courthouse Vault
- Updating fire logistics data for the Community Wildfire Protection Plan
- Assisting EPA in a project they are working on to characterize watershed in the valley
- Assisting the Health Department in mapping for septic permits
- Working on being able to programmatically export section maps of parcel data in a dwg format for surveyors

Cochran then reported the departments end of year procedures in regards to auditing of their data to ensure they properly depicted all the assessor numbers that had been assigned throughout the year, completed district annexations, the school district audit to ensure the Plat Room's records match theirs, and then archiving the database so they can depict how the property was as of December 31, 2008. She then noted they can now begin tax audits for taxation districts to ensure the tax base is properly set.

### **DOCUMENT FOR SIGNATURE: BUS LEASE FOR SHELBY/ EAGLE TRANSIT**

[9:51:10 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Director Eagle Transit David Polansky, Clerk DeReu

David Polansky explained the lease agreements are for Toole/ Shelby County that will be leasing two of the Sprinter buses.

Commissioner Dupont made a **motion** to approve the bus lease agreement and authorized the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

MONDAY, FEBRUARY 2, 2009  
(Continued)

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ANNEXATION TO WEST VALLEY FIRE DISTRICT/  
ARMSTRONG**

[9:55:10 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

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

Commissioner Brenneman made a **motion** to authorize the publication of the Notice of Public Hearing and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 7-33-2126(3), M.C.A., that it will hold a public hearing to consider a petition to withdraw territory from the Evergreen Fire District and annex it to the West Valley Fire District. Said territory to be withdrawn and annexed is described as Lot 2 of River Retreat Subdivision which is located in Section 17, Township 29 North, Range 21 West, Flathead County, Montana.

The Board of Commissioners has received a petition in writing by the owners of 100% of the privately owned lands of the area to be withdrawn and annexed, who constitute a majority of the taxpaying freeholders within that area, according to the last-completed assessment roll, asking that such area be transferred to and included in the West Valley Fire District.

The public hearing will be held on the **17<sup>th</sup>** day of **February, 2009**, at **10:15 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed transfer and will consider whether protests by owners of 40% or more of the real property in either district and owners of property representing 40% or more of the taxable value in either district, were received.

DATED this 2<sup>nd</sup> day of February, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:

Paula Robinson, Clerk

By/s/D. DeReu  
D. DeReu, Deputy

Publish on February 5 and February 12, 2009.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ANNEXATION TO SMITH VALLEY FIRE DISTRICT/  
HASKILL MTN. SUBDIVISION**

[9:56:10 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

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

Commissioner Brenneman made a **motion** to adopt resolution 2187 and authorized the chairman to sign the notice of publication of the Notice of Public Hearing. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 2187

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

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

WHEREAS, the property to be annexed is located in Sections 10 and 11 of Township 26 North, Range 23 West, P.M.M., Flathead County, Montana, and is currently located in the Flathead County Fire Service Area;

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

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

**MONDAY, FEBRUARY 2, 2009**  
**(Continued)**

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that it intends to alter the boundaries of the Flathead County Fire Service Area by transferring the property described on attached Exhibit A and located in Sections 10 and 11, of Township 26 North, Range 23 West, P.M.M., Flathead County, Montana, into the Smith Valley Fire District.

BE IT FURTHER RESOLVED that the Board of Commissioners will hold a public hearing on its intent to alter said boundaries and on the petition to annex the property into the Smith Valley Fire District on the **19<sup>th</sup> day of February, 2009, at 11:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will accept written protests from property owners of the property described above and will receive general protests and comments relating to the alteration of the boundaries of the Flathead County Fire Service Area and the Smith Valley Fire District.

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

Dated this 2<sup>nd</sup> day of February, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By/s/D. DeReu  
D. DeReu, Deputy

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 7-33-2125(1)(b), M.C.A., that it will hold a public hearing to consider a petition to annex territory into the Smith Valley Fire District, and to alter the boundaries of the Flathead County Fire Service Area by annexing the property into the Smith Valley Fire District, said property being described on attached Exhibit A and located in Sections 10 and 11, of Township 26 North, Range 23 West, P.M.M., Flathead County, Montana.

The Board of Commissioners has received a petition in writing by the owners of 100% of the land of the area to be annexed asking that such area be annexed into the Smith Valley Fire District, and has passed a Resolution of Intent to alter the boundaries of the Flathead County Fire Service Area by transferring the property described on the attached Exhibit A located in Sections 10 and 11 of Township 26 North, Range 23 West, P.M.M., Flathead County, Montana, into the Smith Valley Fire District.

The public hearing will be held on the **19<sup>th</sup> day of February, 2009, at 11:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed annexation, and will consider whether a protest petition signed by a majority of the landowners of the area proposed for annexation, which would prevent the annexation, is presented at the hearing.

DATED this 2<sup>nd</sup> day of February, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/D. DeReu  
D. DeReu, Deputy

Publish on February 5 and February 12, 2009.

**PUBLIC HEARING: SNAF, LLC ZONE CHANGE/ BIGFORK AREA ZONING DISTRICT**

10:00:10 AM

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Planning & Zoning Director B J Grieve, Planner Alex Hogle, Narda Wilson, Louise Tidwell, Cindy Ercoline, Kate Marshall-Nevas, Sandra Brossel, Clerk DeReu

Hogle entered into record Staff Report FZC 08-09; an application submitted by SNAF, LLC with technical assistance from Narda Wilson and A2Z Engineering regarding a one change request for five properties in the Bigfork area located at the intersection of Holt Drive and Hwy 35. The proposal is to convert zoning on all five parcels to CVR (Community Village Resort).

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

**MONDAY, FEBRUARY 2, 2009**  
**(Continued)**

Narda Wilson, representing the developer and property owners for SNAF, LLC explained there has been a two prong approach in redeveloping the site. She then stated the primary reason the two properties to the west of the existing bowling alley site were purchased was to create the possibility of relocating the access further to the west that would access off of lot 5; the access to the east would essentially be turned into a secondary or emergency access.

Louise Tidwell, Project Manager for SNAF, LLC stated she has been working with the design team in regards to making this a green project and obtaining construction certification. She also explained they will continue to work with BLUAC and the neighborhood group to address their concerns and keep them updated on the project.

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

Chairman Lauman expressed his appreciation for the developers communicating with the neighbors in the area.

Commissioner Brenneman made a **motion** to adopt Resolution 956CN and authorized the publication of the Notice of Passage of Resolution of Intent. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 956 CN

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 14<sup>th</sup> day of January, 2009, concerning a proposal by SNAF, LLC, Louise Tidwell, to change the zoning designation in a portion of the Bigfork Area Zoning District from B-3 (Community Business) and R-3 (One Family Residential) to CVR (Community Village Resort);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on January 17 and January 24, 2009;

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

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

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts 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., adopts this resolution of intention to change the zoning designation in a portion of the Bigfork Area Zoning District from B-3 and R-3 to CVR, the boundaries of said area being the boundaries of Lots 1-5 of the North Shore Heights Subdivision in Section 36, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. The property is located west of Montana Highway 35 on the south side of Holt Drive, Bigfork, Montana and contains approximately 1.76 acres.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Bigfork Area Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Bigfork Area 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 Bigfork Area 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 Bigfork Area Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 2<sup>nd</sup> day of February, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By/s/D. DeReu  
D. DeReu, Deputy

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION  
BIGFORK AREA 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. 956CN) on February 2, 2009, to change the zoning designation in a portion of the Bigfork Area Zoning District from B-3 (Community Business) and R-3 (One Family Residential) to CVR (Community Village Resort).

The boundaries of the area proposed to be amended from B-3 and R-3 to CVR are the boundaries of Lots 1-5 of the North Shore Heights Subdivision in Section 36, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. The property is located west of Montana Highway 35 on the south side of Holt Drive, Bigfork, Montana, and contains approximately 1.76 acres.

**MONDAY, FEBRUARY 2, 2009**  
**(Continued)**

The proposed change would change the character of the zoning regulations applicable to the property from districts intended to provide for (i) areas for the development of congregated community shopping areas, to serve the range of a number of neighborhoods of a major segment of the Planning Area, and (ii) adequate lot areas for urban residential development with good thoroughfare access and in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc., to a district to provide for commercial and residential use within the same development, constrained by the need to maintain intimacy and human scale in a village setting with an overall goal of preserving the renewable resources and enhancing the unique qualities and characteristics of rural communities. The proposed change is subject to approval of a proposed change to the Bigfork Area Land Use Plan and Designated Land Use Map and will not be adopted unless that change is approved.

The Flathead County Zoning Regulations defining the B-3, R-3 and CVR Zones are on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: [http://flathead.mt.gov/planning\\_zoning/downloads.php](http://flathead.mt.gov/planning_zoning/downloads.php). Documents related to the proposed amendment in the Bigfork Area Zoning District are also on file for public inspection at the Office of the County Clerk and Recorder and 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 Bigfork Area Zoning District from persons owning real property within the Bigfork Area Zoning 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 2<sup>nd</sup> day of February, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By/s/D. DeReu  
D. DeReu, Deputy

Publish on February 5 and February 12, 2009.

**CONSIDERATION OF PRINTING BIDS: HEALTH DEPT. & COMMISSIONERS' OFFICE**

10:15:10 AM

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk DeReu

Commissioner Brenneman made a **motion** to approve the print bid from North Star Printing for 2,000 letterheads for \$165.00 for the Health Department. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the print bid from Great Northern Printing for business cards for \$144.75 for the Health Department. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Dupont made a **motion** to approve the print bid from Insty Prints for business cards for the \$34.95 for the Health Department. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the print bid from Top Copy Printing for \$114.30 for return envelopes for the Commissioners Office. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the print bid from Master's Touch for 2,500 #10 regular envelopes, 15,000 scan envelopes, 15,000 #10 regular envelopes and 30,000 #10 scan envelopes for \$1,697.77 for the Flathead County Treasurer. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**BOARD APPOINTMENTS: ROAD ADVISORY COMMITTEE & MOSQUITO CONTROL BOARD**

10:18:10 AM

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk DeReu

Commissioner Brenneman made a **motion** to appoint Tom Sands to the Road Advisory Committee. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to appoint Linda DeKort to the Mosquito Control Board. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to appoint Ty Shanks to the Columbia Falls Cemetery Board. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.



MONDAY, FEBRUARY 2, 2009  
(Continued)

**EGAN SLOUGH PLANNING & ZONING COMMISSION ANNUAL MEETING**

This meeting was canceled.

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

11:00:10 AM

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Clerk DeReu

Prunty reported the Road Department had an easy month on the operation side and have worked on clearing right-of-ways when time permitted. Discussion was also held relative to a dust complaint received from a resident on Steel Bridge Road. He then spoke about the cost share program in regards to giving citizens an option of black oil or mag chloride. Discussion continued about maintaining gravel roads and diminishing creation of dust. Prunty then spoke about work being considered this summer on a portion of Camas Creek Road and Star Meadows Road and proposed RSID projects on Creston and Mennonite Church Road. Discussion also included Badrock Drive, paving of Grayling Hill Road and McMannamy Draw.

**AUTHORIZATION TO PUBLISH NOTICE OF SALE: KALISPELL FEED & GRAIN**

11:34 AM

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Joe Garza, Clerk DeReu

Commissioner Brenneman made a **motion** to authorize the publication of the Notice of Sale. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

NOTICE OF SALE OF TAX TITLE PROPERTY  
BY FLATHEAD COUNTY

By the order of the Board of Commissioners of Flathead County, Montana, entered in its minutes of the 2nd day of February, 2009, the Board will on **February 27, 2009**, beginning at **9:00 a.m.** of said day, at the Flathead County Justice Center Lobby, 920 South Main in the City of Kalispell, in Flathead County, State of Montana, offer for sale at public auction to the highest bidder all right, title and interest, estate, lien, claim, and demand of the County of Flathead in and to the following described real property, formerly the Kalispell Feed & Grain property, to wit:

**Tracts 6BA in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, and Tract 5CCA in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 33, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana., Assessor #, E001145, formerly 0427960.**

Flathead County acquired the property by Tax Deed. The Board has determined and fixed the fair market value of the property at the amount of \$1,900,000.00.

Flathead County has, since acquiring the property by Tax Deed, undertaken to test the property for environmental problems that may have been left by the previous businesses conducted at the site. The study of possible pollutants is ongoing and the County is as yet unsure as to what, if any, monitoring or cleanup programs might be required. The purchaser of the property will execute a contract accepting responsibility to finish the evaluation process and to undertake any monitoring or cleanup that is needed and acknowledging that the sale is subject to certain leases executed both before and after the County acquired the property.

NO BID BELOW FAIR MARKET VALUE IS ACCEPTABLE

TERMS OF SALE - CASH - 10% of successful bid at time of sale, balance within 48 hours or forfeit the 10% down.

DATED this 2nd day of February, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/D. DeReu  
D. DeReu, Deputy

Publish on February 5 and February 12, 2009.

MONDAY, FEBRUARY 2, 2009  
(Continued)

**CONSIDERATION OF ENGAGEMENT LETTER TO D.A. DAVIDSON TO PROVIDE FINANCIAL SERVICES/ E911 CENTER BOND**

[11:36: AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Sheriff Mike Meehan, Finance Comptroller Joe Garza,  
Clerk DeReu

Smith explained the financial statement prepared by D.A. Davidson that informs the public of the counties financial stability.

Commissioner Brenneman made a **motion** to approve signature of the letter and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**8:00 a.m. Weed & Parks Board meeting @ Weed & Parks Office**  
**12:00 p.m. Commissioner Brenneman: IMPD Conference Call**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 3, 2009.

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**TUESDAY, FEBRUARY 3, 2009**

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

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

Dave Skinner, 1125 Trumble Creek Road said he feels it is a good idea to look at the Natural Resource Plan today carefully since the Forest Service has not been too cooperative. He then added state wide we are looking at about 1.7 million board feet of growth every year on the national forests and about 1.2 billion board feet of mortality; that tells him there is room for logging and action since if it isn't sawed down it will burn down.

Jim Slack, 345 Sirucek Lane asked for support in getting some fire breaks going in the forest in order to salvage some timber instead of burning it all up and to also be able to get some money in the coffers for the county to be able to fix some roads.

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

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

[9:16:59 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, I.T. Director Vicki Saxby, Clerk Kile

Saxby reported she attended a State I.T. Convention in December where this year they had a "Local Government Track" that was helpful in seeing what other counties have done with their websites, and gave ideas to implement here as time permits. Some of the ideas include:

- o Online payments by eCheck at little or no charge to the public
- o Online payments for Justice Court fines
- o Possible audio-streaming of Commissioner Meetings for employees

Saxby then reported CSA is moving ahead with installation of software and the programmers working on converting data. She then stated the Dispatch Center has installed a new UPS unit that has been all re-wired and a test will be run on a monthly basis. Two new Jade Servers were purchased and installed, new FTP Server is being configured and 25 new desktops are being installed as well as several software applications throughout the county. The septic permitting application for the Health Department is now online as well as two new web pages for the Sheriff's Office which includes the Public Jail Roster and Crime Statistics.

TUESDAY, FEBRUARY 3, 2009  
(Continued)

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: EVERGREEN FIRE DISTRICT ZONE CHANGE/  
EVERGREEN FIRE DISTRICT**

9:31:20 AM

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Clerk Kile

Commissioner Dupont made a **motion** to authorize the publication of the Notice of Public Hearing and authorized the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Evergreen Fire District, to change the zoning designation in a portion of the Evergreen and Vicinity Zoning District from R-3 (One Family Residential) to B-2 (General Business).

The boundaries of the area proposed to be amended from R-3 to B-2 are attached as the boundaries of Tracts 7AM27 and 7AM20 located in Section 33, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana situated as the southwest corner properties at the intersection of US Highway 2 and Meadowlark Drive, containing approximately 2 acres.

The proposed change would generally change the character of the zoning regulations applicable to the property from a residential district providing adequate lot areas for urban residential development, with good thoroughfare access, and in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc., and requiring all public utilities, to a business district providing areas 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 businesses serving the general needs of the tourist and traveler.

The regulations defining the R-3 and B-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: [http://flathead.mt.gov/planning\\_zoning/downloads.php](http://flathead.mt.gov/planning_zoning/downloads.php). Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **17<sup>th</sup> day of February, 2009, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

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

DATED this 3<sup>rd</sup> day of February, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

Publish on February 7 and February 14, 2009.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: MCGARVEY ZONE CHANGE/ WILLOW GLEN ZONING  
DISTRICT**

9:33:13 AM

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Clerk Kile

Commissioner Brenneman made a **motion** to authorize the publication of the Notice of Public Hearing and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

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

The boundaries of the area proposed to be amended from R-2 to B-2 are the boundaries of Tract 1 G in Section 9 and Tract 3U in Section 4 all of which are in Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.



**TUESDAY, FEBRUARY 3, 2009**  
**(Continued)**

The proposed change would generally change the character of the zoning regulations applicable to the property from providing 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-3 and B-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: [http://flathead.mt.gov/planning\\_zoning/downloads.php](http://flathead.mt.gov/planning_zoning/downloads.php). Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **17<sup>th</sup> day of February, 2009, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Willow Glen Zoning District.

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

DATED this 3<sup>rd</sup> day of February, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish on February 7 and February 14, 2009.

**QUARTERLY INVESTMENT REPORT W/ ADELE KRANTZ, TREASURER**

[9:45:59 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Treasurer Adele Krantz, Clerk Kile

Krantz reported the short term investment pool average as of December 31, 2008, was 1.91%. She then noted the Sweep Account Statistics for Glacier Bank as of December 31, 2008, was 2.68% and in February they were down to 1.8%. The top investment rate for last quarter was 5.38% and we are presently at 3.55%. Krantz noted the plummeting interest rates are cutting into the counties pooled investment program and stated she hoped they would pop back up shortly. She then added she plans to transfer some investment funds to get a better rate. Discussion was also held relative to holding investment workshops with the schools and having the option of paying taxes online by using e-checks instead of credit cards only.

**PRELIMINARY PLAT: CHERRY HILL YACHT CLUB CONDOMINIUMS, PHASE 3**

[10:01:09 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Planning & Zoning Director Jeff Harris, Planner Andrew Hagemeyer, Clerk Kile

Hagemeyer entered into record Staff Report FPP 08-25; an application received by Dan Hogan for preliminary plat approval of Cherry Hill Yacht Club Condominiums, Phase 3, a major subdivision that will create 14 residential condominiums located off of Hwy 93 south of Somers near the intersection with Caroline Point Road that have already been built. The proposal is within the boundaries of Lakeside Neighborhood Plan and went before Lakeside Community Council on October 28, 2008, at which time a recommendation of approval was recommended. The Flathead County Planning Board held a public hearing on January 21, 2008, at which time the board unanimously recommended approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP 08-25 as Findings of Fact. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to adopt preliminary plat for Cherry Hill Yacht Club Condominiums, Phase 3. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.17(iv), Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road Department or the Montana Department of Transportation indicating the approach has been built and received final inspection and final approval. [Section 4.7.17, FCSR]

**TUESDAY, FEBRUARY 3, 2009**  
**(Continued)**

3. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures. [Section 4.7.14, FCSR]
4. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that the plat meets the requirements of the fire district shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
5. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.26, FCSR]
6. All internal subdivision roads shall be certified by a licensed engineer and constructed in accordance with the Flathead County Minimum Standards for Design and Construction. [Section 4.7.17, FCSR]
7. With the application for final plat, the applicant shall provide a Road Users' Agreement which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.16(e), FCSR]
8. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.24, FCSR]
9. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
10. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.27.c, FCSR]
  - b. All utilities shall be placed underground. [Section 4.7.24, FCSR]
  - c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.23, FCSR]
  - d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.26, FCSR]
  - e. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
  - f. 

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

\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.
11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]
12. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
13. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.2, FCSR]
14. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.4.22, FCSR]
15. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. [Section 4.4.20, FCSR]
16. The "buildable area" and open space of the subdivision shall be in accordance with the site plans as depicted on the approved preliminary plat.
17. Any signs in the subdivision shall meet the standards for signs listed in the Flathead County Zoning Regulations.
18. The applicant will provide a "will serve" letter from the Lakeside Water and Sewer District stating capacity is available and that they will provide service.

TUESDAY, FEBRUARY 3, 2009  
(Continued)

**MEETING W/ NATURAL RESOURCE COMMITTEE RE: RECOMMENDATIONS**

10:30:52 AM

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Ron Buentemeier, Clarice Ryan, Dave Skinner, Fred Hodgeboom, James Slack, Marc Pitman, Clerk Kile

Fred Hodgeboom, Chairman of the Natural Resource Committee stated the attending member of the committee would present an overview of the documents presented to them.

Hodgeboom then read the prepared letter presented to the commission:

Re: Flathead County Natural Resource Committee Recommendations for implementing

Flathead County Coordination of Flathead National Forest Plans and Actions per enclosed documents:

1. FCNRC Recommended Operating Protocols from the Board
2. Flathead County Coordination Letter to Flathead National Forest
3. Flathead County and Flathead National Forest Draft Coordination MOU

Flathead County Board of Commissioners:

*This letter is to transmit the recommendation of the Flathead County Natural Resource Committee (FCNRC) regarding coordination of Flathead County and US Forest Service natural resource planning. The Flathead National Forest (FNF) occupies approximately 53% of Flathead County.*

*The FNF has significant effects on the health, safety and general welfare of Flathead County citizens. In the last decade, Flathead County citizens have endured:*

1. *Increased catastrophic wildfires including human health effects from increased days of exposure to unhealthy levels of smoke.*
2. *Damage to watersheds, riparian zones, fisheries and water quality due to increased nutrients resulting from smoke and soil erosion.*
3. *Wildlife losses.*
4. *Loss of private property including several homes.*
5. *Loss of income to county businesses from tourism and from depreciated and ruined timber.*
6. *Spiraling firefighting costs that increase taxes and cause loss of services to the public on Federal land.*

*We have seen how federal revenue sharing to counties has declined over the past two decades. The recent economic bailout bill has fully funded Payments in Lieu of Taxes for only two years and has extended the Secure Rural Schools subsidy on a declining scale for only four years when they will cease completely. The FCNRC believes it is imperative for Flathead County to promote increased active management on National Forest land that will provide long-term sustainable revenues to the Federal treasury and Flathead County (25% of Federal Revenues).*

*The FCNRC has worked to provide the Board of Commissioners with a solid framework for implementing Federal/County Coordination that has worked well in other Counties. We ask that the Board of Commissioners adopt the enclosed FCNRC proposals to begin the formal Federal/Local Government Coordination process granted and required by Federal Laws. Coordination is an early government to government collaboration and information sharing. Representation by local government is important for the citizens of Flathead County to be a partner in prioritizing and formulating Federal plans and actions. This Committee stands ready to assist the Commission every way we can to ensure the coordination process works to produce public benefits for local government and citizens as well as for the Federal Government and US citizens.*

Sincerely,  
Flathead County Natural Resource Committee:

\_\_\_\_\_  
Fred Hodgeboom  
125 Whispering Pines, Bigfork

\_\_\_\_\_  
Ron Buentemeier  
2225 Dillon Road, Columbia Falls

\_\_\_\_\_  
Clarice Ryan  
253 Pine Needle Lane, Bigfork

\_\_\_\_\_  
Thor Jackola  
P. O. Box 1134, Kalispell

\_\_\_\_\_  
Marc Pitman  
465 Meadow Hills Drive

\_\_\_\_\_  
Rick Funk  
505 5<sup>th</sup> Avenue West, Kalispell

TUESDAY, FEBRUARY 3, 2009  
(Continued)

Marc Pitman, representative from the Flathead County Planning Board reviewed the following document:

**“DRAFT”**

**The BOARD OF COUNTY COMMISSIONERS OF  
FLATHEAD COUNTY, MONTANA  
(Hereinafter called “the County”)  
Directed Protocols for Operations of  
The FLATHEAD COUNTY NATURAL RESOURCE COMMITTEE  
(Hereinafter called “the Committee”)**

**SECTION I. STATEMENT OF PURPOSE**

*The purpose of these protocols is to establish working responsibilities for coordinating the County and Committee work. This direction to the Committee addresses how and when each body participates in the planning processes related to use of resources on public lands in Flathead County, Montana. The County has found that successful implementation will promote health, safety and general welfare of Flathead County Citizens.*

**SECTION 11. BACKGROUND**

*A. WHEREAS, it is recognized that the County, as a unit of local government, has authority to provide a Natural Resource Plan to State and Federal agencies in accordance with the National Forest Management Act 16 USC 1604a, the Federal Land Policy and Management Act 43 USC 1712(c)(9), the National Environmental Policy Act 42 USC 4331(a), the Montana Environmental Policy Act MCA-75-1-104(2), and other Federal and State laws.*

*B. WHEREAS, the Committee is appointed by the County to assist the County by:*

- (1) Providing knowledge in forestry, recreation, watershed, grazing, and all other multiple uses of public land based natural resources; and*
- (2) Providing advice and assistance to the County in developing the necessary documents and procedures for the County to enable and enhance coordination of federal and state plans, proposals and actions within the County.*

**SECTION 111. STATEMENT OF OBJECTIVES**

*A. WHEREAS, the County desires to develop processes and procedures to ensure that the County are able to efficiently and effectively meet their responsibilities, and;*

*B. WHEREAS, the desire to openly communicate and provide a conduit for free exchange of information on issues of public land resource use,*

*C. WHEREAS, the County and the Committee desire to promote sustainable stewardship of public lands in Flathead;*

*NOW, THEREFORE BE IT UNDERSTOOD THAT the parties shall work in good faith to implement the following:*

**SECTION IV. PLANNING**

*1. The Committee has the following responsibilities:*

- (a) Provide assistance to the County in the implementation of the Flathead County Natural Resource Plan (“the Plan)*
- (b) Provide information (white papers, executives summaries, maps etc.), and recommendations to the County on Natural Resource issues and actions needed to promote health, safety and general welfare of Flathead County citizens.*
- (c) when authorized to do so by the County, to communicate with Federal and State agencies (“the Agencies”) in writing or in person to provide explanations regarding the Plan, to discuss issues relating to coordination with the County, to negotiate remediation, to monitor actions and planning of the Agencies,*
- (d) Initiate monitoring or other research needed to assist in implementation of the plan when requested by the County,*
- (e) Coordinate with the general public and resource and environmentally oriented organizations so that the Committee has a broad base of information with which to develop its recommendations.*

*2. The County has the following responsibilities:*

- (a) May at its sole discretion conduct any or all of the activities listed in Part 1 (c)-(e) above.*
- (b) Forward to the Committee communications from Federal and State agencies regarding natural resource issues,*
- (c) Direct and seek input from the Committee to help resolve issues and identify areas where additional research is needed;*
- (d) Based on the results of monitoring, the County may request that the Plan be revised or significantly amended.*
- (e) May authorize the Committee or any of its members to act on behalf of the County in the coordination implementation process.*

*IN WITNESS WHEREOF, this Protocol is effective of the date below.*

\_\_\_\_\_  
*Jim Dupont, Flathead County Commissioner*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Joe Brenneman, Flathead County Commissioner*

\_\_\_\_\_  
*Dale Lauman, Flathead County Commissioner*

Ron Buentemeier then reviewed the proposed “DRAFT” letter to be sent to the Forest Service to begin coordination with them in regards to Flathead National Forest.

TUESDAY, FEBRUARY 3, 2009  
(Continued)

FCNRC Recommended "**DRAFT**"

Cathy Barbouletos  
Forest Supervisor  
Flathead National Forest  
650 Wolfpack Way  
Kalispell, MT 59901

Dear Ms. Barbouletos,

The *Organic Act of 1897* authorized withdrawal of land from public domain for public forest reserves "to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of the citizens of the United States."

Local County Government's mission is to promote the health, safety and general welfare of the citizens in Flathead County. The Flathead County Board of Commissioners agrees the mission statement for National Forests in the 1897 Organic Act is even more important today to help us meet our obligations to the increasing numbers of citizens in Flathead County.

Therefore, Flathead County has adopted the following Plans and Policies that provide the current official statement of policy applicable to plans and actions of the Flathead National Forest with respect to Flathead National Forest land within the boundaries of Flathead County:

- (1) Resolution 1646, October 2, 2003. A Resolution Requesting Active forest Management in the State and National Public Lands in Flathead County, this resolution also requested aggressive firefighting and containment of any wildfire and quick salvage of commercial timber in burned areas.
- (2) Resolution 1755, October, 2004. A Framework for Coordination to express Flathead County's intent and desire to fully participate in the planning and regulatory process at the Federal and State level.
- (3) Resolution 1777C, 8/23/2005, A Resolution adopting The Flathead County Natural Resource Policy, Custom and Culture Document; Resolution 1777D, 11/26/2007, A Resolution of Intent to Adopt Amendments to the County Natural Resource Plan; Resolution 1777E, 2/07/2008, A Resolution adopting recommended amendments to the Flathead County Natural Resource Use Plan.

This letter provides official transmittal of these Flathead County Plans and Policies to the Flathead National Forest (copies enclosed) and the Natural Resource Plan as amended [can be accessed on the County website: [flathead.mt.gov](http://flathead.mt.gov), >Departments, >Planning and Zoning, >Natural Resource Document]

This letter also provides you notice of Flathead County's intent to invoke the Federal/Local Government coordination process as granted and required by several Federal statutes:

- (1) The Federal Land Policy and Management Act (FLPMA) - 43 USC 1701-1785,
- (2) The National Forest Management Act (NFMA) - 16 USC 1600-1614,
- (3) The National Environmental Policy Act (NEPA) - 42 USC 4321-4347.

The mandate for Federal agency coordination is also specified in other Federal laws, such as:

- (4) The Endangered Species Act - 16 USC 1531-1544,
- (5) The Clean Air Act - 42 USC 7401-7431
- (6) The Clean Water Act - 33 USC 1251 et seq
- (7) The Wild and Scenic Rivers Act - 16 USC 1271-1287,
- (8) The Historic Preservation Act - 16 USC 470,
- (9) The Soil and Water Resources Conservation Act - 16 USC 2001 et seq,
- (10) The Rural Environmental Conservation Program - 16 USC 1501 et seq,
- (11) The Resource Conservation Act of 1981 - 16 USC 3401 et seq,

Coordination is also required by the following Executive Orders of the President:

- (12) E.O. 12866,
- (13) E.O. 12630.

The Flathead County Commission requests a positive response to this formal notification, and that the first step will be to organize a meeting between the Flathead County Commissioners and/or their representatives and Flathead National Forest management. We request the scheduling of such a meeting, and suggest that a meeting be scheduled at the Commissioners meeting room at 1:30 pm February \*\*, 2009 or at a mutually agreed time as soon as possible.

We look forward to a productive and long-term relationship that will benefit the natural resources and the citizens of Flathead County as well as the efficient management of the Flathead National Forest.

Sincerely,

Dale Lauman, Flathead County Commissioner

Joe Brenneman, Flathead County Commissioner

Jim Dupont, Flathead County Commissioner



TUESDAY, FEBRUARY 3, 2009  
(Continued)

Buentemeier then noted on the Flathead National Forest we have 2,300,000 acres and only 27% or 670,000 acres can ever have any timber management activities or harvesting on it. He then stated on Flathead National Forests there has been about 245,000 acres harvested since 1945. In the Forest Plan acreage was set aside in the mid 80's that developed the 670,000 acres; so the 245,000 acres covers more than the suitable timber bases. He then pointed out that all of the conflict out there centers almost exclusively around if you are going to cut a tree. Buentemeier stated the point they are trying to get to is that there is recognition of the importance of management of the National Forest land.

Clarice Ryan then reviewed the following "PROPOSED DRAFT" MOU between Flathead County and the United States Forest Service Implementing a Protocol for Coordination. She noted the procedures would make smooth and confident handling of the procedure of conversing and exploring issues and arriving at a coordination process that would be for the mutual benefit of both the county and federal government. That it does not take the place of the NEPA process but compliments it.

**DRAFT MEMORANDUM OF UNDERSTANDING**

BETWEEN THE

FLATHEAD COUNTY

AND THE

UNITED STATES FOREST SERVICE

IMPLEMENTING A

PROTOCOL FOR COORDINATION

*This MEMORANDUM OF UNDERSTANDING (MOU) is by and between Flathead County, a political subdivision of the State of Montana (County) and the United States Department of Agriculture Forest Service (USFS) sometimes referred to as "the Parties."*

INTRODUCTION:

*The County and the USFS are engaged in discussions regarding governmental interaction between the County and the USFS. Previously there has been no official protocol setting forth the process by which the County and the USFS will engage in timely and meaningful process to work on issues of mutual concern.*

*Both parties believe that it is important to execute a protocol documenting their commitment to an open, effective, government-to-government relationship. The two entities strive to make better decisions, achieve efficiencies, enhance understanding and facilitate trust. It is their intent that this protocol will establish a means by which the two entities can work productively over time, as stake holders and issues change and evolve.*

*This protocol sets forth the process by which the County and the USFS expect to coordinate on issues of mutual interest and concern. It provides a venue for the County and the USFS to have direct communications and interactions. It also sets forth the process for making future adjustments to the protocol that may be needed and are mutually agreeable.*

MANDATE:

*This protocol has been established to provide a forum for accomplishment of the USFS-to-local government coordination requirements of a variety of federal laws, state laws, regulations and executive orders.*

*The County and USFS recognize that there are occasions when the plans, studies or management activities of USFS (Projects and Plans) invoke federal laws that require coordination with the County. Congress most clearly defined its will for coordination between agencies and local governments at 43 U.S.C. 1712. It mandated that agencies "shall ... coordinate the land use inventory, planning, and management activities" with local government. The definition requires the agencies, to the extent practical, keep apprised of all local land use plans, assure consideration is given to the local plans, assist in resolving inconsistencies between local plans and Projects, and provide for meaningful public involvement of local governments in the development of land use programs, land use regulations, and land use decisions including early public notice of proposed Projects. Federal land use plans shall be consistent with local plans to the maximum extent found consistent with the law. The Flathead County Natural Resource Policy Custom and Culture Document (part of the Flathead County Growth Policy) is the basis for coordinating Natural Resource issues with State and Federal Agencies.*

PURPOSE OF THE PROTOCOL:

*The purpose of this protocol is to aid the implementation of the coordination required by law, regulation and executive orders currently in effect or yet to be enacted. It is designed as an upper level coordination effort, where management and policy level work is discussed and coordinated directly among the County and USFS Managers. This does not limit or preclude the County or the USFS from communicating via other means or activities, e.g., formal correspondence, comment or legal means if necessary regarding any National Environmental Protection Act (NEPA) documents, other documents and decisions; it is intended to address and coordinate issues early and in as simple a manner as possible. This MOU is not meant to impair the right of County under applicable State and Federal Law to participate in and influence federal land use planning and administration, including the right to consistency review of federal land use plans and decisions as they relate to the Flathead County land use planning.*

**TUESDAY, FEBRUARY 3, 2009**  
(Continued)

PARTICIPANTS:

*Within this forum, protocol participants include:*

1. *Commissioner designated by the Board to represent the Board on the Natural Resource Advisory Committee of Flathead County.*
2. *County Attorney or other Consultants designated as representatives of the County.*
3. *County Administrator*
4. *Flathead County Road Department Supervisor*
5. *Flathead County Fire Chief*
6. *Representatives from USFS*

DECISION-MAKING:

*Forum Decision-makers are the Commissioner designated by the Board of Commissioners to represent the Board on the Natural Resource Advisory Committee of the County, who will speak for the decision of the County, and the Forest Supervisor of the Flathead National Forest, who will speak for the USFS.*

*Decision-makers will work to reach consensus on matters of discussion relating to Projects. However, participants recognize that within the County and USFS lay decision-making authorities and responsibilities to which they must be individually accountable. To that end, this forum will be used for coordination and collaboration to the extent possible; however, the County must make its decisions in a manner that complies with all requirements of Montana Statutes. Similarly, USFS may take potential decisions to the National/Regional Offices of USFS, where those decisions will be subject to that review for approval.*

STAFF & CONSULTANTS' ROLE:

*The County's staff/consultants and USFS' staff/consultants will participate freely in discussion and presentation as determined by the Commissioner member of the Flathead County Natural Resource Advisory Committee and the Forest Supervisor of the Flathead National Forest of USFS, who each control the participation of their consultants and staff personnel.*

*Decision-makers recognize that both entities have consultants and staff that work for them, advise them on specific Projects, study issues and recommend action. Consultants and staff of both entities will communicate, coordinate and work together on a regular basis on issues of concern to both parties, but shall not make any decisions binding upon either entity.*

PROCESS:

1. Meetings

*Coordination sessions will be normally scheduled in the afternoon of any day in which there is no scheduled Board of Commissioners meeting. Other times may be used to schedule a Coordination session provided that the Decision-makers mutually agree to the time for the meeting. Coordination sessions will be scheduled for a minimum of two hours and until the agenda is completed. Meetings will be open, in accordance with the requirements of the Montana Open Meeting Act (MCA 2-3), and the participants will conduct the meeting. Invited consultants and staff will participate per agenda/Project requirements. Others are free to observe and participate as required by applicable laws.*

2. Agenda development

*The Board of Commissioners of the County or designee and the Forest Supervisor of the Flathead National Forest of USFS designee will develop the agenda for each meeting. They will design the meeting agenda based on the proposed and prioritized agenda items and in consideration of the available meeting time. Agendas will be finalized and distributed to participants no less than seventy-two (72) hours before the upcoming meeting. At each meeting, by mutual agreement, forum participants may prioritize items for future agendas.*

3. Meeting management and facilitation

*The Commission will maintain a meeting record that includes the:*

1. *Meeting date, time, location and participants*
2. *Project/Topic discussed, list of concerns & outcome, including areas of agreement*
3. *Agenda topics for the next meeting*
4. *Action items*

*The notes will be reviewed as the first agenda item at the subsequent meeting for potential revision and approval.*

4. Briefing sheets

*A briefing sheet will be prepared by USFS and/or County (and/or staffs) when: 1) they are presenting and discussing a proposed action by either of the parties, 2) they bring a proposal to this group for a decision by this group, and/or, 3) they are presenting and discussing a Project for which feedback is requested. Briefing sheets may include description of issues, background, alternatives, resolutions, etc. Briefing sheets will be provided before the meeting along with the agenda to forum participants. Briefing sheets will be provided at least seventy-two (72) hours prior to the meeting to allow for adequate staffing of the Project.*

**TUESDAY, FEBRUARY 3, 2009**  
**(Continued)**

5. Issue identification and resolution

The forum will work collectively on agenda items to define issues and concerns, consider alternatives, and strive for consensus on issue resolution and follow-up actions. Considering that a wide range will be included in the process, different methods may be appropriate to resolve issues of differing degrees of complexity or concern. Communication and information sharing between meetings is necessary to keep all parties informed, minimize misunderstandings, avoid surprises and resolve potential conflicts as quickly as possible. Therefore, any of the following options, or others as mutually agreed to by the forum, may be used to coordinate a given Project or issue:

1. Coordination between the County and USFS will normally be completed before Federal/Plans and Projects are released for public comment.
2. Participants will always have the option of responding immediately to Projects or issues that do not require further evaluation. This option will help to avoid unnecessary deferring simple or non-controversial topics.
3. Where mutually acceptable to the County and USFS, coordination may be completed and documented by staff-to-staff communications before the next meeting.
4. Where further evaluation is needed, continuing discussion and resolution may be scheduled for the next meeting.
5. Projects may be referred to staff for review and recommendation and addressed again at a later meeting.
6. For a Project of special concern to either party, a special ad hoc meeting of the interested parties, a telephone conference call or a field tour may be scheduled to complete the process, on mutually agreed upon terms provided that it complies with any requirements of the Montana Open Meeting Act.
7. For a very sensitive/confidential Project, a closed session may be scheduled for the County members, the Forest Supervisor of the Flathead National Forest of the USFS and any necessary consultants or staff of the respective parties to discuss the issue so long as the Montana Open Meeting Act allows such closed session.
8. As to any Project, resolution of which requires formal approval by the County or its members, a decision will have to await a regular or special noticed meeting of the Board of Commissioners.

6. Unresolved issues

In the event participants cannot articulate a clear consensus or agreement on a given Project, the County and the Forest Supervisor of the Flathead National Forest of the USFS or designees will prepare a one-page white paper outlining the Project; any potential areas of agreement, and the reasons for the lack of resolution in a manner that is equitable (in tone and space) to both entities. Both entities will confirm that the document accurately reflects its perspectives.

7. Action items

For discussions requiring more than one meeting, participants will articulate and implement follow-up action items by identifying action, responsible person and deadline. Those action items will be reviewed and confirmed by the group before adjourning a given meeting. Absent highly sensitive or significant issues or concerns, follow-up will not exceed one month from the time it is initiated, unless mutual agreement is reached that a field tour or other action is needed that would require additional time.

MISCELLANEOUS PROVISIONS:

1. Non-funding obligating document

Nothing in this MOU shall obligate either the County or the USFS to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services or property among the various agencies of the County and offices of the USFS will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution and administration of each such agreement must comply with all applicable statutes and regulations.

2. Establishment of responsibility

This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

3. Freedom of Information Act (FOIA) & Montana Public Records Act (MCA 2-6)

Any information furnished to the County or the USFS under this MOU is subject to the Freedom of Information Act (5 U.S.C. 552) and the Montana Public Records Act.

4. Commencement/Expiration/Termination

This MOU takes effect upon the signatures of the County and the USFS and shall remain in effect for a time period of ten (10) years from the date of execution. This MOU may be extended or amended upon written concurrence of the other Party. Either the County or the USFS may terminate this MOU with a ninety (90) day written notice to the other Party.

PROTOCOL REVISIONS:

The process will continue to evolve, but the basic premise will remain as expressed in this protocol. The process will be reviewed for potential revision on an annual basis.

IN WITNESS WHEREOF AND AS INDICATED BY THE SIGNATURE AFFIXED BELOW, this protocol is mutually acceptable to the County of Flathead and the United States Department of Agriculture Forest Service and the Parties have caused this Memorandum of Understanding to be executed by their duly authorized officers in the County of Flathead, State of Montana.

TUESDAY, FEBRUARY 3, 2009  
(Continued)

COUNTY OF FLATHEAD

By: \_\_\_\_\_ Date: \_\_\_\_\_

County Commissioner

ATTEST:

By: \_\_\_\_\_ Date: \_\_\_\_\_

County Commissioner

By: \_\_\_\_\_ Date: \_\_\_\_\_

County Commissioner

APPROVED AS TO LEGAL FORM:

By: \_\_\_\_\_ Date: \_\_\_\_\_

County Attorney

UNITED STATES DEPARTMENT OF

AGRICULTURE FOREST SERVICE

By: \_\_\_\_\_ Date: \_\_\_\_\_

Forest Supervisor,

Flathead National Forest

Hodgeboom said the idea in having active coordination is to be able to get county input in a meaningful way before the Forest Service does everything on their own behind closed doors. He then added that their recommendation is a "DRAFT" and what they are looking for is the commission to adopt their recommendations and principals with the understanding that they will edit the "DRAFT" documents to reflect any changes that they feel are needed. Hodgeboom stated the recommendations came from other states that are doing this that have been able to increase their timber sales, deal with recreational access and endangered species with county involvement. He then noted this is something that is picking up all over the country and state because it is required by law; it is not something discretionary on part of the Forest Service, but something that federal law says they have to do, and congress intends for them to do. It was stated the first top priority issue for coordination with the Forest Service if their recommendations are adopted are on pages 28-29 of the Flathead County Natural Resource Plan that has to do with fire fuels management. He then read the goal that states:

The goal for fuels management is to coordinate with the Flathead National Forest the implementation of the national fire plan strategy to strive to achieve fire fuel management reduction in acceptable standards on all private plans contiguous to private lands.

Hodgeboom also presented a copy of the Natural Resource Plan and 212 letters to the commission with signatures from citizens that are requested that they be represented by them in becoming effective participants in the management of federal lands.

Chairman Lauman stated he believes the county needs to move forward with this and thanked the committee for all the work they have put into the project.

Commissioner Dupont said that he certainly agrees and then added that he has seen a lot of issues in law enforcement dealing with the federal government and has seen mutual understandings worked out.

Commissioner Brenneman said that we certainly need to cut more trees but isn't as optimistic that this is the way to go about doing it. He then added the suggestions need to be considered because there are physical implications for Flathead County.

Commissioner Brenneman made a **motion** to take this under advisement. Commissioner Dupont **seconded** the motion.

Chairman Lauman said this will be taken under advisement; that a lot of information was given to them to read and time is needed to read through it. That it will be put back on the agenda for final action to be taken.

**Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**11:30 a.m. Commissioner Brenneman: Travel to Helena**  
**4:00 p.m. Commissioner Dupont: RAC meeting @ Forest Service Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 4, 2009.

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**WEDNESDAY, FEBRUARY 4, 2009**

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

**11:00 a.m. Commissioner Brenneman: Legislature in Helena  
County Attorney meeting @ Co. Atty's Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 5, 2009.

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### THURSDAY, FEBRUARY 5, 2009

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

#### **Chairman Lauman opened public comment on matters within the Commissions' Jurisdiction,**

Don Hines, 140 West View Drive stated he sat on the Flathead County Planning Board for a decade and during that period of time Deputy County Attorney Jonathan Smith made it very clear that some of them were bordering on the edge of doing their duty for the public and having second interests. He then noted in the February 2, 2009 Daily Inter Lake on the valley page there was an article that states the Flathead Builders Association hired George Culpepper as their new full time government affairs director; the article also says Mr. Culpepper is a member of the Flathead County Planning Board. Hines then added he did not know if this had been brought to their attention, but feels it is a very blatant conflict of interest and if he remembers correctly the Flathead County Planning Board members serve at the convenience and favor of the Flathead County Commissioners and would think that this needs to be explored. He further added this had been brought to Mr. Smith's attention via a phone call and feels that Mr. Culpepper should resign his position on the Flathead County Planning Board and be replaced by someone that has a little less biased opportunity to represent the public.

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

#### **COS REVIEW: STEIN**

[9:50:38 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Planner Dianna Broadie, Dan Brien, M. Hutton, T. Hutton, John Stein, Clerk Kile

Broadie reviewed the COS request submitted by John W. and Deena M. Stein to divide a 4.45 acre parcel into the following. The original tract was greater than 20 acres and the proposed division results in more than four parcels. The proposed division would create a seventh parcel and therefore is presumed to be a pattern of development under the County Subdivision Regulations.

Tract 1 – 2.893 acres to be transferred to Michaelena M. Hutton, mother  
Tract 2 – 1.607 acres to be retained by John and Deena Stein

Commissioner Brenneman made a **motion** to approve the COS Review for Stein. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

#### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ANNEXATION TO EVERGREEN FIRE DISTRICT/WALKER**

[9:47:01 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Brenneman made a **motion** to approve the publication of the Notice of Public Hearing. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

#### NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 7-33-2126(3), M.C.A., that it will hold a public hearing to consider a petition to withdraw territory from the Creston Rural Fire District and annex it to the Evergreen Fire District, said territory to be withdrawn and annexed, described Lot 1 of Addison Square Gardens, and located in Section 26, Township 29 North, Range 21 West, Flathead County, Montana.



**THURSDAY, FEBRUARY 5, 2009**  
**(Continued)**

The Board of Commissioners has received a petition in writing by the owners of 100% of the privately owned lands of the area to be withdrawn and annexed, who constitute a majority of the taxpaying freeholders within that area, according to the last-completed assessment roll, asking that such area be transferred to and included in the Evergreen Fire District.

The public hearing will be held on the **24<sup>th</sup>** day of **February, 2009**, at **9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed transfer and will consider whether protests by owners of 40% or more of the real property in either district and owners of property representing 40% or more of the taxable value in either district, were received.

DATED this 5<sup>th</sup> day of February, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish on February 10 and February 17, 2009.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD NAMING/ TREBAS WAY**

9:47:42 AM

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to approve the publication for naming of Trebas Way and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **TREBAS WAY**.

**Road generally running southerly off Trap Road and located in the E ½ NW ¼ Section 4, Township 29 North, Range 20 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **24<sup>th</sup>** day of **February, 2009**, at **10:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **TREBAS WAY**.

This notice shall be mailed to each landowner who has access off of the proposed **TREBAS WAY**, who has an address assignment on the proposed **TREBAS WAY** or who owns property along the proposed **TREBAS WAY**.

Dated this 5<sup>th</sup> day of February, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish on February 10 and February 17, 2009.

THURSDAY, FEBRUARY 5, 2009  
(Continued)

**MID-YEAR POLICY VISIT W/ GREG JACKSON, MACo JPIA**

[10:02:19 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, H. R. Director Raeann Campbell, Greg Jackson, Robin Boon, Kim Thomas, Brad Salonen, Clerk Kile

Jackson reviewed the financial status of the Property and Liability and Workers' Compensation Policy Insurance Pools from September 2008. He then explained the process the trustees use in determining rates for deductibles for the coming year. Jackson continued with reviewing the results of the actuarial study that was presented to the trustees last November that estimate what the probable losses will be for the next two years based on past history of losses. The study also establishes a reserve number that is the amount of money that the pool would need at any particular point in time if they had to close their doors to pay past and current liability obligations. The reserve number is then placed on the liability side of the balance sheet and compared to other liabilities and assets. Jackson then noted that on the liability side we are totally self insured for all of our liability claims to the statutory limits; on the property side we are not, the pool only pays \$50,000 for each and every occurrence minus the counties deductible.

Jackson then reviewed MACo's four proposed changes which included:

- Clarifying language in regards to zoning; will be made clear that it would apply to the top down and bottom up.
- Floodplain management that is presently excluded; extend coverage to the Floodplain Manager.
- Ethical allegations that are non-monetary; certain positions will have limited defense.
- Injunctive relief non-monetary relief; provide limited defense

He then explained the floodplain management and injunctive relief will be optional to purchase.

Robin Boon noted they have come up with a plan for holding regional fraud training and defensive driving classes.

General discussion was held relative to property stop loss limits and liability exposure limits.

**MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE**

[11:30:07 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, H. R. Director Raeann Campbell, Clerk Kile

Campbell reported on the personnel transactions for January 2009.

Commissioner Brenneman made a **motion** to approve the personnel transactions for January. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Campbell then reviewed the work comp expenses for January which included one in the Sheriff's Department and one in Solid Waste. She then stated the trust fund balance on the health insurance is at 2.8 million which is up \$800,000 from one year ago and they are also up \$800,000 in claims from one year ago. Also noted were negotiations are continuing with the two operators unions at Solid Waste and Road & Bridge in regards to central pension and negotiations are continuing with Dispatch and Detentions. Campbell then added that she has spent the majority of her time researching the deputy pay back offer and has started scheduling wellness meetings with departments.

**CONSIDERATION OF HR TRANSMITTAL: BUS DRIVER (.50 FTE) EAGLE TRANSIT**

[11:45:20 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, H.R. Director Raeann Campbell, Clerk Kile

Commissioner Dupont made a **motion** to approve the HR Transmittal Form for an Eagle Transit Bus Driver. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, FEBRUARY 5, 2009  
(Continued)

**BOARD APPOINTMENTS: COLUMBIA FALLS CITY-COUNTY PLANNING BOARD & WHITEFISH CITY-COUNTY PLANNING BOARD**

[11:44:46 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planning & Zoning Office Administrator Mary Sevier,  
Clerk Kile

Commissioner Brenneman made a **motion** to appoint Connie Davis Sutliff to the Columbia Falls City-County Planning Board. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to re-appoint Ole Netteberg and Peggy Sue Amelon to the Whitefish City-County Planning Board and to appoint Karen Reeves to replace Frank Sweeney on the Whitefish City-County Planning Board for one year. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**CONSIDERATION OF PRINTING BIDS: CLERK & RECORDER'S OFFICE**

[11:48:01 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve the print bid from Towne Printer for 20,000 # 10 envelopes printed with blue ink and 10,000 #10 white envelopes printed with blue ink with the a message on the back for \$993.13 for the Clerk & Recorder's Office. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**CONSIDERATION OF EXTENSION: HARMONY HOMESITES**

[11:48:54 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman  
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve the extension request to June 27, 2010. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 6, 2009.

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**FRIDAY, FEBRUARY 6, 2009**

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

**9:00 a.m. Subdivision Review Committee meeting @ Commissioners' Meeting Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 9, 2009.

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