
MONDAY, FEBRUARY 16, 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.

COUNTY OFFICES CLOSED – PRESIDENT'S DAY

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 17, 2009.

TUESDAY, FEBRUARY 17, 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, no one present to speak, Chairman Lauman closed the public comment period.

BOARD APPOINTMENTS: LITTLE BITTERROOT LAND USE ADVISORY COMMITTEE

[9:17:02 AM](#)

Members present:

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

Others present:

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

Commissioner Brenneman made a **motion** to re-appoint Jeff Ellingson and Jerry Sorensen to the Little Bitterroot Land Use Advisory Committee. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

MONTHLY MEETING W/ DEBBIE PIERSON, GRANT WRITER

[9:30:37 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Pierson reported they are looking at starting the process of pursuing the AFG Grant again with help from Ed Burlingame. She then said the final report for the first grant received from the DER for the educational outreach component for the Bigfork Stormwater Project has been completed. Pierson then noted a \$125,000 grant was received from DEQ and a portion of that money will be used for a filtration system at the school. She then explained things are not looking good for the Grand Drive TCEP application for \$625,000; although they do look good for the DNRC \$100,000 grant for the project. Pierson then reported they were successful with the Herron Park grant submitted.

BUDGET AMENDMENT: HEALTH DEPT.

[9:46:58 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 budget amendment resolution #2188. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

BUDGET AMENDMENT RESOLUTION # 2188

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.

TUESDAY, FEBRUARY 17, 2009
(Continued)

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 2008-2009; 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 17th day of February, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

DATE OF ISSUE:		1/26/09		VOUCHER #:		
DATE OF RECORD:				Entered by:		
Resolution # 2188						
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESC	DEBIT	CREDIT
2977	0190	331127		BIOTERRORISM GRANT		11,623.00
2977	0190			CARRY OVER USED	11,623.00	
2977	0190	440155	143	HEALTH INSURANCE	2,036.00	
2977	0190	440155	210	OFFICE SUPPLIES	1,000.00	
2977	0190	440155	212	SMALL ITEM EQUIPMENT		2,600.00
2977	0190	440155	215	COMP EQUIP/SFTWR/HRDWR		1,900.00
2977	0190	440155	222	CHEM/LAB/MED SUPPLIES		170.00
2977	0190	440155	228	EDUCATIONAL SUPPLIES	1,034.00	
2977	0190	440155	311	POSTAGE	100.00	
2977	0190	440155	345	TELEPHONE	500.00	
				BUDGET AMENDMENT	16,293.00	16,293.00
The Bioterrorism contract was less than anticipated.						
We will be using carry over (\$11,623) for the difference.					Approved by:	Joe Russell
					Date:	1/26/09

DOCUMENT FOR SIGNATURE: ELECTRONIC RECORDING APPROVED PROCEDURES AGREEMENT/ CLERK & RECORDER

[9:48:08 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Recording Manager Monica Eisenzimer, Clerk Kile

Eisenzimer reported the document is an agreement made with SimpleFile to e-record documents.

Commissioner Dupont made a **motion** to approve the electronic recording agreement document for signature. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

TUESDAY, FEBRUARY 17, 2009
(Continued)

DOCUMENT FOR SIGNATURE: PROFESSIONAL SERVICES CONTRACT/ CRISIS MANAGEMENT CONSULTING

[9:51:01 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Interim OES Director Cindy Mullaney, Clerk Kile

Mullaney explained that Web EOC was budgeted for within the OES budget for \$43,000.00. She then noted a less expensive alternative was found that provides essentially the same capability called Share Point. The contract for \$26,500.00 is for services to have the program built for the county.

Commissioner Brenneman made a **motion** to approve the crisis management professional services contract. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

PUBLIC HEARING: EVERGREEN FIRE DISTRICT ZONE CHANGE/ EVERGREEN ZONING DISTRICT

[10:00:31 AM](#)

Members present:

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

Others present:

Planner Alex Hogle, Deputy County Attorney Jonathan Smith, Steven Herzog, Mark Gluth, Clerk Kile

Hogle entered into record Staff Report FZC 08-12; a zone change request submitted by the Evergreen Fire District with technical assistance from CTA Group Architects and Engineers regarding a zone change request from R-3 to B-2. The property is currently developed with an existing fire station facility located at the intersection of Meadowlark Drive and Hwy. 2.

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

Steven Herzog the applicant's technical consultant noted he was present for any questions.

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

Commissioner Brenneman made a **motion** to adopt Resolution 797EX and authorized publication of the Notice of Passage of Resolution of Intent and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 797 EX

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 17th day of February, 2009, 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);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on February 7 and February 14, 2009;

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

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

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning for a portion of the area in the Evergreen and Vicinity Zoning District from R-3 to B-2, that area being described 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.

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

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

TUESDAY, FEBRUARY 17, 2009
(Continued)

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

DATED this 17th 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/Diana Kile
Diana Kile, Deputy

PUBLIC HEARING: ANNEXATION TO WEST VALLEY FIRE DISTRICT/ ARMSTRONG

[10:15:57 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Deputy County Attorney Jonathan Smith, Assistant Deputy County Attorney Tara Fugina, Clerk Kile

Chairman Lauman opened the public hearing to anyone wishing to speak in favor or opposition of annexation to the West Valley Fire District.

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

Commissioner Dupont made a **motion** to adopt Resolution 2189. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Dupont. Motion carried by quorum.

RESOLUTION NO. 2189

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

WHEREAS, the territory to be withdrawn and annexed, described as Lot 2 of River Retreat Subdivision, and located in Section 17, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana;

WHEREAS, a Notice of Public Hearing was published on February 5 and February 12, 2009, giving notice that the Commissioners would hear protests to the requested withdrawal and annexation;

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the petition is granted and the property described as Lot 2 of River Retreat Subdivision, and located in Section 17, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, is hereby withdrawn from the Evergreen Fire District and annexed to the West Valley Fire District.

Dated this 17th day of February, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

TUESDAY, FEBRUARY 17, 2009
(Continued)

PUBLIC HEARING: MC GARVEY ZONE CHANGE/ WILLOW GLEN ZONING DISTRICT

[10:30:18 AM](#) & [11:49:48 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Andrew Hagemeyer, Deputy County Attorney Jonathan Smith,
Assistant Deputy County Attorney Tara Fugina, Dawn Marquardt, Debbie Shoemaker, Mark Gluth, Clerk Kile

Hagemeyer entered into record Staff Report FZC 08-11; a zone change request submitted by Dale McGarvey with technical assistance from Marquardt Surveying to change zoning from R-2 to B-2 within the Willow Glen Zoning District. The property is located on the south side of Hwy 2 East of Kalispell.

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

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

Commissioner Dupont made a **motion** to adopt Resolution 654BE and to approve publication of the Notice of Passage of Resolution of Intent and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to adopt corrected Resolution 654BF. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

RESOLUTION NO. 654 BF

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 17th day of February, 2009, concerning a proposal by the 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).

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on February 7 and February 14, 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 Willow Glen Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention 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 that area being described on Exhibit A hereto, in Sections 4 and 9, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Willow Glen 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 Willow Glen 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 Willow Glen Zoning District for a period of thirty (30) days after first publication of notice 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 in the Willow Glen Zoning District protest the proposed change, then the change will not be adopted.

DATED this 17th day of February, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

TUESDAY, FEBRUARY 17, 2009
(Continued)

EXHIBIT A

Those portions of the Southwest ¼ of the Southwest ¼ of Section 4 and the Northwest ¼ of the Northwest ¼ of Section 9, all in Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, described as follows:

Beginning at the Southwest Corner of that parcel as shown on Certificate of Survey No. 2864, records of Flathead County Montana;

Thence South 89°58'35" West 272.76 feet to a point on the East line of Parcel A as shown on Certificate of Survey No. 13739, records of Flathead County, Montana;

Thence along said East line of Parcel A as shown on Certificate of Survey No. 13739, North 00°22'24" West 154 feet, more or less, to the Southeasterly line of the existing B-2 zoning area;

Thence along said Southeasterly line of the existing B-2 zoning area, North 65°02'00" East 302 feet, more or less, to the Westerly boundary of that parcel as shown on Certificate of Survey No. 2864;

Thence along said Westerly boundary, South 00°17'43" East 53 feet, more or less, to a 5/8" rebar;

Thence continuing along said Westerly boundary, South 00°00'57" East 228.38 feet to the Point of Beginning, containing 1.36 acre, more or less, of land.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 654 BF) on February 17, 2009, 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 set forth on Exhibit A hereto, in Sections 4 and 9, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

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 Flathead County Zoning Regulations defining the R-2 and B-2 Zones are on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: http://flathead.mt.gov/planning_zoning/downloads.php. Documents related to the proposed amendment in the Willow Glen 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 Willow Glen Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 17th 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 21, 2009 and February 28, 2009.

EXHIBIT A

Those portions of the Southwest ¼ of the Southwest ¼ of Section 4 and the Northwest ¼ of the Northwest ¼ of Section 9, all in Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, described as follows:

Beginning at the Southwest Corner of that parcel as shown on Certificate of Survey No. 2864, records of Flathead County Montana;

Thence South 89°58'35" West 272.76 feet to a point on the East line of Parcel A as shown on Certificate of Survey No. 13739, records of Flathead County, Montana;

Thence along said East line of Parcel A as shown on Certificate of Survey No. 13739, North 00°22'24" West 154 feet, more or less, to the Southeasterly line of the existing B-2 zoning area;

Thence along said Southeasterly line of the existing B-2 zoning area, North 65°02'00" East 302 feet, more or less, to the Westerly boundary of that parcel as shown on Certificate of Survey No. 2864;

Thence along said Westerly boundary, South 00°17'43" East 53 feet, more or less, to a 5/8" rebar;

Thence continuing along said Westerly boundary, South 00°00'57" East 228.38 feet to the Point of Beginning, containing 1.36 acre, more or less, of land.

TUESDAY, FEBRUARY 17, 2009
(Continued)

PRELIMINARY PLAT: FOX HILL ESTATES, PHASE 3

[10:45:11 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Terry Leighty, Mark Leighty, Erica Wirtala, Mark Gluth,
Clerk Kile

Hogle entered into record Staff Report FPP 08-21, Fox Hill Estates, Phase 3; an application submitted by TML Construction with technical assistance from Sands Surveying and Birk Engineering for preliminary plat approval. Hogle noted on January 8, 2009, the commission reviewed the request and at the meeting it was acknowledged that staff made an error in terms of not physically posting the notice on site as required by Flathead County Subdivision Regulations. Staff was at that time directed by the commission to hold a subsequent public hearing after re-noticing the public notice for preliminary plat application. Hogle then stated on January 8, 2009, the property was physically posted and a subsequent public hearing was held with the Flathead County Planning Board on February 11, 2009. Pursuant to 4.1.10 regarding subsequent public hearings only new information was to be considered. It was noted two public comments were submitted prior to the February 11, 2009 meeting with the Planning Board. Flathead County Planning Board Staff prepared a recommended Finding of Fact 19 and Condition 25 to address the issues brought forth. Project specific condition 22 was also clarified by the Planning Board in regards to the no-build zone and vegetative buffer in the Blaine Creek drainage eastward to the boundary of the 100 year floodplain that shall be shown on the face of the final plat. A variance for the internal subdivision roads was also clarified.

Commissioner Dupont made a **motion** to approve findings of fact. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to approve preliminary plat of Fox Hill Estates, Phase 3. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

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 permits from the Flathead County Road and Bridge Department indicating the approaches have been built and received final inspection and final approval prior to final plat. [Section 4.7.17, FCSR]
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.
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 proposed water, wastewater treatment and stormwater drainage systems for the subdivision shall be reviewed and approved as applicable by the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 4.7.13, FCSR]
10. 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]
11. 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]

TUESDAY, FEBRUARY 17, 2009
(Continued)

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.

12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]
13. 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.)]
14. 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 4.4.27, FCSR]
15. 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]
16. 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]
17. A variance pertaining to internal subdivision road width (FCSR 4.7.17) shall be obtained or Foxtail Drive and Fox Den Trail shall be improved to applicable standards outlined in Section 4.7.17 of the Flathead County Subdivision Regulations.
18. All lots in Fox Hills Estates Phase 3 (Lots 1-6, 43 and 44) shall connect to public water and sewer services.
19. The applicant shall provide evidence of annexation into the Fox Hills Estates Water and Sewer District prior to final plat approval.
20. Mennonite Church Road shall be improved with 1,056 feet of pavement constructed to the standard outlined in the Flathead County Road and Bridge Departments' "*Minimum Standards for Design and Construction Manual*". The improvement shall be completed and certified by a licensed engineer prior to final plat. [Sections 4.7.18 and 4.7.9 FCSR]
21. The location of the 100 year floodplain as delineated on FIRM Panel 30029C1835G shall be shown on the face of the final plat.
22. A "No-Build Zone" and vegetation buffer within the Blaine Creek drainage eastward to the boundary of the 100 year floodplain shall be shown on the face of the final plat.
23. The following statement(s) shall be placed on the face of the final plat applicable to all lots:
In areas prone to flooding and where a high water table is present, landowners shall be advised the construction of basements is prohibited.
24. The following statement shall appear on the face of the final plat:
Lot owners are alerted to the presence of sensitive and potentially dangerous wildlife in the area and are reminded that **feeding big game is illegal**. Lot owners are encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including such things as bear proofing, pet control, and removing food sources.
25. Prior to Final Plat approval of Fox Hills Estates Phase 3, the applicant shall provide evidence that applicable permit requirements for the water supply of Fox Hills Estates have been met.

MEETING W/ JIM STACK RE: REVISION OF WHITEFISH LAKE & LAKESHORE REGULATIONS

11:00:47 AM

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planner George Smith, Jim Stack, Lisa Stack, Ron Hauf, Marcia Sheffels, Mark Gluth, Clerk Kile

Jim Stack, Chairman of the Whitefish Lakeshore Protection Committee presented the commission with the proposed plan for updating the Whitefish Lakeshore Regulations. He then explained the current document is complex and requires an applicant to review at least two and sometimes as many as five sections or chapters to understand what regulations apply to their particular project. Stack then expressed his concern to the commission about grandfathered lawns and nonconforming structures where there is great need for clarification. It was noted the current proposed plan is still under review by the Whitefish Lakeshore Protection Committee and is available for public review and input under the Whitefish government website. Stack stated that he believes the approval process for the regulation updates should be independent of any jurisdictional dispute or agreement that may come to pass; it has been and still is their intention to seek approval through both governing bodies after the appropriate public hearings through the Whitefish City Council and the Flathead County Planning Board.

TUESDAY, FEBRUARY 17, 2009
(Continued)

Ron Hauf, a member of the Whitefish Lakeshore Protection Committee noted that Mr. Stack addressed the critical areas that needed addressed with the biggest issue being non-conforming; although the lawn issue and pesticides are certainly important also. He then added they intend to do the best they can in re-writing the rules for the benefit of the whole and not the part.

Sharon Morrison, also a member of the Whitefish Lakeshore Protection Committee stated she is presently doing some statutory research in regards to lakeshore protection regulations.

Jeff Harris commented the interlocal agreement was rescinded with the City of Whitefish by default and they took back jurisdiction in the unincorporated areas; the default for lakeshore protection was the 2004 Lakeshore Regulations which they have been administering. Harris stated when someone comes in with a lakeshore permit application they don't accept them and instead suggest they go talk to the City of Whitefish.

George Smith stated that everyone in the county that has lakefront property finds that the existing regulations are exceedingly cumbersome to use. He then said the new document being prepared is much easier to use and clarifies issues that are confusing.

General discussion was held relative to using the Whitefish Lakeshore Regulations as a model in making the lakeshore regulations uniform throughout the county.

Chairman Lauman expressed his appreciation to the committee members for the long hours and hard work put into the regulations.

Commissioner Dupont stated he understood the frustration of those living on the lake and expressed his appreciation of having an attorney on the Whitefish Lakeshore Protection Committee. He then commended the committee for trying to simplify the rules and regulations and make them as simple as possible, in order to keep cases out of the courts.

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[11:31:48 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B. J. Grieve,
Clerk Kile

Harris reported 21 major subdivision applications were received in 2008 with 90% approved by staff, 80% approved by the Planning Board and 100% approved by the Commission. He then noted there are 10 files pending from 2008. Harris then presented a Flathead County Housing Market 2008 Report prepared by Jim Kelley, owner of Kelley Appraisal with statistics in regards to construction, septic permits, creation of lots and residential sales volume with comparisons from previous years. It was noted that an annual growth rate of 2.6% has been consistent since the year 2000 with over half of the growth in Kalispell. He then spoke about the floodplain regulations that are being re-organized.

Discussion was held relative to proposed revenue from the Planning & Zoning Office.

12:00 p.m. Commissioner Lauman: Kalispell Chamber @ Red Lion Inn
4:00 p.m. Commissioner Dupont: RAC meeting @ Forest Service Office
7:00 p.m. Board Members General Training @ Earl Bennett Building

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 18, 2009.

WEDNESDAY, FEBRUARY 18, 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. Commissioner Brenneman: Flathead Basin Commission Executive Committee meeting @ Forest Service Building
9:15 a.m. Commissioner Lauman: RSVP Board meeting @ Heritage Place
10:00 a.m. Commissioner Brenneman: Flathead Basin Commission meeting @ Forest Service Bldg. (till 3)
11:00 a.m. County Attorney meeting @ Co. Atty's Office
12:00 p.m. DUI Task Force meeting @ The Summit
6:00 p.m. Commissioner Lauman: Refuse Board Public Hearing @ FVCC Arts & Technology Building re: Container Sites

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 19, 2009.

THURSDAY, FEBRUARY 19, 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.

Ron Thibert, representative of Kalispell All Breeds Turf Club stated he would like to see horse racing revived in the county again in order to have a well rounded program at the fair. He then said the club has spent over \$8,000.00 renting stalls at the fairgrounds this past year and have exceeded their expectations in doing so. Thibert then noted the Fair Board is looking for ways to attract more people to the fair and stated he doesn't see how you could attract anymore people than with horse racing. Also stated was he feels the Fair Board members should have term limits imposed. Thibert then express his concern in regards to safety for where the Kila dumpster site is being moved too.

Pam Holmquist, a member of the Evergreen Water & Sewer Board asked the commission if they had any ideas or suggestions as how to get on the list to receive federal stimulus money from the government for their water system. She noted they do have a shovel ready project on the bluff where they will be putting in a water tower and need 2.5 million for the tank and pump station.

General discussion continued in regards to checking with the DEQ.

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

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

[9:00:43 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Weed & Parks Director Jed Fisher, Clerk Kile

Fisher reported he has gotten calls about the county taking over maintenance of a trail near the Old Red Bridge in Columbia Falls and the Wild Mile on the Swan River Trail. He then explained the Weed and Parks Board is looking for direction from the commission in regards to addressing trail maintenance concerns and answers for how they are to proceed with the Paths Committee. He further stated a maintenance component for trails has been missing and keeps getting put off, and that it is time to address it and have a definitive maintenance plan in place to address everything from snow removal, signage, stripping and long term chip seal overlays.

General discussion was held relative to whether more trails should be built or if maintenance of existing ones should be the priority.

Commissioner Dupont stated his opinion is that you don't build parks until you can take care of them. He then added all the issues of building a trail need to be addressed up front and be included in the plan. Dupont then asked why a projected maintenance cost couldn't be included.

Commissioner Brenneman stated that when we accept CTEP money for a trail that the county is on the hook for the maintenance of it. He then noted we do have unmaintained trails just like we have unmaintained county roads where citizens that have road associations get together and put gravel on roads. Brenneman then questioned what the cost of maintaining a mile of trail would be.

Fisher stated for signage, mowing, snow removal and chip seal that it was approximately \$500.00 per mile.

Discussion was held relative to different options of paying for maintenance on the trails.

Fisher then noted there are 13 small parks in the Many Lakes area that were taken as cash-in-lieu for parks that are being maintained by the county that need fuels mitigation. He then explained in order to have current appraisals to sell these parks that it cost more for the appraisals and survey work to sale the parks than they are worth.

Fisher then reported Bruce Ennis purchased waterfront property in Lakeside that he is prepared to turn over to the county and pay for up to \$250,000.00 in site improvements in order for the public to have access to waterfront. He noted the county would not have any outlay of dollars except for long term maintenance. Fisher then asked for direction from the commission.

Chairman Lauman stated that he has told Mr. Ennis that he needs to visit with the neighbors and present his plan to them.

Discussion was then held relative to neighbors concerns and a possible negative impact to property values.

QUARTERLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER

[9:36:17 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Juvenile Detention Director Laurie Rebeck, Weed & Parks Director Jed Fisher, Clerk Kile

Rebeck expressed her continued concern for the need for a backup generator for the Juvenile Detention Center that has been discussed for years and keeps getting pushed back.

THURSDAY, FEBRUARY 19, 2009
(Continued)

Discussion was held relative to the size of generator needed to run the whole facility and the cost of wiring.

Fisher stated that it only makes sense to have a generator to run the whole facility.

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

[10:00:45 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Finance Technician Lora Aspenlieder, Clerk Kile

Garza reported departments are updating their 2009 current budget and commissioner briefs will be scheduled after initial meetings are held. He then stated salary spread sheets are completed and will be finalized soon with job vacancies not budgeted for this year. Garza noted an audit team will be here on February 23, 2009 to compile what they need for the 2008 audit. It was then reported that software training was held last week for Finance AP/GL and investment training was held for the Treasurer's Office; additional training will be held on March 9, 2009. The intention to go live with the software in April for the Finance Department is on track and the entire county will be on-line the first of July. Garza then noted with the new system that anyone that submits claims will need to scan their documents into the system so scanners will be purchased to support those involved.

MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

[10:15:52 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Fair Director Jay Scott, Ron Thibert, Clerk Kile

Scott presented the monthly event calendar to the commission with the highlighted events this month the Bridal Show and Rocky Mountain Sports Show. He then reported he is struggling to find event sponsors this year. Scott then stated work is being done on the budget to try to cut out \$50,000.00.

General discussion was held relative to the cost of contract employees during fair season and different options available.

CONSIDERATION OF LAKESHORE PERMITS: POLATCHECK TRUST

[10:40:29 AM](#)

Members present:

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

Others present:

Planner George Smith, Clerk Kile

Smith reviewed Lakeshore Permits FLP 09-04B, FLP 09-05B and FLP 09-06; applications submitted by Polatcheck Trust to construct boat shelters.

Commissioner Dupont made a **motion** to approve Lakeshore Construction Permits FLP 09-04B, FLP 09-05B and FLP 09-06. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT.

[10:47:25 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve the print bid from Insty Prints for \$90.00 for 500 business cards for the Animal Shelter. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to approve the print bid from North Star Printing for \$26.00 for 100 dog license applications for the Animal Shelter. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to approve the print bid from Great Northern Printing for \$24.95 for 500 business cards for the Animal Shelter. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

THURSDAY, FEBRUARY 19, 2009
(Continued)

CONSIDERATION OF HR TRANSMITTALS: PART-TIME PHYSICIAN AND HEALTH PROMOTION SPECIALIST/ HEALTH DEPT.

[10:48:07 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Health Dept Director Joe Russell, Clerk Kile

Commissioner Dupont made a **motion** to approve the part-time Physician position at the Health Department. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to approve the job description for a part time Physician. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to approve the Health Promotion Specialist position for the Health Department. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: QUITCLAIM DEED/ OGRIN & HUNTER

[11:01:01 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Clerk Kile

Steele explained the Quit Claim Deed is being done because the road is not in the county right of way; an easement is being given to the county for the road is and the county is deeding them the land.

Commissioner Dupont made a **motion** to approve the QCD for Ogrin/ Hunter. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: QUITCLAIM DEED/ EVANS

[11:03:13 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Clerk Kile

Steele explained the Quit Claim Deed is being done because the road is not in the county right of way; an easement is being given to the county for the road is and the county is deeding them the land.

Commissioner Dupont made a **motion** to approve the QCD for Evans. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

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

[11:04:26 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Interim 911 Director Mark Peck, Interim OES Director Cindy Mullaney, Fire Service Area Manager Lincoln Chute, Clerk Kile

Mullaney reported she attended state sponsored regional meetings held in Missoula related to ANPG funding, where the state is going to limit the amount of time they would have to answer phone calls and e-mails. She then added Flathead County is scheduled to receive \$61,000.00 as their share. Mullaney then said they are tightening up on reporting which will require more pre-planning than has been done in the past, however, the State of Montana will double the funding they have received in the past; the money will be spent based on a competitive process whereby priorities will be funded. She then noted the bulk of her time is being spent on the Emergency Operations Plan and Crisis Management Plan. Mullaney then stated the Incident Management Team is moving forward also and is ready in case anything was to happen.

THURSDAY, FEBRUARY 19, 2009
(Continued)

Chute reported he is working on the CWPP and stated an overlay of critical infrastructure is missing. He then noted the Bonneville Power line up to Hungry Horse Reservoir is not identified so no identification or interface is there so Columbia Mountain is classified as fire use; so they could actually have from Weaver Gravel Pit to Doris Peak north a fire and let it burn. Chute added by putting the overlay on all of a sudden the lines comes 1 ½ miles from the Dam. He then spoke about a Wildland Fire Workshop held in Missoula that he attended where share cost and roles of responsibilities of the Forest Service and DNRC were discussed. He then reported he is working on an AFG regional grant for communications for all fire districts in Flathead County, he is working on forming a local fire prevention group to get a fire prevention message out in Flathead County and is working with the community of Whitefish in setting up a CWPP amendment to the county CWPP.

FINAL PLAT: EAST VALLEY ESTATES NO. 2

[11:19:41 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planner Bailey Iott, Rick Swan, Jim Buechle, Clerk Kile

Iott entered into record Final Plat FFP 08-57, East Valley Estates No. 2; a 28 lot residential subdivision located north of Holt Stage Road. Preliminary plat approval was granted on May 17, 2006, subject to 20 conditions.

Commissioner Dupont made a **motion** to approve final plat of East Valley Estates No. 2. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

PUBLIC HEARING: ANNEXATION TO SMITH VALLEY FIRE DISTRICT/ HASKILL MOUNTAIN RANCH

[11:30:27 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Interim Director OES Mark Peck, Erica Wirtala, Mark Nevas, Scott Lampshire, Clerk Kile

Chairman Lauman opened the public hearing to anyone wishing to speak in favor or opposition of annexing Haskill Mountain Ranch into Smith Valley Fire District.

Mark Nevas, 285 Dower Draw, a representative of the Kila Smith Lake Development Coalition gave a brief background of the group whose goal is to build the community in the Kila area. He noted they are not opposed to development and would encourage higher development density development in the Kila city center along with commercial development. Nevas said they are concerned that any development follows regulations; particularly in regards to healthy and public safety. The original Haskill Mountain Ranch application was opposed because it did not meet basic health and safety standards.

Scott Lampshire, 2021 Whitetail Ridge, President of the Kila Smith Lake Development Coalition spoke in opposition of annexation of Haskill Mountain Ranch into Smith Valley Fire District. He summarized their concerns and stated the proposal seems to them to be a circumstance of the cart before the horse with the subdivision not yet existing; if the subdivision is not approved the properties would be best left under the management of DNRC. Lampshire stated the terms of the annexation should be tight to ensure that adequate water, response times, access year around and adequate water pressure at all stages of development are present. Previous plans were reviewed which he stated were inadequate.

Erica Wirtala, 2 Village Loop, representative for the applicant explained the annexation is one more step in the continuation of preparing the property to be looked at as a complete picture to the commission when they bring the preliminary plat before them. She noted each home will be individually sprinklered and that Paul Wells the engineer for the project met with the Smith Valley Fire District who gave approval of the annexation.

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

Lincoln Chute noted that historically if homes are sprinklered that most areas cut the water tank capacity by 50 percent. He then said there is concern in that whole area with the interface and stated he hasn't been to the property to see what fuel mitigation has taken place; it definitely is a concern and is best to have done before it goes to final plat.

Mark Peck stated that local fire districts also respond on initial fire attacks with dual jurisdiction from the Department of Natural Resources or the Forest Service.

Commissioner Dupont commented that it seems we are trying to stop a subdivision request with

Erica Wirtala stated there is no preliminary plat approval at this time. She then added a new application has been submitted and a Planning Board hearing is scheduled for March 18, 2009, and it will come before the commission sometime in early April. Wirtala explained if you are not in a designated fire district that a typical request is if you are not in a designated fire district that you annex into one.

Mark Peck commented that if there was a fire there right now that Smith Valley Fire District would be dispatched to it.

Commissioner Dupont made a **motion** to adopt resolution 2187A. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

THURSDAY, FEBRUARY 19, 2009
(Continued)

RESOLUTION NO. 2187 A

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

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

WHEREAS, the Board of Commissioners, pursuant to the provisions of Section 7-33-2125(1)(b), M.C.A., passed a resolution of intent (Resolution No. 2187, dated February 2, 2009) to grant that petition and to transfer the property into the Smith Valley Rural Fire District, and set a public hearing on the proposal for February 19, 2009;

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

WHEREAS, the Board of Commissioners conducted said public hearing on February 19, 2009, and did not receive a protest petition signed by a majority of the landowners of the area proposed for annexation.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, Montana, that the property, described on the attached Exhibit A and located in Sections 10 and 11, of Township 26 North, Range 23 West, P.M.M., Flathead County, Montana, is hereby annexed into the Smith Valley Rural Fire District.

BE IT FURTHER RESOLVED, by the Board of Commissioners that the boundaries of the Flathead County Fire Service Area are hereby amended by transferring the property described on the 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 Rural Fire District.

Dated this 19th day of February, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

EXHIBIT "A"

A TRACT OF LAND SITUATED, LYING, AND BEING IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10 and IN THE WEST HALF, THE SOUTHEAST QUARTER & THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 26 NORTH, RANGE 23 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

TRACT 1:

Commencing at the northwest corner of the Northwest Quarter of Section 11, Township 26 North, Range 23 West, P.M.,M., Flathead County, Montana, which is a found brass cap; Thence along the north boundary of said NW1/4 N89°54'45"E 481.49 feet to a found iron pin and **THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED:** Thence continuing N89°54'45"E 2165.04 feet to a found brass cap and the northeast corner thereof; Thence along the east boundary of said NW1/4 S00°12'11"E 1321.26 feet to a found aluminum cap and the northwest corner of the South Half of the Northeast Quarter of said Section 11; Thence along the north boundary of said S1/2NE1/4 S89°56'32"E 2640.34 feet to a found aluminum cap and the northeast corner thereof; Thence along the east boundary of said S1/2NE1/4 S00°20'41"E 1317.97 feet to a found brass cap and the northeast corner of the Southeast Quarter of said Section 11; Thence along the east boundary of said SE1/4 S00°14'49"E 2637.57 feet to a found brass cap and the southeast corner thereof; Thence along the south boundary of said SE1/4 N89°45'18"W 2645.67 feet to a found brass cap and the southeast corner of the Southwest Quarter of said Section 11; Thence along the south boundary of said SW1/4 S89°51'50"W 2649.06 feet to a found brass cap and the southwest corner thereof; Thence along the west boundary of said SW1/4 N00°28'30"W 1314.94 feet to a found iron pin and the northwest corner of the Southwest Quarter of the Southwest Quarter; Thence N32°36'29"W 1114.18 feet to a found iron pin; Thence N49°30'00"W 30.00 feet to the centerline of a 60 foot private road and utility easement and the P.C. of a 350.00 foot & radius curve, concave northwesterly (radial bearing N49°30'00"W); Thence northeasterly along said centerline and along said curve through a central angle of 20°30'00" an arc length of 125.23 feet; Thence N20°00'00"E 237.87 feet to the P.C. of a 320.00 foot radius curve, concave southeasterly, having a central angle of 36°00'00"; Thence along an arc length of 201.06 feet; Thence N56°00'00"E 53.69 feet to the P.C. of a 1000.00 foot radius curve, concave southeasterly, having a central angle of 25°50'13"; Thence along an arc length of 450.94 feet to the P.R.C. of a 500.00 foot radius reverse curve, concave northwesterly (radial bearing N08°09'47"W); Thence northeasterly along said curve through a central angle of 16°12'36" an arc length of 141.46 feet to the P.R.C. of a 500 foot radius reverse curve, concave southeasterly (radial bearing S24°22'23"E); Thence northeasterly along said curve through a central angle of 28°38'38" an arc length of 249.96 feet to the P.C.R. of a 550.00 foot radius reverse curve, concave northwesterly (radial bearing N04°16'15"E); Thence northeasterly and northwesterly along said curve through a central angle of 103°26'15" an arc length of 992.93 feet; Thence N09°10'00"W 214.55 feet to the P.C. of a 400.00 foot radius curve, concave southwesterly, having a central angle of 29°57'17"; Thence along an arc length of 209.12 feet to the P.R.C. of a 550.00 foot radius reverse curve, concave northeasterly (radial bearing N50°52'43"E); Thence northwesterly along said curve through a central angle of 13°17'17" an arc length of 127.56 feet; Thence N25°50'00"W 174.31 feet to the P.C. of a 600.00 foot radius curve, concave southwesterly, having a central angle of 05°19'36"; Thence along an arc length of 55.78 feet to the P.R.C. of a 50.00 foot radius reverse curve, concave southeasterly (radial bearing N58°50'24"E); Thence northwesterly and northeasterly along said curve through a central angle of 101°55'40" an arc length of 88.95 feet; Thence leaving said centerline N19°13'56"W 30.00 feet to a found iron pin; Thence N22°00'00"W 848.19 feet to the point of beginning and containing 529.891 ACRES. Subject to and together with 60 foot private roads and utility easements and 66 foot road easements as shown hereon; Subject to and together with a 60 foot county road as shown hereon; Subject to and together with all appurtenant easements of record.

THURSDAY, FEBRUARY 19, 2009
(Continued)

DOCUMENT FOR SIGNATURE: FY08 US DEPARTMENT OF HOMELAND SECURITY OPERATION STONEGARDEN GRANT PROGRAM (OPSG)

[11:49:53 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, HR Director Raeann Campbell, Sheriff Mike Meehan, Undersheriff Pete Wingert, Interim 911 Director Mark Peck, Clerk Kile

Meehan explained the operation "Stonegarden" is a joint cooperation between law enforcement and border counties in the amount of up to \$320,000.00. The two year grant was applied for and the county was awarded \$107,800.00 for radio upgrades and deputies working on an overtime basis will be federally funded by the government working with border patrol agents on border operations.

Commissioner Dupont made a **motion** to approve Budget Amendment Resolution 2190. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

BUDGET AMENDMENT
RESOLUTION # 2190

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 19th day of February, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

DATE OF ISSUE:			BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:			RESOLUTION #2190		Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESC	DEBIT	CREDIT
2928	0209	331117		War Supplemental Grant	153,142.00	
2928		172000		Revenue Control		153,142.00
2928	0209	420600	120	Overtime		36,200.00
2928	0209	420600	141	Unemployment		163.00
2928	0209	420600	142	Work-Comp		2,653.00
2928	0209	420600	144	FICA		2,244.00
2928	0209	420600	146	Sheriff's Retirement		3,557.00
2928	0209	420600	147	Medicare		525.00
2928	0209	420600	212	Small Item Equipment		26,800.00
2928	0209	420600	900	Capital Equipment		81,000.00
2928		242000		Expense Control	153,142.00	
Establish Budget & Spending Authority for FY09 portions of 100% Federally funded US Department of Homeland Security						
Operation Stonegarden Grant Program in the amount up to \$320,000.00						
Explanation					306,284.00	306,284.00

THURSDAY, FEBRUARY 19, 2009
(Continued)

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD NAME APPEAL/ HIGH COUNTRY DRIVE

[12:09:28 PM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Dupont made a **motion** to authorize publication for the naming of High Country Drive and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. 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 **HIGH COUNTRY DRIVE**.

Road generally running easterly off of Foothill Road and located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and in the W $\frac{1}{2}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 28 North, Range 20 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **9th day of March, 2009, at 9:30 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 **HIGH COUNTRY DRIVE**.

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

Dated this 19th 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 24 and March 3, 2009.

DOCUMENTS FOR SIGNATURE: ARCHITECT'S CONTRACT, SIA, DEQ GROUNDWATER APPLICATION AND FINAL PLAT APPLICATION

[12:10:22 PM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Deputy County Attorney Jonathan Smith, Interim 911 Director Mark Peck, Clerk Kile

Commissioner Dupont made a **motion** to approve the architects contract, SIA, DEQ application and final plat application and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

CONSIDERATION OF RELEASE OF COLLATERAL: BLUE SKY ESTATES

[12:13:08 PM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Dupont made a **motion** to approve the release of collateral for Blue Sky Estates. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

11:00 a.m. Commissioner Brenneman: Travel to Helena
2:00 p.m. Health Board meeting @ Earl Bennett Building
3:00 p.m. Commissioner Brenneman: Legislature in Helena

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 20, 2009.

FRIDAY, FEBRUARY 20, 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.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 23, 2009.
