
MONDAY, AUGUST 1, 2005

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

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

Ed Blackler stated that he wanted to preface the meeting with the governor in regards to the road less areas in the county. He stated that we need to preserve these areas. He stated that other places do not have these areas and we should capitalize on this. He also stated that with the growth in this valley there will be a greater need for this space.

Loren Creek stated that the whole concept of the governor making these kind of decisions is wrong. He stated that these are national parts of our country and the decision should be made by all of the states and all of the people.

Cecily McNeil stated that she has been a north fork landowner for about fifty years. She stated that they are being threatened with coal mining, and we should keep the north fork area wild.

Brian Peck stated that he seconded what Loren said. These are national lands, and he would like to think that they belong to everybody. He stated that the most prudent action would be for the governor to ask the forest service to protect the status of the roadless areas.

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

MEETING W/ GOVERNOR BRIAN SCHWEITZER

[8:44:33 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Governor Brian Schweitzer, Janet Blackler, Edd Blackler, Cecily McNeil, Elna Darrow, George Darrow, David Hadden, Linda Regnier, Betsey Ellis, Steve Ellis, Bob Cole, James cross, Loren Creek, Ellen Horowitz, Brian Peck, Senator Dan Weinberg, Jim Morris, Richard Kuhl, Cristina Eisenberg, Jim Fizzler, Elaine Snyder, Kristine Foster, Mike Valesky, Rachel Potter, Steve Thompson

Governor Schweitzer spoke with the commissioner in regards to the road less issue. He explained his ability to make a recommendation to the president, and that he is here to ask the commissioners to help him make a sound and informed recommendation.

Commissioner Hall referenced a letter that they received from the Governor which allowed the commissioners to create a draft resolution on the road less areas. He presented the Governor with the resolution and asked him to review it.

Governor Schweitzer stated that he would like to get together with the commissioners. He also stated that he would like to have this information he is asking for by January 1 2006, and that this is the time to come up with a good solution for Montana.

Commissioner Brenneman presented the Governor with a letter he wrote up on an agency on aging employee who terminated employment due to the conflict with the Medicare system.

Governor Schweitzer commended Senator Dan Weinberg on his performance in the state senate.

The audience questioned Governor Schweitzer on different aspects of the road less plan.

Commissioner Hall presented the governor with the most recent plan that he has received on the bypass, and his request that part of the road be built immediately.

PRELIMINARY PLAT: GREAT BEAR ESTATES

[9:34:06 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Peggy Goodrich, Joe Kauffman, Robert Wunderlich

Goodrich reviewed the application submitted by Don P Badgley for preliminary plat approval of Great Bear Estates, a major subdivision creating 13 residential lots. The subdivision is proposed on 13.80 acres, and is located southwest of Columbia Falls, west of US Highway 2 off of Hodgson Road. There are 15 conditions. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-33 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the preliminary plat of Great Bear Estates subject to 15 amended conditions including the amendment to condition 5 requiring that the internal curve radii be designed by a registered professional engineer and striking out the condition that the commissioners grant a variance on road radii. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

CONDITIONS:

1. A variance to the road length limitation in Table 3 of Section 3.9 of the Flathead County Subdivision Regulations shall be granted by the Flathead County Commissioners for the internal subdivision road. [Section 7.1, Flathead County Subdivision Regulations]
2. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
3. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a) All addresses shall be visible from the road, either at the driveway entrance or on the structure. [3.20 (D), FCSR]
 - b) All new utilities shall be extended underground. [3.17 (A), FCSR]
 - c) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12 (J), FCSR]
 - d) The subdivision is located in an airport influence area. Residents of the subdivision can expect airport activities to generate noise and other potentially objectionable impacts. These impacts may not be protested. [Agency Comment]
 - e) Lots 1, 2, 3, and 4 are adjacent to an active gravel mining operation. Future lot owners in the subdivision should be aware that gravel operations generate noise and odors. Hours of operation may extend beyond normal business hours. [App. B - XV., FCSR]
 - f) The following statement shall be placed on the face of the final plat:

_____ (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.
4. The developer shall furnish proof of an approach permit from the Flathead County Road Department for the access to Hodgson Road for the thirteen residential lots. [Section 3.8 (A), FCSR]
5. The private, internal subdivision road shall consist of a 60-foot right-of-way, 20-foot paved travel surface, and 55-foot radius paved cul de sac. Compliance with Section 3.9 of the Flathead County Subdivision Regulations shall be certified by a licensed, professional engineer. ~~A variance shall be granted by the Flathead County Commissioner's to accept the radii on the ninety degree corners as designed by the applicant.~~ **Design of the curve radii for the internal subdivision road shall be certified by a Registered Professional Engineer.** [Section 3.9 B, FCSR]
6. A road identification sign and stop sign shall be installed at the intersection of the internal subdivision road and Hodgson Road. [Section 3.9 I. 8, FCSR]
7. The lot owners within the subdivision shall join a Road Users Agreement or Property Owners Association for Great Bear Lane, which will require each property owner to bear their pro-rata share for road maintenance of the private drive. [3.31.030 5. H., Flathead County Zoning Regulations]
8. The developer shall provide a cash-in-lieu of parkland dedication payment of \$9,216 is to Flathead County to satisfy parkland requirements. [Section 3.19, FCSR]
9. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [Section 3.22, FCSR]
10. 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 utility companies. [3.17 and 3.18, FCSR]
11. The proposed water and septic treatment systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the State of Montana Department of Environmental Quality. [3.14(A) and 3.15(A), FCSR]
12. The applicant shall comply with any fire suppression needs required by the Columbia Falls Fire District. A letter from the Columbia Falls Fire Chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
13. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7 (E), FCSR]
14. All required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the Flathead County Commissioners. [Chapter 8, FCSR]
15. Preliminary plat approval is valid for three years. [Section 2.5 (D)(6), FCSR]

PRELIMINARY PLAT: SUNSET TRAIL

[9:55:31 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Robert W. Watne

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Peggy Goodrich, Joe Kaufman, Robert K Wunderlich, Bill Johnson, John Sheldon, Kirsten Holland

Goodrich reviewed the application submitted by John L Sheldon for preliminary plat approval of Sunset Trail Subdivision, a major subdivision that will create twelve single-family residential lots. The subdivision is proposed on 20.97 acres and will be served by individual wells and individual sewer systems. There are 16 conditions. Staff recommends denial based on the access granted to the sand mining operation.

Bill Johnson stated that they have come to an agreement with Charlie Johnson for use of an existing road for the sand pit and not accessing the internal subdivision road.

Joe Kaufman stated that there will be no truck traffic accessing that internal subdivision road.

John Sheldon stated that the internal road will have one road name and not two. He stated that the sand pit will be reclaimed in 3-5 years.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-05-19 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. **Opposed** – Brenneman. Motion carried by quorum.

Commissioner Brenneman stated that with the sand pit still being operational he does not feel this is an appropriate place for a subdivision, also that he believes that this should not be on individual wells, and that either way of coming out of the subdivision there is no line of site.

Commissioner Watne made a **motion** to approve the preliminary plat of Sunset Trial subject to 16 amended conditions. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. **Opposed** – Brenneman. Motion carried by quorum.

CONDITIONS:

1. All areas disturbed during development of the subdivision shall be revegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), Flathead County Subdivision Regulations FCSR]
2. All internal subdivision roads must meet the requirement contained within Section 3.9 of the Flathead County Subdivision Regulations. The roads shall have a 60-foot wide right-of-way and a 20-foot paved driving surface. [Section 3.9 FCSR]
3. The developer shall obtain an approach permit from the Flathead County Road Department for both ends of Sunset Trail off of Holt Stage.
4. The lot owners within the subdivision shall join a Road Users Agreement or Property Owners Association for Sunset Trail, which will require each property owner to bear their pro-rata share for road maintenance of the private drive. [3.31.030 5. H., Flathead County Zoning Regulations]
5. The developer ~~shall~~ **is requested to** pave the section of Holt Stage Road between Chester Drive and the western boundary of Lot 1 of the proposed subdivision. [Section 3.9 K. 3. b., FCSR]
6. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
7. The developer shall dedicate a fifteen (15)-foot bike/walk easement along the southern boundary of Lot 1, adjacent to the Holt Stage Road right-of-way.
8. The lots within the subdivision shall be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality for individual sewer and water facilities and storm water management. [Sections 3.14(A) and 3.15(A), FCSR]
9. Electrical and telephone utilities shall be extended underground to abut and be available to each lot in accordance with Flathead County Subdivision Regulations. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 and 3.18 FCSR]
10. The developer shall contact the Creston Fire Chief and **reasonable** fire suppression shall be placed per the Chief's requirements. The developer shall receive a letter from the Fire Chief stating his requirements have been met. [Section 3.20, FCSR]
11. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [Section 3.22 FCSR]
12. The developer shall comply with Section 3.19 (Parkland) of the Flathead County Subdivision Regulations. Required parkland dedication is 0.904 acres or \$9,040.00 as a cash-in-lieu payment. [Section 3.19, FCSR]
13. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All house numbers will be visible from the road, either at the driveway entrance or on the house. [3.20(D), FCSR]
 - b. All utilities shall be placed underground. [3.17(A), FCSR]
 - c. Lot owners are bound by the soil disturbance and weed management plan entered into by the developer with the Flathead County Weed/Parks/Recreation & Building Maintenance Department. [3.12(J), FCSR]
 - d. This subdivision is located in an agricultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm on adjoining properties shall not be restricted as a result of the development or occupancy of this subdivision.
 - e. A sand mining operation adjacent to Lots 3 and 4 ~~is currently being~~ **will be reclaimed within 5 years**. Lot owners should be aware that there are steep slopes in this area.

_____ (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.

14. All required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the Flathead County Commissioners. [Chapter 8, FCSR]
15. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
16. Preliminary plat approval is valid for three years. [Section 2.5(D) (6), FCSR]

PUBLIC HEARING: WHITEFISH HILLS ZONE CHANGE / BLANCHARD LAKE ZONING DISTRICT

[10:20:59 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Eric Mulcahy, Paul Coe

Holland reviewed Staff Report FZC-05-11 referencing a Zone Change Request from AG-40 to AG-20 in the Blanchard Lake Zoning District. Staff recommends approval.

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

Eric Mulcahy stated that he was here representing the applicants of the zone change.

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

Commissioner Watne made a **motion** to adopt Staff Report #FZC-05-11 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to adopt Resolution 966L. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

RESOLUTION NO. 966L

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 1st day of August, 2005, concerning a proposal by Whitefish Hills, LLC, Paul and Shelly Coe, Tim Flynn and PRA Hart Bowl Association to change the zoning designation in a portion of the Blanchard Lake Area Zoning District from AG-40 (Agricultural) to AG-20 (Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on July 19 and July 26, 2005;

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 Blanchard Lake Area 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 designation in a portion of the Blanchard Lake Area Zoning District from AG-40 (Agricultural) to AG-20 (Agricultural), that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Blanchard Lake 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 Blanchard Lake 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 Blanchard Lake 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 Blanchard Lake Area Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 1st day of August, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By/s/Robert W. Watne
Robert W. Watne, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser

Deputy

WHITEFISH HILLS, LLC.
REQUEST FOR ZONE CHANGE FROM AG-40 TO AG-20
STAFF REPORT #FZC-05-11

Location and Legal Description of Property:

The property proposed for rezoning is located on the west side of Highway 93 North, southwest of the city of Whitefish and consists of 600 acres. The site can be described as Lots 1, 2, 3, 7 and S of Whitefish Hills, Phase 1 in Sections 3, 10, and 11 and Assessor's Tract 5 in Section 10, all in Township 30 North, Range 22 West P.M., Flathead County, Montana.

Commissioner Watne made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
BLANCHARD LAKE 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. 966L) on August 1, 2005, to change the zoning designation in a portion of the Blanchard Lake Area Zoning District from AG-40 (Agricultural) to AG-20 (Agricultural).

The boundaries of the area proposed to be changed from the AG-40 classification to the AG-20 classification are set forth on Exhibit "A" hereto.

The proposed change would change the minimum lot size allowed from 40 acres to 20 acres, while maintaining the character of the zoning regulations applicable to the property, which are intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions and to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development. The change would allow splitting the property into 20 acre sites, instead of the minimum 40 acre sites now required, and for more intensive cluster development.

The regulations defining the AG-40 and AG-20 Zones are contained in the Flathead County Comprehensive Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

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 Blanchard Lake Area 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 1st day of August, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By /s/Kimberly Moser

Deputy

Publish on August 4 and August 11, 2005.

WHITEFISH HILLS, LLC.
REQUEST FOR ZONE CHANGE FROM AG-40 TO AG-20
STAFF REPORT #FZC-05-11

Location and Legal Description of Property:

The property proposed for rezoning is located on the west side of Highway 93 North, southwest of the city of Whitefish and consists of 600 acres. The site can be described as Lots 1, 2, 3, 7 and S of Whitefish Hills, Phase 1 in Sections 3, 10, and 11 and Assessor's Tract 5 in Section 10, all in Township 30 North, Range 22 West P.M., Flathead County, Montana.

PUBLIC HEARING: CHVILICEK ZONE CHANGE / LOWER SIDE ZONING DISTRICT

[10:31:39 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman
Others present:
Clerk Kimberly Moser, Peggy Goodrich, Gayle Chvilicek, John Chvilicek, Eric Mulcahy, Kim Ward, Ted Dykstra Jr,
Don Richter, BJ Grieve

Goodrich reviewed Staff Report FZC-05-10 regarding a zone change request in the Lower Side Zoning District, from AG-40 to SAG-5. Staff recommends approval.

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

Eric Mulcahy spoke as a representative of the owners of this project. He presented the commissioners with a diagram of the plan for the zone change. He stated that they are in the process of looking at a cluster subdivision for this area.

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

Commissioner Brenneman made a **motion** to adopt Staff Report #FZC-05-10 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to adopt Resolution 957AX. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

RESOLUTION NO. 957AX

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 1st day of August, 2005, to consider a request by John Chvilicek to change the zoning designation in a portion of the Lower Side Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on July 19 and July 26, 2005;

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

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Lower Side 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 Lower Side Zoning District from AG-40 to SAG-5, that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Lower Side 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 Lower Side 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 Lower Side 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 Lower Side Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 1st day August, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By/s/Robert W. Watne
Robert W. Watne, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

JOHN CHVILICEK ZONE CHANGE FROM AG-40 TO SAG-S STAFF REPORT #FZC-05-10

Location and Legal Description of Property:

The property proposed for the map amendment is located east of Smith Lake Road and west of the Foy's Lake area and contains approximately 429.8 acres. The property's legal description is Tracts 4, 8, 1, 7, 6, and 9 of Section 22, Township 28 North, Range 22 West, P.M.M.

Commissioner Brenneman made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
LOWER SIDE 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. 957AX) on August 1st, 2005, to change the zoning designation in a portion of the Lower Side Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-40 to SAG-5 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from those intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to regulations intended to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development. The AG-40 classification has a minimum lot size of 40 acres; a change to SAG-5 would result in a minimum lot size of 5 acres.

The regulations defining the AG-40 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

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 Lower Side 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 1st day of August, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Kimberly Moser

Deputy

Publish on August 4 and August 11, 2005.

JOHN CHVILICEK
ZONE CHANGE FROM AG-40 TO SAG-S
STAFF REPORT #FZC-05-10

Location and Legal Description of Property:

The property proposed for the map amendment is located east of Smith Lake Road and west of the Foy's Lake area and contains approximately 429.8 acres. The property's legal description is Tracts 4, 8, 1, 7, 6, and 9 of Section 22, Township 28 North, Range 22 West, P.M.M.

PRELIMINARY PLAT: SUBDIVISION NO. 259

[10:41:05 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, BJ Grieve, Eric Mulcahy, Linda Olsen, Robert Olsen

Grieve reviewed the application submitted by Bob Olsen for preliminary plat approval of Subdivision #259, a minor subdivision creating four single-family residential lots. The subdivision is located at the intersection of Yeoman Hall and Van Sant roads. The subdivision is proposed on 5.550 acres and will be served by individual on-site wells and septic systems. The property is unzoned. There are 15 conditions of approval

Commissioner Watne made a **motion** to adopt Staff Report #FSR-05-29. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to remove condition #14 requiring tree planting along the right of way. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the preliminary plat of Subdivision No. 259 subject to 14 amended conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

CONDITIONS

1. All approaches to Yeoman Hall and Van Sant Roads will have approach permits finalized, including site inspection and approval of installed approaches prior to applying for final plat. (3.8(A) Flathead County Subdivision Regulations)
2. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), Flathead County Subdivision Regulations (FCSR)]
3. The following statements shall be placed on the face of the final plat applicable to all lots:

- a) All addresses shall be visible from the road, and at the driveway entrance or on the house. [3.20(D), FCSR]
- b) All utilities shall be placed underground. [3.17(A), FCSR]
- c) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]
- d) Lot owners are advised that they are moving into an area that is frequented by wild animals. As such, lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on living with wildlife. Dogs must be contained by a physical or electronic/invisible fence or kept on leashes at all times. Homeowner's need to be aware of bear attractants: keep pet foods, barbeque grills, and garbage indoors, in a secure shed, or in a bear proof container; feed birds only in the winter; pick fruit as soon as it becomes ripe; do not create compost piles; and wait to put garbage containers out until the morning of pickup.
- e) All driveways shall be a 10% maximum grade to ensure access by emergency vehicles. [Section 3.6 E FCSR]
- f) Waiver of Protest

Participation in Special Improvement District

_____ (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.

- 4. The lots within the subdivision shall be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality for individual sewer and water facilities and storm water management. [Sections 3.14(A) and 3.15(A), FCSR]
- 5. During construction of infrastructure improvements, no silt-laden water shall flow to downstream areas. Erosion control measures are required and will be enforced. (Section 3.13, Flathead County Subdivision Regulations).
- 6. All internal subdivision roads shall be built in accordance with Section 3.9 of the Flathead County Subdivision Regulations.
- 7. Except as addressed in other conditions, all required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the County Commissioners.
- 8. Electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. Utilities and easements shall comply with Section 3.17 and 3.18 of the Flathead County Subdivision Regulations.
- 9. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions.
- 10. The developer shall contact the local postmaster to confirm area mail delivery and establish an appropriate location for mailbox placement in accordance with Flathead County Subdivision Regulations [Section 3.22 FCSR].
- 11. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
- 12. Except as modified above, the subdivision shall comply with Chapter 3 of the Flathead County Subdivision Regulations. [Chapter 3, FCSR]
- 13. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
- 14. ~~One tree shall be planted every 40' adjacent to the county road right of way, along both Van Sant and Yeoman Hall Roads. Tree species shall be chosen to match dominant local species and shall be maintained by the developer until such time as the trees will grow on their own. (Section 3.2, Flathead County Subdivision Regulations)~~
- 15. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

BOARD APPOINTMENTS: ASHLEY LAKE LAND USE ADVISORY COMMITTEE AND FOY'S LAKESIDE ESTATES WATER & SEWER DISTRICT

[10:56:05 AM](#)

Members present:

Chairman Gary D. Hall
 Commissioner Robert W. Watne
 Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to appoint Rob Driscoll to the Ashley Lake Land Use Advisory Committee. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to appoint Michael Sugarman, Harold Held, Peter Sorensen, Donald O Norton, and Donald Ross to the Foy's Lakeside Estates Water & Sewer District. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

MEETING W/ CHARLIE JOHNSON, ROAD DEPT

This meeting was not held.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: OBERLITNER ZONE CHANGE / HIGHWAY 93 NORTH ZONING DISTRICT

Members present:

Chairman Gary D. Hall
 Commissioner Joseph D. Brenneman

Members absent:
Commissioner Robert W. Watne
Others present:
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Tom and Brenda Oberlitner to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from SAG-10 to SAG-5 are set forth on Exhibit "A".

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, by providing for estate type residential development and by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **15th day of August, 2005, 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 to the Highway 93 North Zoning District.

DATED this 1st day of August, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser Deputy
By/s/Gary D. Hall
Gary D. Hall, Chairman

Publish on August 4 and August 11, 2005.

TOM AND BRENDA OBERLITNER
ZONE CHANGE FROM SAG- 10 to SAG-S
STAFF REPORT #FZC-05-12

Location and Legal Description of Property:

The site proposed for the map amendment is located between Whitefish Stage Road and U.S. Highway 93, south of Birch Grove Road. The area included in the proposal can be legally described as Tracts 4GA and 40 in Section 7, Township 29 North, Range 21 West, P.M.M, Flathead County, Montana. Location maps are included for reference.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #05-07-4-31-015-0

[10:58:41 AM](#)
Members present:
Chairman Gary D. Hall
Commissioner Robert W. Watne
Others present:
Clerk Kimberly Moser

Commissioner Watne made a **motion** to approve the DPHHS Contract #05-07-4-31-015-0 and authorize Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #05-07-4-11-044-0

[11:01:12 AM](#)
Members present:
Chairman Gary D. Hall
Commissioner Robert W. Watne
Members absent:
Commissioner Joseph D. Brenneman
Others present:
Clerk Kimberly Moser

Commissioner Watne made a **motion** to approve the DPHHS Contract #05-07-4-11-044-0 and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DNRC CONTRACT # 05-15-00 & FORM #AD-1048/ OES

[11:01:56 AM](#)
Members present:
Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:
Clerk Kimberly Moser

Commissioner Watne made a **motion** to approve the DNRC Contract #05-15-00 & Form #AD-1048 for OES and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Brenneman, and Watne. Motion carried unanimously.

MEETING W/ SENATOR CONRAD BURNS

[11:38:36 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:
Clerk Kimberly Moser, Senator Conrad Burns, Denise Smith, James Pendelton, Senator John Brueggeman

Commissioner Brenneman presented the Senator with a letter in regards to an out reach technician from AOA that resigned due to the conflicts with Medicare. Senator Conrad Burns stated that there is a lot of educating to do on the prescription drug program. He stated that they are thinking of setting up a meeting between now and Christmas in the surrounding counties with the local people and a member of the Medicare staff to educate the people.

Commissioner Hall spoke in on an appropriation request in concerning the bypass, and the problems with Reserve and Stillwater. He would like to have that portion of the road constructed before the bypass estimated date of 2009-2010. He also presented the Senator with the information received from Governor Schweitzer on the road less issue.

Commissioner Brenneman questioned if there are any federal monies available to apply for that are for paving.

Senator Conrad Burns stated that there is a pot of money they can dip into, and that they get requests from almost every county every year. He stated that they do keeps these list and keep a priority list.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 2, 2005.

TUESDAY, AUGUST 2, 2005

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

Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.

MEETING WITH DON HINES

[9:04:30 AM](#)

Members present:
Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:
Chairman Gary D. Hall

Others present:
Clerk Kimberly Moser, Don Hines

Don Hines made a request to have Kim Fleming removed from the planning board. He stated different problems that they have had to explain the reasons for the request. He stated that the majority of the board would be willing to put in writing the request to have her removed from the board.

Commissioner Watne asked to have this in writing.

BI-MONTHLY MEETING W/ NORM CALVERT, COMPUTER SERVICES

[9:13:57 AM](#)

Members present:
Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:
Chairman Gary D. Hall

Others present:
Clerk Kimberly Moser, Norm Calvert

Discussion was held relative to the now full staff in computer services, a problem with the FTP server, the new jade fiscal system went active July 01, the payroll system will be next and a late budget request from GIS for a server.

QUARTERLY MEETING W/ MARCIA SHEFFELS, SUPERINTENDENT OF SCHOOLS

[9:22:08 AM](#)

Members present:
Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:
Chairman Gary D. Hall

Others present:
 Clerk Kimberly Moser, Marcia Sheffels

Discussion was held relative to Marcia updating on her progress in her new position. Marcia spoke on the number of employees in her department and there duties. She stated that the one concern she has in her office are the deadlines that her office must follow, and the lack of other departments not meeting these deadlines which does not allow her office to meet their deadlines.

BUDGET AMENDMENT: AOA AND SHERIFF'S OFFICE

9:42:43 AM

Members present:
 Commissioner Robert W. Watne PT
 Commissioner Joseph D. Brenneman
 Members absent:
 Chairman Gary D. Hall
 Others present:
 Clerk Kimberly Moser, Wes Hula, Gary Como

Commissioner Brenneman made a **motion** to adopt Resolution 1869. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION
 RESOLUTION NO. 1869**

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2004-2005, 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 2004-2005; 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 2nd day of August, 2005.

BOARD OF COUNTY COMMISSIONERS
 Flathead County, Montana

By: _____
 Gary D. Hall, Chairman

By: /s/Robert W. Watne
 Robert W. Watne, Member

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

ATTEST:
 Paula Robinson, Clerk

By: /s/Kimberly Moser
 Kimberly Moser, Deputy

**COUNTY OF FLATHEAD
 GENERAL JOURNAL VOUCHER
 BUDGET AMENDMENT - FY05
 RESOLUTION # 1869**

DATE ISSUED: _____ VOUCHER NO.: **0506-178**
 DATE OF RECORD: _____

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2281-0726-521000-820	Transfer Out	1		\$ 5,135.00
2281-242000	Expense Control	2	\$ 5,135.00	
2281-0726-345010	Transfer In	3	\$ 5,135.00	
2281-172000	Revenue Control	4		\$ 5,135.00
		5		
	Adjust Budget for unanticipated revenue for Transfers Out	6		
		7		
		8		
2982-0190-383000	Transfer-In-fr 2281	9	\$ 6,020.00	
2982-172000	Revenue Control	10		\$

				6,020.00
2983-0190-383000	Transfer-In-2281	11	\$ 4,115.00	
2983-172000	Revenue Control	12		\$ 4,115.00
		13		
	Adjust Budget for unanticipated	14		
	Revenue	15		
		16		
		17		
		18		
		19		
		20		
		21		
		22		
		23		
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		25		
		26		
		27		
		28		
		29		
		30		
		31		
		32		
		33		
		34		
		35		
	Total		\$ 20,405.00	\$ 20,405.00

Explanation:

by: Gary L Como,
Finance

Approved by: Commissioners by Resolution

Commissioner Brenneman made a **motion** to adopt Resolution 1870. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION
RESOLUTION NO. 1870**

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2004-2005, 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 2004-2005; 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 2nd day of August, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Gary D. Hall, Chairman

By: /s/Robert W. Watne
Robert W. Watne, Member

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

ATTEST:
Paula Robinson, Clerk

By: /s/Kimberly Moser
Kimberly Moser, Deputy

COUNTY OF FLATHEAD

**GENERAL JOURNAL VOUCHER
BUDGET AMENDMENT - FY05
RESOLUTION # 1870**

DATE ISSUED:
DATE OF RECORD:

VOUCHER
NO.:

0506-180

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
7062-0209-351013	Drug Forfeiture-Federal Shared	1	\$ 15,000.00	
7062-172000	Revenue Control	2		\$ 15,000.00
7062-0209-420140-305	Operating Expenses	3		\$ 15,000.00
7062-242000	Expense Control	4	\$ 15,000.00	
		5		
	To adopt budget for drug	6		
	forfeiture funds received 10/04	7		
		8		
		9		
		10		
		11		
		12		
		13		
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		31		
		32		
		33		
		34		
		35		
	Total		\$ 30,000.00	\$ 30,000.00

Explanation:

by: Gary L Como,
Finance

Approved by: Commissioners by Resolution

CONSIDERATION OF PRINTING CONTRACTS: LIBRARY

[9:49:02 AM](#)

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the bid submitted by Great Northern Printing for Raised Ink Bookmarks in the amount of \$63.54. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

CONSIDERATION OF HR TRANSMITTAL FORM: OFFICE ASSISTANT / TREASURER'S OFFICE

[9:50:11 AM](#) and [9:59:28 AM](#) and [10:57:24 AM](#)

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the HR Transmittal form for the Office Assistant position in the Treasurer's Office. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

[9:59:15 AM](#)

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser, Raeann Campbell

Discussion was held relative to the HR Transmittal form for the Treasurers Office, HR transmittals for July done by the Human Resource Office, recordable accidents for 2004 and 2005 year to date, the balance of the Health Insurance Trust Fund, the road and solid waste operators contract process, and the investment process for the trust fund balance

Commissioner Brenneman made a **motion** to approve the July HR Transmittals and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE

10:10:07 AM

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser

Discussion was held relative to Karole Sommerfeld showed the commissioner a community service project that the 4-H group is doing, an update on the 4-H congress meeting, the progress of the Murdochs partnership, the 4-H camp at Loon Lake, wildlife habitat training in Missoula, and fair preparation.

PRELIMINARY PLAT: MONTANA SUBDIVISION

10:34:14 AM

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser, Kirsten Holland, Joe Kauffman, Alan Avery, Traci Sears-Tull

Holland reviewed the application submitted by Alan Avery for preliminary plat approval of Montana Subdivision, a minor subdivision that will create five residential lots with a remainder. The subdivision is proposed on 21.51 acres and will be served by individual water and septic systems. The property is located off of US Highway 93, approximately three miles north of Whitefish. The property is unzoned. There are 22 conditions of approval. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-05-43 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Montana Subdivision subject to 22 conditions with the addition of conditions stating that no lot shall be further subdivided and that the applicants shall comply with reasonable conditions from the fire chief. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

CONDITIONS

1. A variance to the road length limitation in Table 3 of Section 3.9 of the Flathead County Subdivision Regulations shall be granted for the internal subdivision road. [Section 7.1, Flathead County Subdivision Regulations]
2. The internal subdivision road shall be built to the standard detailed in Section 3.9 of the Flathead County Subdivision Regulations. The applicants shall pave 250 feet of the internal subdivision road. [Section 3.9(K)(2), FCSR]
3. The road shall conform in all locations to the grade standards outlined in Table 2 of Section 3.9 of the subdivision regulations. [Section 3.9, FCSR]
4. A culvert or bridge will be provided and installed by the subdivider where the seasonal creek drainage intersects the internal subdivision road. [Section 3.12(F), FCSR]
5. The developer shall obtain and or show proof of a completed approach permit from the Montana Department of Transportation for all access from U.S. Highway 93, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
6. The developer shall install a stop sign and road identification sign at the intersection of the internal subdivision road and U.S. Highway 93. [Section 3.9(I)(8), FCSR]
7. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
8. The developer shall contact the local postmaster to confirm area mail delivery and establish an appropriate location for mailbox placement in accordance with Flathead County Subdivision Regulations [Section 3.22 FCSR].
9. The design and development of the subdivision shall contain satisfactory building sites properly related to topography and shall preserve the natural terrain, drainage, existing topsoil, trees, natural vegetation, wildlife and fish habitats to the extent possible. [Section 3.2, FCSR]
10. The subdivider shall have the floodplain boundaries surveyed and the 100-year floodplain shall be clearly delineated on the

face of the final plat and designated as a no-build zone. [Section 3.5, FCSR]

11. The designated floodplain portion of Lots 2, 3, and 4 along the Stillwater River is a critical bank stabilization area. Removal of vegetation from this area is discouraged and will require a Flathead County Floodplain Permit and a 310 Permit from the Flathead County Conservation District. [Section 3.2, FCSR]
12. The applicant will provide independent documentation showing the elevation of the property in reference to the Base Flood Elevation provided by FEMA Flood Insurance Rate Map panel 300023 1065C. [Section 3.5, FCSR]
13. During construction of infrastructure improvements, no silt-laden water or excess shall flow to downstream areas. Erosion control measures are required and will be enforced. [Section 3.13, FCSR]
14. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), FCSR]
15. The subdivision lots shall be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality for individual sewer and water facilities and storm water management. [Sections 3.14(A) and 3.15(A), FCSR]
16. The applicant shall comply with *reasonable* fire suppression and access requirements of the Whitefish Rural Fire District. A letter from the Fire Chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
17. Electrical and telephone utilities shall be extended underground to abut and be available to each lot in accordance with Flathead County Subdivision Regulations. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 and 3.18 FCSR].
18. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a) No development will take place in the 100-year flood zone or in the seasonal creek drainage indicated on the face of the plat.
 - b) All addresses shall be visible from the road, and at the driveway entrance or on the house. [3.20(D), FCSR]
 - c) All utilities shall be placed underground. [3.17(A), FCSR]
 - d) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]
 - e) All driveways shall be a 10% maximum grade to ensure access by emergency vehicles. [Section 3.6 E FCSR]
 - f) Only Class A and Class B fire resistant roofing materials are allowed. [Section 3.21 F]
 - g) Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations. [Section 3.21 F]
 - h) Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game such as deer and bear is illegal in Montana. Lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on methods for safely living near wildlife and minimizing habitat impact. The following are required:
 - i. Dogs must be kept under owner control at all times, either leashed or confined.
 - ii. Bear-proof containers are required for refuse and feed for pets or livestock.
 - iii. Compost piles are prohibited unless secured by electrical fencing or otherwise enclosed.
 - iv. Pets must be fed indoors or food dishes must be brought in at night.
 - v. Bird feeders must be placed out of reach of deer, bear, and other large game.
 - i) *No lot shall be further subdivided.*
19. The following statement shall appear on the face of the final plat:

Waiver of Protest - Special Improvement District
_____ (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 [County Resolution 503-M]
20. Except as modified above, the subdivision shall comply with Chapter 3 of the Flathead County Subdivision Regulations. [Chapter 3, FCSR]
21. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
22. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

QUARTERLY INVESTMENT REPORT W/ ADELE KRANTZ

[10:56:47 AM](#)

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Adele Krantz

Discussion was held relative to the HR Transmittal form for the Office Assistant position, the deadlines for the Superintendent of Schools Office, and the 4th quarter investment report.

Commissioner Brenneman made a **motion** to approve the July HR Transmittals and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: SCHMID

11:10:36 AM

Members present:

Commissioner Robert W. Watne PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Traci Sears-Tull, Scott Schmid, Jim Stack

Sears-Tull reviewed the Lakeshore Permit application submitted by Scott Schmid for Whitefish Lake to upgrade existing non-conforming structure on the property, remove existing retaining wall and wooden ramp on the south end of the property, and reduce the wood deck area. The applicant is proposing to complete the following projects in the Lakeshore Protection Zone of Whitefish Lake. There are 38 conditions attached. Whitefish Lakeshore Protection committee has recommended denial of the portion of the application that is requesting to build a concrete patio in the Lakeshore Protection Zone.

Scott Schmid presented the commissioners with a statement from him as well as some pictures in regards to his request. He also questioned the minutes from the committee meeting.

Jim Stack relayed the position of the Whitefish Lakeshore Protection Committee.

Discussion continued on the applicants request to build a concrete deck.

Commissioner Brenneman agreed with the recommendation from the Whitefish Lakeshore Protection Committee.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit #WLV-04-07 with the addition of condition 8a and the deletion of condition 8-14, and the deletion of condition 15a. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

Amended Conditions:

1. The Lakeshore Protection Zone is defined as the lake, lakeshore, and all land within twenty (20) horizontal feet of the average high water line at elevation 2,997'.
2. This permit shall not be construed as insurance that the project is located on the applicant's property. If the applicant is not the property owner, consent must then be granted by the property owner prior to any lakeshore construction.
3. This permit is issued under the authority of 75-7-201 et.seq. MCA and the Whitefish Lake and Lakeshore Protection Regulations. The permittee is responsible for obtaining all necessary permits as may be required under other Local, State, and Federal regulations.
4. Temporary storage of construction materials, debris, or equipment is prohibited within the Lakeshore Protection Zone.
5. The natural protective armament of the lakebed and lakeshore shall be preserved wherever possible.
6. Natural vegetation in the Lakeshore Protection Zone shall be preserved wherever possible.
7. The proposed projects shall not exceed the dimensions or deviate from the proposed location as specified in the application, except as amended by the Whitefish and Lost Coon Lake and lakeshore Protection Regulations. Changes or modifications to increase any dimension (or change configuration) must be approved through permit amendment. The applicant must request an amendment before the permit expires.

Remodel Existing Wooden Deck

8. **Denied.** This proposal does not meet the criteria for the issuance of a variance as outlined by the Whitefish and Lost Coon Lake and Lakeshore Protection Regulations. Also, the Whitefish Lake & Lakeshore Protection Committee is recommending denial of this portion of the permit.

Concrete Patio – For existing concrete structures only.

9. Constructed stairways, walkways, and grandfathered decks are all structures which are subject to the maximum allowable constructed areas as prescribed in Section 5.1.
10. Stairways and walkways constructed of impervious material shall have maximum width of four feet and shall be designed to provide access only.
11. Stairways or walkways of poured-in-place concrete are prohibited, except as stipulated in the application and project drawing. Maximum cap to be 4" above existing height.

Revegetation:

12. Any existing or disturbed areas inside the lakeshore zone (20' setback) may be revegetated. New plants shall be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at Flathead Regional Development Office. Application of fertilizer is permitted only in minimal amounts to establish new plantings.
13. No grasses or lawn shall be planted or seeded.
14. Finely ground bark (soil pep) may be used to control weed growth.

Removal of Retaining Wall and Wooden Ramp

15. Any material which is excavated from the lakebed or lakeshore shall be removed entirely from the lake and lakeshore protection zone and deposited in such a manner so as to prohibit re-entry of the material into the lake. (Section 5.1.B.1)

Re-side and Re-roof the Patio Storage Shed

16. Construction materials shall be of non-reflective nature. If paint is used, it shall be of earth-toned colors.
17. All materials shall conform to the standards set in the Whitefish Lake and Lakeshore Protection Regulations.
18. There shall be no change in the nature of character of the non-conforming use or in the size of the structure.
19. All wood used in the Lakeshore Protection Zone shall be untreated and left in its natural state. No preservatives including varnish, stain, paint, linseed oil, diesel fuel, creosote or any pressure treated preservatives are allowed. This prohibition shall not prohibit the application

- of paint or stain as a routine maintenance measure for any structure built prior to 1978 located landward of the high-water line which has been painted or stained on a routine basis in the past.
20. Where wood is used for any project which would at sometime be in, or over the water, only solid wood shall be used. This specifically excludes plywood, particle board, chipboard, etc.
 21. Any metal used in the lakeshore protection zone may be painted or coated with an inert metal sealant (i.e. paint, plastic, rubber, enamel, etc.) which has thoroughly dried/cured prior to its use.
 22. Minimal lubrication of critical metal components to allow movement is allowed.
 23. No metal used in the lakeshore protection zone may contain deposits or a surface application of any of the following:
 - (1) Grease or oil (other than #2 above);
 - (2) Paint, varnish or coatings which have not thoroughly cured or dried; or
 - (3) Any chemical or substance which will wash off or dissolve when in contact with water.

Replace rockwork on the face of the retaining wall

24. All rock or stone which will come in contact with the lake shall be free of silts, sands or fines.
25. Rock or stone from the immediate lakeshore protection zone may be used for a project if its removal does not reduce the effectiveness of the existing lakeshore armament or expose silts, sands, clays or fines.
26. Riprap rock shall be sized properly for the specific task.
27. All rock shall be free of silts, sands or fines and acquired from a site outside of the Lakeshore Protection Zone.
28. If an existing wall has to be replaced, it shall be completely removed from the Lakeshore Protection Zone and the replacement wall shall be constructed in essentially the same location as the existing wall.
29. All work shall be done when the lake is at low pool, before April 20th or after August 15th, and when the construction site is dry. The waterlines may temporarily lie on the ground until burial in the fall when the lake returns to low pool and the construction site is dry.
30. The natural protective armament of the lakebed and lakeshore must be preserved wherever possible. Healthy trees three (3) inches or larger in diameter as measured four (4) feet above ground, shall be preserved.
31. Following installation, the lakebed shall be returned to its condition prior to construction.
32. This permit shall be valid for one year from the date of issuance. Upon completion of the work, please contact Traci at the Flathead County Planning and Zoning at (406) 751-8200 and or WLPC member Jim Stack at (406) 862-7770 for inspection.

9:15 p.m. 911 meeting at the Justice Center

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 2, 2005.

WEDNESDAY, AUGUST 3, 2005

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

Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.

CONSIDERATION OF ADOPTION OF RESOLUTION: SUPPORT AOA EFFORTS TO ACQUIRE ARMORY BUILDING

9:50:50 AM

Members present:

- Chairman Gary D. Hall
- Commissioner Robert W. Watne
- Commissioner Joseph D. Brenneman

Others present:

- Clerk Kimberly Moser, Jonathan Smith, Wes Hula

Commissioner Watne made a **motion** to adopt Resolution 1871. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1871

WHEREAS, the Flathead County Agency on Aging has been seeking a permanent location in which to conduct its business since the former Courthouse East was sold by Flathead County in October, 2002;

WHEREAS, the United States Army Reserve Armory, located on Second Street West in Kalispell, Montana, is scheduled to become government surplus property in September or October, 2005; and

WHEREAS, the Flathead County Agency on Aging believes that the United States Army Reserve Armory, after renovation, would provide an ideal location for the purposes of the Flathead County Agency on Aging to carry out its multi-faceted programs in support of the senior citizens in Flathead County, Montana.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the Montana Congressional Delegation, Senators Max Baucus and Conrad Burns, and Congressman Denny Rehberg, be encouraged to support the Flathead County Agency on Aging's efforts to acquire the United States Army Reserve Armory when it becomes surplus property in September or October, 2005, and to appropriate sufficient federal funds to renovate the building in order that it might become the permanent home of the Flathead County Agency on Aging.

Dated this 3rd day of August, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By /s/Robert W. Watne
Robert W. Watne, Member

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

ATTEST:

Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy

CONSIDERATION OF ADOPTION OF RESOLUTION: SUPPORT TAC ON KALISPELL HIGHWAY 93 BYPASS

[9:53:38 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Jonathan Smith, Tom Jentz

Tom Jentz explained the over view of the bypass project and answered commissioner questions.

Commissioner Brenneman made a **motion** to adopt Resolution 1872. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1872

WHEREAS, in 1994 the Final Environmental Impact Statement (FEIS) for US Highway 93 – Somers to Whitefish West recommended the construction of the Kalispell Bypass as part of the regional improvements to US Highway 93;

WHEREAS, the Montana Department of Transportation (MDT) has now entered into a contract with Stelling Engineers, Inc. to develop a final design for the Bypass;

WHEREAS, MDT has also entered into a contract with Carter Burgess, Inc. to re-evaluate the FEIS to assure that the environmental and design needs meet the current conditions;

WHEREAS, the Kalispell Technical Advisory Committee (TAC) met on June 21, and August 24, 2004, and April 21 and July 21, 2005, for the purpose of reviewing public comment and refined engineering designs as well as to receive updates on any associated environmental impacts involved with the passage of time and minor modifications to the alignment associated with that final design for the Highway 93 bypass;

WHEREAS, Kalispell City staff has been meeting on an ongoing basis with MDT and its consultants to further refine the final design work seeking to provide the most beneficial and appropriate design to serve the general public; and;

WHEREAS, the TAC met on July 21, 2005, for the purpose of reviewing a final design concept for the Kalispell 93 Bypass and issued a recommendation that the Highway 93 Bypass configuration dated July 21, 2005, be adopted;

WHEREAS, it is critical in the planning and design process that MDT and the consultants be given specific direction as to the local government wishes and expectation for the final design of the Highway 93 Bypass; and

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, supports the recommendation of the City of Kalispell and the Kalispell Technical Advisory Committee and encourages the Montana Department of Transportation to adopt the Highway 93 Bypass configuration dated July 21, 2005, as presented by Stelling Engineers, Inc., embodying the overall design for the Highway 93 Bypass in general and incorporating the designs for 11 intersections, rail road and stream crossings and noting that this recommendation supports the overall design to this date but does not address any aspect of phasing either of the overall project or individual aspects of the overall project.

Dated this 3rd day of August, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Robert W. Watne
Robert W. Watne, Member

By/s/Kimberly Moser

Deputy

PUBLIC HEARING: CREATION OF MOSQUITO CONTROL DISTRICT

[10:09:03 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Robert W. Watne
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Jonathan Smith, Brenda Hall, McGregor Rhodes, Tom Yoakum, Dolores Bunyea, Ed Speelman, Susan Nicosia, Paula Robinson, Fred Chase, Candace chase, Allison Bishop, Joe Russell, Jed Fisher, Eunice Hiseler, Lorraine Thornton, Mary Wallis, Judy Owsowitz

Joe Russell spoke in regards to the public health perspective of the control of mosquito's.

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

Dolores Bunyea stated that she thinks we need this very bad.

Ed Speelman spoke in regards to the bad mosquito problem that he has in his area. He also spoke in regards to the public notification process on the creation of the mosquito district. He is in favor of a new district, but opposed to a countywide district. He continued with speaking on his reasons for opposition.

McGregor Rhodes stated that he felt that the current program is fine. He feels that the threat of west nile is over exaggerated. He stated that he does not believe that these chemicals are safe for humans. He stated that if the commissioners are going to approve a countywide district it should prohibit aerial spraying. He also stated that he has started a petition from people who do not want to be exposed to these chemicals.

Commissioner Hall stated that Flathead County has not used aerial spraying.

Jed Fisher stated that Flathead County has never done aerial spraying, and they have no current plans to put planes in the air. He assured the commissioners that they receive hundreds of calls from people out of the current area that are concerned about aerial spraying, but do want there ponds treated for mosquito's. He stated that with Health Board involvement there would be less oversight. He also stated with a countywide budget availability more public notification could be started. He stated that he is in favor of a countywide mosquito district.

Judy Owsowitz stated that she is not in opposition of a mosquito district, but that she is concerned about oversight. She stated that she does not believe that West Nile is as bad as it has been made out to be. She is concerned with aerial spraying. She stated that it has been shown that mosquito fogging is not safe. She stated that she does organic farming and if we did ground fogging she would lose her income one hundred percent.

Commissioner Hall asked Judy Owsowitz about the fogging effects on organic farming?

Jed Fisher stated that it is important to point out that there are many different types of treatment.

Lorraine Thornton stated that she has a lot of mosquito's in her area. She stated that she does not care if her taxes go up to pay for the mosquito problem. She stated she is in favor. She stated that she believes the county has the knowledge to decide what is the best option, instead of her just grabbing items off of the shelf.

Commissioner Watne gave a brief overview of what the cost in taxes could go up to.

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

Joe Russell stated that it is time to look at a comprehensive plan. He also stated that every good program starts with getting public participation to find out what the public wants.

Commissioner Hall stated that the county has worked hard for years on this problem, and he believes that we need to start working on this problem now. He also stated that this might be a good opportunity for a business to attempt to start up doing mosquito control.

Jonathan Smith reviewed the intent of Resolution 1849B.

Commissioner Hall stated that there is going to be a mosquito control board under the direction of Joe Russell, and that anyone can send in an application to be on the board.

Susan Nicosia spoke on the budget aspect of creating a mosquito control board.

Discussion continued with the election part of the process.

Commissioner Watne made a **motion** to adopt Resolution 1849B. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1849 B

WHEREAS, the Board of Commissioners of Flathead County, Montana, is authorized by Section 7-22-2403, M.C.A., to initiate proceedings for the creation of mosquito control district by the adoption of a resolution of intent;

WHEREAS, Sections 7-1-201 through 7-1-203, M.C.A., require that the Board of County Commissioners establish certain administrative boards, including mosquito district boards, under the provisions of those sections;

WHEREAS the Board of Commissioners enacted Resolution No. 1849A as a Resolution of Intention to create a county-wide mosquito district in order to be able to address the growing threat from mosquitoes on a broader basis, recognizing that the movement into Montana in recent years of the West Nile Virus (a virus carried by mosquitoes) has significantly increased the risk of serious disease in both humans and animals, and to consider whether the Kalispell and Somers Mosquito Control Districts should be dissolved with the property included in those districts becoming part of the county-wide district;

WHEREAS, the Board of Commissioners conducted a public hearing on August 3, 2005, after publication and mailing of notice thereof, and heard public comment on the proposals to create a county-wide mosquito district and to dissolve the Kalispell and Somers Mosquito Control Districts; and

WHEREAS, the Board of Commissioners did not receive written protests to the proposal from 51% or more of the qualified electors or of the owners of property within the boundaries of the proposed district at that hearing.

NOW, THEREFORE BE IT RESOLVED that the Flathead Mosquito Control District is hereby created and the Kalispell Mosquito Control District and the Somers Mosquito Control District are hereby dissolved.

BE IT FURTHER RESOLVED that the Flathead County Mosquito Control Board is hereby created subject to the following provisions:

1. Pursuant to the provisions of Sections 7-1-203 and 7-22-2411, M.C.A., the Flathead Mosquito Control Board shall be composed of five members to be appointed by the Board of Commissioners of Flathead County, who shall perform the duties of the Flathead County Mosquito Control Board with the powers and duties set forth in statute and in this Resolution.

2. The members of the Flathead Mosquito Control Board shall serve staggered terms of three years. In order that the terms shall overlap, one of the initial board members shall serve a term ending on June 30, 2006; two of the initial board members shall serve terms ending on June 30, 2007; and two of the initial board members shall serve terms ending on June 30, 2008. All subsequent appointments shall be for three year terms commencing on July 1 and ending on June 30. Any vacancies shall be filled by appointments to complete the remainder of the term of the member creating the vacancy.

3. The members of the Flathead County Mosquito Control Board shall receive no compensation for their service on the Flathead County Mosquito Control Board; members may receive mileage for travel to and from meetings of the Flathead County Mosquito Control Board and may receive mileage and per diem, in accordance with Flathead County personnel policy, for travel outside of Flathead County on business of the Flathead County Mosquito Control Board.

4. The members of the Flathead Mosquito Control Board shall be residents of Flathead County.

5. The Flathead County Mosquito Control Board is hereby assigned the responsibility for the administration of the Kalispell Mosquito Control District.

6. The Flathead County Mosquito Control Board is hereby granted the following powers and duties (Section 7-22-2415, M.C.A.):

- (a) to develop and administer a program for the abatement and alleviation of mosquito pest conditions within the district;
- (b) in accordance with the salary plan adopted by the Board of Commissioners, to employ suitable and competent assistants and employees as may be necessary and provide for their compensation;
- (c) to purchase, rent, or execute leasing agreements for equipment and material as the board may determine to be necessary for carrying on an effective control program;
- (d) to cooperate with any corporation, association, individual, or group of individuals, including any agency of the federal or state governments, in a mosquito abatement program;
- (e) receive gifts, grants, or donations for the purpose of advancing its program;
- (f) take action as may be necessary or advisable to survey, control, modify, or abate any condition which may or does contribute to the existence of the mosquito pest and for this purpose enter upon any premises located within the district, through its members, employees, or agents.

7. The Flathead Mosquito Control Board shall abide by the Flathead County Personnel Policies and Procedures Manual as adopted by the Board of Commissioners of Flathead County, Montana.

8. A majority of the members of the Flathead Mosquito Control Board constitutes a quorum for the purpose of conducting business and exercising powers and responsibilities; action may be taken by a majority of members present and voting. (Section 7-1-201(11), M.C.A.).

9. The Flathead Mosquito Control Board shall organize by electing one of its members Chair and one of its members Vice-Chair. The Flathead Mosquito Control Board must provide for the keeping of written minutes of its meetings, which minutes shall include the final vote on all actions and the vote of each member. (Section 7-1-201(12), M.C.A.). The Flathead Mosquito Control Board shall provide by rule for the date, time, and place of regularly scheduled meetings and file the information with the Board of Commissioners. (Section 7-1-201(13), M.C.A.).

10. The Flathead Mosquito Control Board must present a proposed budget to the Board of Commissioners each fiscal year and shall not expend any funds not budgeted by the Board of County Commissioners in the final budget adopted by the Board of County Commissioners.

11. The members of the Flathead Mosquito Control Board may be removed from the Flathead Mosquito Control Board by a majority vote of the Board of Commissioners of Flathead County, Montana.

Dated this 3rd day of August, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By/s/Robert W. Watne
Robert W. Watne, Member

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser

Deputy

11:00 a.m. County Attorney meeting at the County Attorney's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 4, 2005.

THURSDAY, AUGUST 4, 2005

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

8:30 a.m. AOA TAB at Eagle Transit

11:00 a.m. Long Range Planning Task Force Education & Outreach Committee meeting at Earl Bennett Building

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 5, 2005.

FRIDAY, AUGUST 5, 2005

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

No meetings scheduled

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 8, 2005.