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**MONDAY, JULY 23, 2007**

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

**CONSIDERATION OF ADOPTION OF RESOLUTION: FIRE RESTRICTIONS LEVEL I**

11:00:56 AM

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Myron Boulden, Clerk Kile

Commissioner Lauman made a **motion** to adopt Resolution #2078. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

Resolution No. 2078

WHEREAS, due to dry conditions, the fire danger in Flathead County is in the high to very high category;

WHEREAS, the weather forecasts for Flathead County indicate little relief from the very dry conditions;

WHEREAS, fire occurrences in Northwestern Montana are potentially sufficiently numerous that the Interagency Fire Committee has recommended issuance of Stage I Restrictions for all of Flathead County.

NOW, THEREFORE, BE IT RESOLVED that, at the request of the Interagency Fire Committee, the Board of Commissioners of Flathead County, Montana, hereby establishes the following Stage I fire restrictions on all State forested lands and on private forested lands open to the public in Flathead County, Montana and the following acts or uses are prohibited:

a) Control of Campfires

Building, maintaining, attending, or using a fire or campfire unless noted in the exemptions below.

b) Control of Smoking

Smoking, except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three feet in diameter that is cleared of all flammable material.

c) In addition to the prohibitions in Section 50-37-103, M.C.A., use of fire works during Stage I Restrictions is prohibited.

Exemptions:

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
2. Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned on and off.
3. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
4. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
5. All land within a city boundary is exempted.
6. Other exemptions unique to each agency/tribe.

BE IT FURTHER RESOLVED that the foregoing restrictions shall take effect immediately, and shall remain in effect until rescinded by the Board of Commissioners of Flathead County, Montana.

DATED this 23 day of July, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: Joseph D. Brenneman  
Joseph D. Brenneman, Chairman

ATTEST:  
Paula Robinson, Clerk

By: \_\_\_\_\_  
Gary D. Hall, Member

By: Diana Kile  
Diana Kile, Deputy

By: Dale W. Lauman  
Dale W. Lauman, Member

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 24, 2007.

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**TUESDAY, JULY 24, 2007**

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

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

**MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE: EAP AND LETTER OF UNDERSTANDING/ OPERATING ENGINEERS**

[9:25:11 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, HR Director Raeann Campbell, Clerk Kile

Campbell reported on changes within the EAP program.

Commissioner Lauman made a **motion** to authorize the signature of the current EAP plan. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to authorize the Chairman to sign the letter of understanding for the Operating Engineers. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

**BI-MONTHLY MEETING W/ TOM REYNOLDS, GIS**

[9:30:16 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, GIS Director Tom Reynolds, Clerk & Recorder Paula Robinson, Clerk Kile

Reynolds reported that Myrtt Webb with the Long Range Planning Task Force Committee asked GIS to help them in putting several maps together with overlays; with their new software capabilities he was able to make a PDF file that has the capability of turning layers off and on. Another request was received from Flathead Lakers, Flathead Basin Commission and Yellow Bay Biological Station, in which they want to create maps that would give input to the Planning Department in regards to wildlife migration and water quality. The Planning Department has requested the National Wetlands Inventory be added and information pertaining to the creation of parcels, based on when new assessor numbers are assigned; this will show where growth is within the valley on a yearly basis. Reynolds also reported on technical equipment that was sold on e-bay, ESRI Software Conference that was attended, Arc GIS Server; that is a new software product that allows creation of individual applications for departments and an upcoming technical meeting for the addressing and transportation data model.

Discussion also included clarifying interpretation of the GIS business plan and administrative requirements that have come about in the past couple of years. Reynolds stated that what he concentrates on is high level server administration, placement of data structures and managing technology.

Chairman Brenneman questioned the present GIS employee count of eight, with the next nearest county employing four. He then asked how he could explain to the taxpayers what Flathead County is getting that other counties are not.

Reynolds reported that Yellowstone County has 5 GIS employees and that Missoula has 4 within their GIS Department, but that they also have employees in the Planning and Health Department within the GIS arena.

Paula Robinson stated that the Addressing Coordinator is a contract part-time position, another employee is funded by 911 and another is through the work study program that last 9 months per year. She then said that Flathead County has moved ahead progressively with what has been done within the county for 911 and addressing; with Flathead County being the best in the state.

**QUARTERLY MEETING W/ LAUREL RAYMOND, FINANCE DEPT.**

[10:01:20 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Finance Director Laurel Raymond, Clerk & Recorder Paula Robinson, Clerk Kile

Raymond reported that a few changes have taken place in the Finance department with two employees that will be moving out of state. She then stated that they are on schedule with the close of year end and that as soon as the contract is signed with the auditor they will prepare the audit schedule. Also reported was that Cindy Dooley will be assisting with year end closing,

financial statements and that the new credit card program is going well. Raymond then said that she is hoping to free up some time to be able to assist and educate various departments in going over procedures to be more efficient.

Discussion also included the Animal Shelter's budget.

### **PRELIMINARY PLAT: RIATA RIDGE ESTATES**

[10:15:43 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Planner Eric Giles, Johna Morrison, Mark Liechti, Gary Priest, Don Howard, Lorinda Baker, Dorothy Merola, Clerk Kile

Giles reviewed the application submitted by GPE Excavation with technical assistance from APEC for preliminary plat approval of Riata Ridge Estates; a four lot minor subdivision located at the intersection of Willow Glen Drive and Greenridge Drive. This proposed subdivision is zoned R-1 within the Willow Glen Zoning District on 4.47 acres.

Giles then reviewed the findings of fact 1-6 and conditions 1-15.

Commissioner Lauman made a **motion** to approve findings of fact of Staff Report FSR 07-13. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve preliminary plat of Riata Ridge Estates. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### STANDARD CONDITIONS

1. The applicant shall receive physical addresses and road names 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 3.9(I)(7), FCSR]
2. The applicant will obtain and show proof of a completed approach permits from the Flathead County Road Department for access onto Greenridge Drive and Howard Drive, indicating the approaches are built and received final inspection. [Section 3.8(A), FCSR]
3. Any street lighting shall be located within the subdivision and shall be shielded so that it does not intrude onto adjoining properties. [Section 3.9 J. 5., FCSR]
4. New electrical and telephone utilities will be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
5. The applicant shall submit to the Flathead County Planning and Zoning Office an approved Storm Water Pollution Protection Plan from the MT DEQ – Water Protection Bureau prior to any construction activity. [3.12, 3.13 FCSR; 75-5-101, MCA]
6. All water and sewage treatment systems shall receive final approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(A, B &C) and 3.15(A), FCSR]
7. The applicant shall comply with reasonable fire suppression and access requirements of the South Kalispell Fire District. A letter from the South Kalispell Fire District's representative stating requirements have been met shall be submitted with the final plat materials. [Section 5.3.B.1., FCSR]
8. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
9. The applicant shall provide written documentation from the appropriate USPS postmaster, indicating mail delivery requirements have been met. [Section 3.22, FCSR]
10. The following statements will be placed on the face of the plat applicable to all lots:
  - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
  - b. All utilities shall be placed underground.
  - c. The applicant shall submit to the Flathead County Planning and Zoning Office an approved Storm Water Pollution Protection Plan from the MT DEQ – Water Protection Bureau prior to any construction activity. [3.12, 3.13 FCSR; 75-5-101, MCA]
  - d. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
  - e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
  - f. 

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

\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District,

including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.

11. All required improvements will be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, will be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
12. The final plat will be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
13. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

#### PROJECT SPECIFIC CONDITIONS

14. The applicant will dedicate a 15-foot bicycle/pedestrian easement on Lot #1 along the Willow Glen Drive frontage. [Section 3.18(A), FCSR]
15. The applicant shall deed restrict the homeowners park from any further subdivision.

#### **MONTHLY MEETING W/ RICK TREMBATH, FIRE WARDEN**

This meeting was not held.

#### **MONTHLY MEETING W/ JOE RUSSELL, HEALTH DEPT.**

11:02:06 AM

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Health Dept Director Joe Russell, Clerk & Recorder Paula Robinson, Finance Director Laurel Raymond, Clerk Kile

Russell reported that the Health Department board has approved the budget. Also discussed was the Animal Shelter, building fund, purchase of new vehicles, electronic records systems, county wide health plan, Mosquito Control Board budget and the pet smart grant.

#### **BOARD APPOINTMENTS: FLATHEAD COUNTY ANIMAL ADVISORY COMMITTEE**

11:12:06 AM

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Health Department Director Joe Russell, Clerk Kile

Commissioner Lauman made a **motion** to appoint Tom Marino, Myni Ferguson, Adele Zimmerman, Sue Lawrence and Jim Wilson to the Animal Control Advisory Committee. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### **MONTHLY MEETING W/ JIM ATKINSON, AOA**

11:46:26 AM

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, AOA Director Jim Atkinson, Clerk Kile

Atkinson reported that their electrical needs have to be addressed now for food storage requirements. He then said that they are having a problem in getting a contractor to work, with the extra insurance requirements making it a difficult process and costing them more. Also reported was that he will hear the status of the Kalispell Armory site as a possible new location for Agency on Aging within the next couple of months, and that negotiations are still underway with acquiring Gateway West Mall. Atkinson stated that they have acquired a new Eagle Transit bus and that the bus system is working well in Glacier Park with nearly 100 drivers. It was then stated that AOA would like to hire an activities director and that there has been an increase in meal deliveries for seniors in the valley; with the meals served at Senior Centers decreasing.

#### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: HEDIN ZONE CHANGE/ SPRING CREEK ZONING DISTRICT**

[12:05:49 PM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Erica Wirtala, Clerk & Recorder Paula Robinson, Finance Director Laurel Raymond, Clerk Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing for the Hedin Zone Change request and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. 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 concerning the creation of a new zoning district to be known as the "Spring Creek Zoning District."

The boundaries of the "Spring Creek Zoning District" to be created are set forth on Exhibit A hereto.

Adoption of the proposed district would apply the Flathead County Zoning Regulations to the property described on Exhibit A hereto, and would classify the property within the District as R-1 (Suburban Residential). The R-1 classification provides for estate type development normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500, and the Flathead County Planning and Zoning Office, 1035 1<sup>st</sup> Ave. West, Kalispell, Montana.

The public hearing will be held on the **7<sup>th</sup> day of August, 2007, at 11:00 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 creation of a new zoning district to be known as the "Spring Creek Zoning District."

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

DATED this 24<sup>th</sup> day of July, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Diana Kile, Deputy

Publish on July 28 and August 4, 2007.

#### EXHIBIT A SPRING CREEK ZONING DISTRICT

A Zoning request to establish the Spring Creek Zoning District, by Robert and Peggy Hedin on behalf of citizens in the area. The area is currently unzoned and the proposal would establish R-1 (Suburban Residential) zoning along a portion of the western boundary of Highway 93 in Lakeside. The property can legally be described as follows:

All that land located in Westridge Unit No. Two Subdivision, a map or plat of which is on file with the Clerk and Recorder's Office of Flathead County, Montana, and all that land located in Government Lots 1, 2, 3 and 10 of Section 34, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana, and all that land located in the North one-half of Government Lot 4, Section 35, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana, and all that land located in Government Lots 2 and 3 which lies west of US Highway 93 in Section 35, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana.

#### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: MIDWAY RENTAL ZONE CHANGE/ EVERGREEN & VICINITY ZONING DISTRICT**

[12:06:22 PM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Clerk & Recorder Paula Robinson, Finance Director Laurel Raymond, Erica Wirtala, Clerk Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing for Midway Rental's zone change request and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. 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 Jerry Engle, Maynard Longtin KK&B Partnership, DBA Midway Rental, to change the zoning designation in a portion of the Evergreen and Vicinity 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".

The proposed change would generally change the character of the zoning regulations applicable to the property from providing (i) a residential district designed to provide for large tract development, in suburban areas, beyond sanitary sewer and/or water lines to providing for retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities, and by businesses serving the general needs of the tourist and traveler.

The regulations defining the R-2 and B-2 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 **9<sup>th</sup> day of August, 2007, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

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

DATED this 24<sup>th</sup> day of July, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: /s/ Diana Kile  
Diana Kile, Deputy

Publish on July 28 and August 4, 2007.

#### EXHIBIT A MIDWAY RENTAL ZONE CHANGE

A Zone Change request in the Evergreen Zoning District, by Jerry Engle, Maynard Longtin and KK and B Partnership (Midway Rental), from R-1 (Suburban Residential) to B-2 (General Business). The property is located at 21 and 23 Sunset Drive and can legally be described as follows:

Tract 1: Lot 5 of Block 1 of Larson's Acres

Excepting therefrom the Northerly 133.40 feet of said lot 5

Tract 2: The North 133.4 feet of Lots 5 and 6 of Block 1 of Larson's Acres

Tract 3: The South 266.6 feet of Lot 6 of Block 1 of Larson's Acres

Tract 4: Lot 7 of Block 1 of Larson's Acres

Tract 5: Lot 8 of Block 1 of Larson's Acres

All according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

#### **CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT TO AUTHORIZE LEVIES: RSID #139, #140 & #141 & #142 AND AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: RSID #139, #140, #141 & #142**

12:07:37 PM

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Clerk & Recorder Paula Robinson, Finance Director Laurel Raymond, Clerk Kile

Commissioner Lauman made a **motion** to continue the consideration of the adoption of Resolution of Intent and the authorization to publish Notice of Public Hearing on RSID #139, #140, #141 & #142. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### **CONSIDERATION OF ADOPTION OF RESOLUTION: MODIFY SOLID WASTE DISTRICT RESOLUTION TO ALLOW HIRE OF PUBLIC WORKS DIRECTOR**

[12:10:07 PM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Solid Waste Director Dave Prunty, Clerk & Recorder Paula Robinson, Finance Director Laurel Raymond, Clerk Kile

Commissioner Lauman made a **motion** to adopt Resolution #1205C. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

RESOLUTION NO. 1205 C

WHEREAS, the Legislature of the State of Montana enacted Sections 7-1-201 through 7-1-203, M.C.A., requiring the Board of County Commissioners to establish certain administrative boards, districts and commissions by the adoption of resolutions; and

WHEREAS, the Solid Waste Management District Board was established by the Board of County Commissioners of Flathead County, Montana, by the adoption of Resolution No. 1205 on September 26, 1996, as amended by the adoption of Resolution Nos. 1205 A on April 14, 1997, and 1205 B on October 7, 1997; and

WHEREAS, the Board of County Commissioners has determined that Resolution No. 1205 B should be amended.

NOW, THEREFORE IT IS HEREBY RESOLVED that the Solid Waste Management District Board is established as follows:

1. The Solid Waste Management District Board shall be composed of seven members appointed by the Board of Commissioners of Flathead County, Montana, and serving at the pleasure of the Board of Commissioners of Flathead County, Montana, as follows:

- a. one member of the Board of Commissioners shall be appointed by the Board of Commissioners;
- b. one member who is a resident of each incorporated City and has been nominated by each City shall be appointed by the Board of Commissioners;
- c. one member who is nominated by the Flathead City-County Board of Health shall be appointed by the Board of Commissioners; and
- d. two members who are interested citizens shall be appointed by the Board of Commissioners.

2. The members of the Solid Waste Management District Board shall be appointed for terms of three years, commencing on January 1 and ending on December 31. Members appointed prior to the adoption of this resolution shall complete the terms to which they were previously appointed, and shall serve until December 31 of the year in which their terms expire, rather than June 30. Terms of the members shall overlap.

3. The members of the Solid Waste Management District Board shall receive no compensation for their service on the Solid Waste Management District Board; members may receive mileage for travel to and from meetings of the Solid Waste Management District 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 Solid Waste Management District Board.

4. The members of the Solid Waste Management District Board shall be residents of Flathead County.

5. The Solid Waste Management District Board is hereby assigned the responsibility for the administration of the Flathead County Solid Waste Management District.

6. The Solid Waste Management District Board shall abide by the Flathead County Personnel Policies and Procedures Manual as adopted by the Board of Commissioners of Flathead County, Montana, except where superseded by collective bargaining agreements covering employees of the Solid Waste Management District.

7. The Board of Directors shall exercise all powers set forth in Section 75-10-112, M.C.A., provided however, that decisions concerning the following actions shall not take effect until approved by the Board of Commissioners:

- (a) the determination of the wages and salaries to be paid to employees of the Solid Waste District, and the terms of contracts between the Solid Waste District and its employees and collective bargaining agreements between the Solid Waste District and employee associations;
- (b) the acquisition, by lease, purchase, or otherwise and disposition, by lease, sale or otherwise, of real property by the Solid Waste District; and
- (c) the adoption of the annual budget of the Solid Waste District.

8. The Solid Waste Management District Board and the Board of Commissioners will jointly employ a Public Works Director who will be responsible for hiring and directing personnel to carry out the functions of the Solid Waste District and the Flathead County Road and Bridge Departments. The salary plan adopted by the Board of Commissioners shall govern the salaries of the employees of the Solid Waste Management District Board, except where superseded by collective bargaining agreements covering employees of the Solid Waste Management District.

9. A majority of the members of the Solid Waste Management District 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.).

10. The Solid Waste Management District Board shall organize by electing one of its members Chair and one of its members Vice-Chair. The Solid Waste Management District 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 Solid Waste Management District 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.).

11. The Solid Waste Management District 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.

12. The members of the Solid Waste Management District Board may be removed from the Solid Waste Management District Board by a majority vote of the Board of Commissioners of Flathead County, Montana.

Dated this 24<sup>th</sup> day of July, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
Gary D. Hall, Member

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

ATTEST:  
Paula Robinson, Clerk

By: /s/ Diana Kile  
Diana Kile, Deputy

**1:30 p.m. Commissioner Brenneman & Commissioner Lauman to Biomass Tour @ Glacier High School**  
**5:00 p.m. Commissioner Lauman to Refuse Board meeting @ Solid Waste District Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 25, 2007.

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### **WEDNESDAY, JULY 25, 2007**

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

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

Dean Sirucek, 195 Remini Road, Somers spoke about a traffic hazard by Tiebucker's and Del's Bar. The speed limit in the area was recently increased from 15 MPH to 25 MPH. Sirucek stated that in the evenings there are several vehicles parked along the stretch of pavement for 100 to 150 feet by the intersection, and with the blind corner he is concerned that there will be an accident. He then asked if curb blocking could be placed along the stretch of the curb for 50 feet along the intersection.

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

#### **QUARTERLY MEETING W/ BOBBIE KELLY, RSVP**

9:07:46 AM

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, RSVP Director Bobbie Kelly, Clerk Kile

General discussion was held in regards to fund raisers for RSVP, in which Kelly reported that the golf tournament went well, and that she is now in the process of checking on a possible bingo tent at the fairgrounds this year for a fundraiser.

#### **FINAL PLAT: STILL WATER COVE**

9:17:24 AM

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Planner Kirsten Holland, Debbie Shoemaker, Dawn Marquardt, Clerk Kile

Holland reviewed the application submitted by Mitchell Tanner and Mark Baker-Johnson with technical assistance from Marquardt & Marquardt Surveying for final plat approval of Stillwater Cove subdivision; a subdivision creating four residential lots. Preliminary plat approval was granted on November 4, 2005, subject to 17 conditions.

Commissioner Lauman made a **motion** to approve final flat of Stillwater Cove Subdivision. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

**MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE DISTRICT**

[9:34:53 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Solid Waste Director Dave Prunty, Clerk Kile

Prunty reported that the Solid Waste Board unanimously approved the by-laws change that was requested. He then said that the next step can be taken now in posting the Public Works Director position. He also reported on the gas energy project with Flathead Electric, grinding of wood chips, rebuild of 980 Loader that has a new life span of 20,000 hours, electronic waste recycling and the tonnage for the month of June being down from the previous year. Also discussed were the Marion and Kila container sites.

**MEETING W/ LIL DUPREE, N.W. MONTANA HUMAN RESOURCES RE: VISTA VOLUNTEERS**

[10:09:39 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Lil Dupree, Amy Crowther, Clerk Kile

Dupree reported that Amy Crowther has moved to Flathead Valley through Montana Legal Services as a Vista Volunteer that will be helping to work on poverty within the county.

Crowther stated that she will be working on trying to get a grant to start a volunteer tax preparation program.

**CONSIDERATION OF RELEASE OF COLLATERAL: BEAR HOLLOW**

[10:20:05 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the release of collateral as requested for Bear Hollow. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: MONTANA SMP MEMORANDUM OF UNDERSTANDING/ AOA**

[10:23:17 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Clerk Kile

Commissioner Lauman made a **motion** to authorize the Chairman to sign the memorandum of understanding for Montana SMP with AOA. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

**PUBLIC HEARING ROAD ABANDONMENT #462 (PORTION OF SOUTH ASHLEY LAKE ROAD)**

[10:31:21 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

County Attorney Peter Steele, Jane Eby, Clerk Kile

Chairman Brenneman opened the public hearing to anyone wishing to speak in favor or opposition of the road abandonment.

No one rising to speak Chairman Brenneman closed the public hearing.

Commissioner Lauman made a **motion** to approve road abandonment #462 contingent upon receiving a 60' road and utility easement that will be prepared by the County Attorney. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

**MEETING W/ OLAF ERVIN/ MONTANA MAPPING ASSOCIATES RE: HIDDEN WATERS CONDITION #8**

[10:45:54 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Planner Kirsten Holland, Olaf Ervin, Michael Blend, Clerk Kile

Discussion was held relative to Hidden Waters Subdivisions preliminary plat condition #8 in regards to the no-build zone on the face of the final plat. It was stated that a request has been submitted to LOMA and that the process will take several months.

Holland stated that the requirement for the no-build zone was imposed so that potential lot owners would not knowing or unknowingly build in the floodplain.

Olaf Ervin said that what they are asking for is verbiage on the plat that states there would be no residential construction within the bounds of the 100 year floodplain

Holland stated that she was not comfortable making any decision until she knows what will happen with LOMA.

Harris stated that they have a procedural process to follow and what they are asking could put the county at risk. It was then stated that they have sufficient time to get this resolved before final plat.

Olaf Ervin said that they could come in with final plat now, but with the error being so obvious in the flood mapping that it is going to go away, so if they could view this with the verbiage on the plat it accomplishes the same thing.

Michael Blend asked if this is on final plat and LOMA goes through, if he can amend final plat, in which Chairman Brenneman stated that would be the way to do this.

**CONSIDERATION OF ADOPTION OF RESOLUTION: SALE OF BONDS/ RSID #143 (RESTHAVEN)**

[11:14:38 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Finance Director Laurel Raymond, Clerk Kile

Jonathan Smith reported that Morrison & Maierle have encountered right-of-way problems, and that this project will have to wait unit next year.

Commissioner Lauman made a **motion** to continue the sale of bonds for Resthaven; until such time that the County Attorney brings it back to the Commission. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

**CONTINUATION OF CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT TO AUTHORIZE LEVIES: RSID #139, #140, #141 & #142 AND AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: RSID #139, #140, #141 & #142**

[11:07:39 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Finance Director Laurel Raymond, Clerk Kile

Discussion was held relative to continuing the sale of bonds until Cindy Dooley has a chance to calculate the assessments through Black Mountain Software.

Commissioner Lauman made a **motion** to continue the consideration of the adoption of Resolution of Intent and the authorization to publish Notice of Public Hearing on RSID #139, #140, #141 & #142 until Tuesday, July 31, 2007. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CREATION OF TALLY/ BISSELL ZONING DISTRICT**

[11:17:53 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Clerk Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. 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 concerning the creation of a new zoning district to be known as the "Tally/Bissell Zoning District."

The boundaries of the "Tally/Bissell Zoning District" to be created are set forth on Exhibit A hereto.

Adoption of the proposed district would apply the Flathead County Zoning Regulations to the property described on Exhibit A hereto, and would classify the property within the District as SAG-10 (Suburban Agricultural). The SAG-10 classification provides for development 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, and to provide areas of estate-type residential development.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500, and the Flathead County Planning and Zoning Office, 1035 1<sup>st</sup> Ave. West, Kalispell, Montana.

The public hearing will be held on the **9<sup>th</sup> day of August, 2007, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the creation of a new zoning district to be known as the "Tally/Bissell Zoning District."

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

DATED this 25<sup>th</sup> day of July, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Diana Kile, Deputy

Publish on July 29 and August 5, 2007.

#### TALLY / BISSELL ZONING DISTRICT "EXHIBIT A" LEGAL DESCRIPTION

A Zoning request to establish the Tally/Bissell Zoning District, by Narda Wilson on behalf of residents of the area. The area is currently unzoned and the proposal would establish SAG-10, (Suburban Agricultural) zoning east of Farm to Market Road, west of Lodgepole Road and south of Twin Bridges Road in the northwest Whitefish area. The property can legally be described as follows:

Tracts of land situated, lying and being in Sections 7, 18 and 19 of Township 30 North, Range 22 West P.M M., Flathead County, Montana, more particularly described as follows:

Commencing at the northernmost corner of Parcel 1 of COS 11370 and the intersection of the south R/W boundary of Twin Bridges Road in Section 7; thence southerly along the boundary of said Parcel 1, S00°03'30"W a distance of 640.99 feet to the northeast corner of the SE ¼ of the NW ¼ of Section 7; thence westerly along the north boundary of Parcel 1 of COS 11370, S89° 49'30"W, a distance of 1323.94 feet to the northwest corner of the SE ¼ of the NW ¼; thence northerly along the east line of the NW ¼ of the NW ¼ to the southeast corner of Tract 2 of COS 11100; thence westerly along the south boundary of Tract 2 of COS 11100, a distance of 1241.92 feet to the east R/W boundary of Montana Highway 424; thence southerly along said east R/W boundary to its intersection with the west line of Section 7; thence southerly along the west section line to the southwest corner of the SW ¼ of the NW ¼; thence easterly along the center section line to the southeast corner of the SE ¼ of the NW ¼ of Section 7; thence southerly along the center line of Section 7 to the southwest corner of the NW ¼ of the SE ¼; thence continuing southerly along the center section line to south line of Section 7; thence westerly along the south line of Section 7 and the north line of Section 18 to the northwest corner of NE ¼ of the NW ¼ of Section 18;

thence southerly along the west line of the NE ¼ of the NW ¼ to the southwest corner of the NE ¼ of the NW ¼;

thence westerly along the north line of the SW ¼ of the NW ¼ to the west section line of Section 18;

thence southerly along the west section line to the southwest corner of the SW ¼ of the NW ¼;

thence easterly to the southeast corner of the SW ¼ of the NW ¼;

thence southerly along the west line of the NE ¼ of the SW ¼ and the SE ¼ of the SW ¼ to the south section line of Section 18 and the northwest corner of the NE ¼ of the NW ¼ of Section 19; thence continuing southerly along the west line of the NE ¼ of the NW ¼ of Section 19 to the southwest corner of the NE ¼ of the NW ¼; thence easterly along the south line of the NE ¼ of the NW ¼ to the southeast corner of the NE ¼ of the NW ¼; thence northerly along the east line of the NE ¼ of the NW ¼ to the southwest corner of Lot 1 of Subdivision No. 257; thence along the southern boundary of said Lot 1 the following four courses:

N89°38'29"E a distance of 724.17 feet; thence N57°51'21"E a distance of 241.02; thence N22°05'55"W a distance of 348.79 feet; thence N62°35' 13"E a distance of 834.54 feet to the west R/W boundary of Montana Highway 424; thence continuing N62°35'13"E a distance of 60 feet, more or less, to the east R/W boundary of Montana Highway 424; thence southeasterly along the east R/W boundary of Montana Highway 424 to the northwest corner of Tract 1 of COS 10251; thence continuing

southerly along the east R/W boundary to the southeast corner of said Tract 1 and the intersection of the east R/W boundary and the east line of Section 19; thence northerly along the east section lines of Section 19, 18 and 7 and the approximate center line of Lodgepole Road to the northeast corner of the NE ¼ of the SE ¼ of Section 7; thence continuing northerly along the east boundary of Section 7 to the northeast corner of Parcel B of COS 10999, also known as the South ½ of the SE ¼ of the NE ¼; thence westerly to the northwest corner of Parcel B of COS 10999; thence northerly along the east boundary of Parcel 2 of COS 11370 to the northeast corner of said Parcel 2 and the south R/W boundary of Twin Bridges Road; thence westerly and northwesterly along the north boundary of Parcel 2 and Parcel 1 of COS 11370 and the south R/W boundary of Twin Bridges Road to the Point of Beginning.

**11:00 a.m. County Attorney meeting @ Co. Atty's Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 26, 2007.

\*\*\*\*\*

### THURSDAY, JULY 26, 2007

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

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

#### **MEETING W/ OLAF ERVIN/ MONTANA MAPPING ASSOCIATES RE: WEST VALLEY VIEWS, LOT 1, CONDITION #2**

[9:03:30 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Planner Kirsten Holland, Olaf Ervin, Clerk Kile

Discussion was held relative to an extension request for an access road that the applicant plans to build, but is dealing with time constraints in getting the road built. Preliminary plat will expire on September 16, 2007.

Holland stated that the applicant would be eligible for a one year extension.

#### **CONSIDERATION OF EXTENSION: WEST VALLEY VIEWS, LOT 1**

[9:17:10 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Planner Kirsten Holland, Olaf Ervin, Clerk Kile

Discussion was held relative to the extension request that will be extended to September 19, 2008.

Commissioner Lauman made a **motion** to approve the extension request from West Valley Views, Lot 1 until September 19, 2008. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### **CONSIDERATION OF EXTENSION: CLARE SUBDIVISION**

[9:19:03 AM](#) & [9:23:24 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Planner Kirsten Holland, Clerk Kile

Commissioner Lauman made a **motion** to approve the extension request for Clare Subdivision until August 16, 2008. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### **DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #08-07-5-11-008-0**

[9:20:08 AM](#)

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

Commissioner Lauman made a **motion** to approve DPHHS Contract #08-07-5-11-008-0 and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### **DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #08-145-0600/EAGLE TRANSIT**

[9:20:52 AM](#)  
Members present:  
Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Members absent:  
Commissioner Gary D. Hall  
Others present:  
Assistant Michael Pence, Clerk Kile

Pence stated that the grant was to Eagle Transit to provide transportation for Flathead Industries.

Commissioner Lauman made a **motion** to approve DPHHS Contract #08-145-0600 for Eagle Transit and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### **CONSIDERATION OF ADOPTION OF RESOLUTION: PUBLIC HEALTH SERVICES & FUNCTIONS**

[9:34:06 AM](#)  
Members present:  
Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Members absent:  
Commissioner Gary D. Hall  
Others present:  
Assistant Michael Pence, Clerk Kile

Commissioner Lauman made a **motion** to adopt Resolution #2079. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### RESOLUTION NO. 2079

WHEREAS, the Montana Legislature has determined that it is the purpose of Montana's public health system to provide leadership and to protect and promote the public's health by providing or promoting the provision of public health services and functions, including:

1. Monitoring health status to identify and recommend solutions to community health problems;
2. Investigating and diagnosing health problems and health hazards in the community;
3. Informing and educating individuals about health issues;
4. Developing policies, plans, and programs that support community health efforts;
5. Encouraging collaboration among public and private sector partners in the public health system;
6. Seeking adequate funding and other resources to provide public health services and functions or accomplish public health system goals through public or private sources; and
7. Striving to ensure that public health services and functions are provided and public health powers are used based upon the best available scientific evidence;

WHEREAS, the Montana Legislature has determined that in order to carry out the purposes of the public health system, local boards of health shall identify, assess, prevent, and ameliorate conditions of public health importance through actions which include but are not limited to:

1. Epidemiologic surveillance and investigation;
2. Screening and testing;
3. Isolation and quarantine measures;
4. Diagnosis, treatment, and case management;
5. Collecting and maintaining health information;
6. Education and training of health professionals;
7. Protecting the public from the introduction and spread of communicable disease including developing regulations for the control of communicable diseases;
8. Bringing and pursuing actions and issuing orders necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local regulations;

WHEREAS, at a point that pandemic influenza or other public health emergencies exist in our community, it poses a real and substantial risk to the residents and economy of Flathead County;

WHEREAS, the United States Congress has authorized and funded the Centers for Disease Control and Prevention (CDC) to develop programs to upgrade state and local response capacity by developing and exercising pandemic influenza plans so that state and local public health organizations become better prepared to respond to and control a pandemic influenza outbreak;

WHEREAS, the CDC has identified specific critical tasks needed to be addressed by state and local public health organizations, which include, but are not limited to: Planning, Command and Control, Communications, Surge Capacity, Resource Allocation, Mass Prophylaxis/Vaccination, and Isolation and Quarantine;

WHEREAS, the CDC through the Montana Department of Public Health and Human Services (DPPHS) has authorized and funded the Flathead City-County Health Department to develop programs to upgrade local response capacity by developing and exercising pandemic influenza plans so that local public and private health organizations become prepared to respond to and control a pandemic influenza outbreak;

WHEREAS, the Flathead City-County Board of Health administers the funds received from the CDC through the DPPHS for developing pandemic influenza plans;

WHEREAS, protocols developed as a result of the pandemic influenza planning process will be of practical use and have application to the control and management of other communicable diseases and public health emergencies which may occur in our community,

WHEREAS, it is desirable that the Flathead City-County Board of Health convene members of local public and private health organizations to develop and coordinate protocols to become prepared to respond to and control a pandemic influenza outbreak or other public health emergencies in Flathead County,

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, as follows:

That the Flathead City-County Board of Health is authorized and encouraged to convene a broad-based coalition of agencies and organizations involved in emergency preparedness and response to focus on tasks necessary to prepare for and respond to a pandemic influenza outbreak or other public health emergency in Flathead County and to develop and coordinate strategic plans and protocols including but not limited to: Planning, Command and Control, Communications, Surge Capacity, Resource Allocation, Mass Prophylaxis/Vaccination, and Isolation and Quarantine.

Dated this 26<sup>th</sup> day of July, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
Gary D. Hall, Member

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Diana Kile, Deputy

#### **DOCUMENT FOR SIGNATURE: DNRC BIGFORK STORM WATER SYSTEM GRANT AGREEMENT**

[9:34:56 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Clerk Kile

Discussion was held relative to a grant for \$15,000.00 for the storm water system in Bigfork.

Commissioner Lauman made a **motion** to approve the storm water grant agreement and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### **DOCUMENT FOR SIGNATURE: USDA FOREST SERVICE TRANSFER OF PROPERTY/ FAA PEAK BIG MOUNTAIN ELECTRONIC SITE**

[9:36:54 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Clerk Kile

Chairman Brenneman stated that we own the building but not the land.

Commissioner Lauman made a **motion** to approve the USDA Forest Service transfer for FAA Peak Big Mountain and authorized the chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### **FINAL PLAT: WHITEFISH RIVER RANCH**

[9:45:13 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:  
Commissioner Gary D. Hall  
Others present:  
Planner Eric Giles, Erica Wirtala, Clerk Kile

Giles reviewed the application submitted by Sands Surveying for final plat approval of Whitefish River Ranch, a subdivision creating 16 residential lots located south of Birch Grove Road, in between Trumble Creek Road and Hwy 2 in Evergreen. Preliminary plat approval was granted on May 4, 2005, subject to 22 conditions. All conditions have been met and staff recommends approval.

Commissioner Lauman made a **motion** to approve Whitefish River Ranch Subdivision. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

#### **QUARTERLY JAIL FACILITY TOUR**

[10:13:44 AM](#)  
Members present:  
Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Members absent:  
Commissioner Gary D. Hall

#### **PUBLIC HEARING: TANNER ZONE CHANGE/ BIGFORK ZONING DISTRICT**

[10:30:22 AM](#)  
Members present:  
Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Members absent:  
Commissioner Gary D. Hall  
Others present:  
Assistant Michael Pence, Assistant Planning & Zoning Director B J Grieve, County Attorney Jonathan Smith, Todd Tanner, Bill Tanner, Eric Mulcahy, Kathy Robertson, Fred LaRoque, Sue LaRoque, Shawn Duthie, John Blair, Charles Jantzen, Betty Jantzen, Gary Ridderhoff, John Bourquin, Jim Jensen, Kay Jensen, Greg Reines, Glen Bitter, Jean Bitter, Clerk Kile

Grieve reviewed the application regarding a zone change request in the Bigfork Zoning District submitted by Bill Tanner. On June 13, 2007, the Flathead County Planning Board held a public hearing to consider this request. The request is to change from existing R-1 suburban residential and R-2 one family limited residential to a mixture of R-3 one family residential and R-4 two family residential on property located on Windsor Drive (a private road) approximately a quarter of a mile southwest of "Ice Box Canyon" in Bigfork. A public hearing was held by BLUAC on May 31, 2007, and at that meeting the board voted 5-0 in favor of recommending that the Planning Board and Flathead County Commissioners deny the application as submitted.

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

Charlie Jantzen, 510 Windsor Drive, the president of Windsor Drive Property Owners Association stated that he and his wife decided 44 years ago that Bigfork was the area that they wanted to live, and in 1984 he found the property where he built his dream home. He liked the idea that the lots had a view of the mountains, protective covenants, large lots and that he was guaranteed by his Real Estate agent that all the area around him was zoned R-1, and that the area would probably remain forever that way. He then said that little did they know that a builder could come in and request a zone change and put in a road and change the zoning from R-1 to R-2; so that he could double the amount of homes on the property. Jantzen then spoke of his concern with the developer now asking for the same property to be zoned R-3 and R-4 and feels the density is too much for the area, and hates to see the character of the area being changed and destroyed. He then said he had no problem with Mr. Tanner or anyone else building homes on Windsor Drive under the existing R-1 regulations, but not subdividing the property so that he can build four times as many homes on the same amount of property. Also discussed was the single lane road, fire concerns and Bigfork Water & Sewer being maxed out. Jantzen then asked that the Commission follow BLUAC, Flathead County Planning Board and the property owners of Windsor Drive's recommendation and to deny the application.

Jack Stuart, 515 Windsor Drive, stated that he concurs whole heartedly with everything Charlie Jantzen stated, and said that he hopes it all will be taken into consideration.

Sue LaRoque, 391 Windsor Drive, spoke about a fire on June 27 that was caused by fire works. She then said that Windsor Drive and Lake Hill Drive were both completely closed off with the emergency vehicles. LaRoque then said that she was opposed to the zone change because of safety issues and other issues also.

Greg Reines, 295 Lake Hills Drive, stated that he agrees whole heartily with remarks made by Mr. Jantzen. He then said that safety is his main issue, with the road being one way in and one way out.

Glen Bitter, 535 Windsor Drive, asked that the Commission listen to BLUAC and the Planning Board; both groups that understand that there are many opportunities in the Bigfork area for R-3 and R-4 housing. He then asked that the Commission deny the request.

Kay Jantzen, stated that when this was presented before BLUAC that the area needed what is being proposed, but it is being planned in the wrong area. She then said that they all agree that Bigfork does need what is being proposed, but not in the area where Mr. Tanner wants to build it.

John Bourquin, a member of the BLUAC committee spoke about fire safety issues in general with Lake Hill Road being in poor condition, and the other road being a private road that is narrow.

Bill Tanner, the applicant stated that he has been a developer for 30 years and that when he made his application before the previous committee's that they were focusing on the demeanor of the people in the area, and not looking at the facts of the area. He then reviewed the facts of the area that is being considered for re-zoning. Also stated was that in the past meetings they changed the request to R-3 and that there is no R-4 request. Tanner then stated that it is an R-2 / R-3 request not an R-4.

Grieve stated that the applicant was notified that he could request at the public hearing in front of the Planning Board, the change from R-4 to R-3, in which the Planning Board did not follow up on.

Bill Tanner then said that what they are talking about is an R-3 piece on an existing approximately two acre parcel in that they want to modify, and put more in line some existing single family lots in the area that would be consist with an R-2 zoning. He then presented a map and explained to the Commission the layout of the request. Also stated was that the property is not all R-1, that the property immediately surrounding the property in question is all either commercial, R3 or R4 all adjacent to the south. Tanner then spoke about non-conforming lots on the properties adjacent to the R-1 zoning. He then said it is not like they are taking a property that is in the middle of a huge R-1 area and spot zoning; they are asking to be consistent with those in the area, and are definitely not increasing the density. Also discussed was the possibility of doing a PUD in the area with an R-3 that would allow a maximum of six units. What they basically are asking for is four single family residents and a six unit R-3 designation, which would make it consistent with the area.

Shawn Duthie, 269 Lake Hills Drive, pointed out that the housing currently in Lake Hills Drive is actually being used as more R-2 and possibly R-3, instead of the R-4 zoning that is allowed. He then discussed layout of properties and uses of it and his concern with safety issues.

Sue LaRoque, 391 Windsor Drive, asked the applicant if he proposed to do six units or six duplexes.

Bill Tanner said that the R-3 on a PUD requires two acres completely and this is less than two acres, so a PUD would not apply to the property. That there would be a maximum of six single family homes.

Sue LaRoque, 391 Windsor Drive, asked Grieve if he had a build out in case Mr. Tanner wouldn't be able to do this, and the zoning was changed with someone else coming in.

Jim Jensen, Windsor Road, said that the road was private and that Mr. Tanner is now building houses and infringing on their rights, overloading a road that cannot handle any more traffic.

Jean Bitter, 535 Windsor Drive spoke about the non-conforming lots at the lower end of Windsor Drive and said that they are not Windsor Drive property owners; that they are a part of Lake Hills Drive.

Fred LaRoque, 391 Windsor Drive, stated that Windsor Drive is a private road that they pay maintenance for, and if the zone change is approved they will have extra equipment using the private road. He then said that the developer choose not to work with them prior to the request for the zone change.

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

Grieve said that both parties were accurate and inaccurate in various ways. He then stated that currently the application before them now is to do R-4 on the property; the applicant is requesting that to be changed to R-3. With 1.74 acres you cannot do a PUD that you would have to have a minimum of two acres. The property is tract land and is not subject to provisions of the subdivision platting act; therefore you would be able to boundary line adjust the property in order to gain the quarter of an acre without going through any level of review. If the property were to become two acres through acquisition of property from other properties around it that are also tract land; then it would be subject to seven dwelling units per acre. Also stated was under normal zoning you have to take out for roads, easements and utilities and with the PUD you don't have to do that. Grieve then said that the purpose of the PUD is to give the public an increased knowledge of the entire project. The zoning in general is intended to be an implementation of the policies containing the Bigfork plan, therefore, really the issue of consideration is, would this zone change adequately implement the policies contained in the Bigfork plan and guide growth for the future.

Commissioner Lauman said that he knows the area very well and agrees with BLUAC and the Planning & Zoning Office.

Commissioner Lauman made a **motion** to deny the zone change. Chairman Brenneman **seconded** the motion.

Chairman Brenneman said that he feels there are significant safety issues and that certainly when you have unanimous recommendations from two advisory boards, that you would need compelling reasons to go against that, and he does not find those.

**Aye** - Brenneman and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to adopt Resolution 956BZ that would deny the zone change request. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

RESOLUTION NO. 956 BZ

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 26<sup>th</sup> day of July, 2007, concerning a proposal by Bill Tanner, Todd Tanner, Robert and Marlene Moriarty, Sherry Carter, 5 Star Management, LLC, and Strawberry Development, LLC, to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) and R-2 (One Family Limited Residential) to R-3 (One Family Residential) and R-4 (Two Family Residential);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on July 7 and July 14, 2007;

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

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

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and denies the request to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) and R-2 (One Family Limited Residential) to R-3 (One Family Residential) and R-4 (Two Family Residential), that area being described on Exhibit "A" hereto.

DATED this 26<sup>th</sup> day of July, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
Gary D. Hall, Member

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Diana Kile, Deputy

- 11:00 a.m. Health Board meeting @ Earl Bennett Bldg.**
- 1:30 p.m. Commissioner Brenneman to LEPC meeting @ OES**
- 4:00 p.m. Long Range Planning Task Force Land Use Committee meeting @ Solid Waste District Conf. Rm.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 27, 2007.

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### FRIDAY, JULY 27, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, 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 July 30, 2007.

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