
MONDAY, OCTOBER 1, 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.

Commissioner Hall PT opened public comment on matters within the Commissions' Jurisdiction.

Whitey Boughton, 1150 Lupfer Road, stated that he has not received the information from the Road Department yet that he requested on September 21, 2007 under the "Freedom of Information Act", and asked how much longer it would be before he receives the information. He then asked Commissioner Hall who gives them the authority to violate Article 2, Section 3 of the Montana State Constitution in regards to inalienable rights under the Constitution that states, "All persons are born free and have certain inalienable rights. They have a right to a clean and healthful environment."

Commissioner Hall then told Mr. Boughton that the traffic count on Lupfer Road was under 200 cars per day.

Whitey Boughton also spoke about final plat approval on March 6, 2007 of Lupfer Meadows Subdivision, in which he asked how final approval could be given without any kind of dust abatement, when the county was cited for violation of the clean air act. He also stated that the road was not up to county standards either and that it is unsafe to drive on.

Noel Gorton, 578 Creston Road, commented that roads are a big issue in the county right now and she questioned the qualifications of the Public Works Director that will oversee the County Road Department as well as Solid Waste.

General discussion was held in regards to changes that are being made with personnel in various departments.

No one else rising to speak, Commissioner Hall PT closed the public comment period.

BOARD APPOINTMENTS: BLANKENSHIIP RURAL FIRE DISTRICT & HUNGRY HORSE VOLUNTEER FIRE DEPT.

[9:37:30 AM](#)

Members present:

Commissioner Gary D. Hall P.T.
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to appoint Jared Lako and Ross Barker to the Hungry Horse Rural Fire District. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to appoint Todd Glazier to the Agency on Aging Advisory Council. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to appoint James Buechel and Jackie Fisher to the Fairview Cemetery Board. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: ADMINISTRATIVE SERVICES AGREEMENT/ FLEXIBLE BENEFITS PLAN

[9:39:21 AM](#)

Members present:

Commissioner Gary D. Hall P.T.
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

HR Director Raeann Campbell, Clerk Kile

Commissioner Lauman made a **motion** to approve the Administrative Services Agreement Medical Plan and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: LETTER OF UNDERSTANDING/ OPERATING ENGINEERS LOCAL 400

[9:43:35 AM](#)

Members present:

Commissioner Gary D. Hall P.T.
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

HR Director Raeann Campbell, Clerk Kile

Commissioner Lauman made a **motion** to approve the letter of understanding for Operating Engineers Local 400 and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: EDUCATIONAL ASSISTANCE REQUEST/ SKRAMOVSKY

[9:44:46 AM](#)

Members present:

Commissioner Gary D. Hall P.T.
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

HR Director Raeann Campbell, Clerk Kile

Commissioner Lauman made a **motion** to approve the education assistance request for Skramovsky. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: HEALTH BENEFIT PLAN AMENDMENT #4

[9:45:35 AM](#)

Members present:

Commissioner Gary D. Hall P.T.
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

HR Director Raeann Campbell, Clerk Kile

Commissioner Lauman made a **motion** to approve the Health Benefit Plan and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: MDOT ADDENDUM/ CORAM RR CROSSING

[9:46:43 AM](#)

Members present:

Commissioner Gary D. Hall P.T.
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to approve the MDOT addendum for the Coram RR Crossing. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

REVISED PLAT: CRESTVIEW EIGHTY CONDOS

[10:04:43 AM](#)

Members present:

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

Others present:

Assistant Planning & Zoning Director B J Grieve, Planner Andrew Hagemeyer, Eric Mulcahy, Clerk Kile

Hagemeyer reviewed revised plat of Crestview Eighty Condos received from Dan Mitchell with technical assistance from Thomas, Dean & Hoskins, Inc.; a 4 space condominium project located on O'Brien Terrace off of Hwy 35, north of Bigfork. Preliminary plat approval was granted on February 25, 2004 subject to 8 conditions. A request for a one year extension was granted on January 11, 2007. This request extended the expiration date from February 25, 2007 to February 25, 2008. All conditions have been met or otherwise addressed.

Commissioner Hall made a **motion** to approve final plat of Crestview Eighty Condos. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF PRINTING BIDS: PLANNING & ZONING OFFICE AND HEALTH DEPT.

[10:12:54 AM](#)

Members present:

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

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to approve the print bid from North Star Printing for 5,000 FCCHD Vaccine Administration Records for \$130.00, 5,000 Inactivated Influenza Vaccine Cards for \$142.54 for the Health Department, 3 sets of 500 business cards from Great Northern Printing for \$74.85 for the Planning & Zoning Office, 7 sets of 500 standard business cards from Insty Prints for \$119.95 for the Sheriff's Office. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF SIA EXTENSION: WHITEFISH HILLS FOREST, PHASE 1

[10:21:10 AM](#)

Members present:

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

Others present:

Eric Mulcahy, Clerk Kile

Mulcahy reported that landscaping is still being done and that an extension is needed to be able to get the road paved and irrigation work done.

Commissioner Hall made a **motion** to approve the extension request for Whitefish Hills, Phase 1 until June 30, 2008. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF FINDINGS OF FACT: HUBBART HAVEN

[10:33:50 AM](#)

Members present:

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

Others present:

Planning & Zoning Director B J Grieve, Planner Annie Thompson, Dawn Marquardt, Debbie Shoemaker, Paul Wachholz, George Smith, Clerk Kile

Thompson reviewed the findings of fact from Hubbard Haven Subdivision.

Dawn Marquardt noted that the conditions of approval that are in the Commissioners minutes are different than what was in Exhibit "A" received from the Commissioners. Condition #12 and condition #13 (p) were in the minutes but not in Exhibit "A", and condition #15 states that the road would be brought up to county standards and should state driveway standards.

Commissioner Hall made a **motion** to approve Findings of Fact FSR 07-11. Commissioner Lauman **seconded** the motion. **Aye** - Hall and Lauman. **Opposed** – Brenneman. Motion carried by quorum.

Conditions were then clarified as to what was changed or deleted.

- Condition #10 – The applicant shall aggregate Lot 3, 4 & 5. These lots will be renumbered as Lot 2 on the face of the final plat. **Deleted.**
- Condition #12 – The applicant shall aggregate the proposed Lots 1 and 2. These lots shall be numbered as Lot 1 on the face of the final plat. **Deleted.**
- Condition #13 (q) - All lots shall utilize contract haul of solid waste. **Deleted.**
- Condition #13 (p) – Livestock or domestic animals, such as pigs, sheep, goats, llama, poultry, etc. (including those kept as 4-H projects) ~~are not allowed~~ shall be discouraged in this subdivision because they can attract bears, mountain lions, coyotes and wolves. **Changed from are not allowed to shall be discouraged.**
- Condition #17 – The applicant shall adjust the boundary line between Lot 5 (as proposed in this application) and the property to the south. This boundary line adjustment shall remove that portion of Lot 5 which lies to the east of Crossover Road. Proof of this boundary line adjustment shall be provided with the application for final plat. **Deleted.**
- Condition #18 – The remainder parcel shall be shown as Lot 3 on the face of the final plat. All information required for a preliminary plat application shall be provided regarding the remainder parcel. This parcel must be in conformance with all applicable regulations. **Deleted.**
- Condition #19 – The applicant shall improve the extension of Moore Ranch Road at least 30 feet to the south as to assure Lot 1 will have 30 feet of access to county right of way. The improvement shall meet ~~county~~ driveway standards. **Changed from county to driveway standards.**

Commissioner Lauman made a **motion** to amend the conditions to reflect changes on "Exhibit A". Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: DYE

[10:53:12 AM](#)

Members present:

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

Others present:

Assistant Planning & Zoning Director B J Grieve, Planner George Smith, Clerk Kile

Smith reviewed the application submitted by Elnora Dye and Helen Jackson to excavate accumulated washed in silt and mud from an existing dredged channel to a residential dock. After removal the material will be removed from the water and Lakeshore Protection Zone. All work will be done during low pool and no motorized equipment will enter the lake during removal and re-application operations. This project has been reviewed and approved by the U.S. Army Corps of engineers Regulatory Project Manager. The permit will be valid for one year from the date of issue.

Commissioner Lauman made a **motion** to approve Lakeshore Permit #FLP 07-106. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

BI-MONTHLY MEETING W/ GUY FOY, ROAD DEPT.

[11:00:18 AM](#)

Members present:

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

Others present:

Public Works Director Dave Prunty, Interim Road Department Superintendent Guy Foy, Whitey Boughton

Discussion was held relative to weight limits in which a meeting will be held in November.

Foy reported that the newly appointed Road Advisory Committee will be meeting within the next couple of weeks for the first time. Also discussed was grading of roads this fall, unmaintained county roads, possible movement of the crusher and work on Truman Creek Bridge.

Commissioner Hall asked that Half Moon Road be looked at in regards to the "S" curve.

MEETING W/ JAMES FREYHOLTZ/ MDOT RE: HIGHWAY 93/ MERIDIAN TO RESERVE AND HWY 2/ WEST KALISPELL TO BATAVIA

[11:35:16 AM](#)

Members present:

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

Others present:

James Freyholtz, Clerk Kile

Freyholtz presented a speed study report to the Commission that started at Meridian Road and continued north to West Reserve Drive and from the west side of Kalispell from the end of the 45 mph speed zone to Smith Valley School.

He then stated that the recommendation from the speed study on Hwy 93 to Reserve is to change from 45 mph to 55 mph just north of the access to FVCC and to extend the 45 mph north of the intersection with Reserve Drive. It was then stated that US 2 West of Kalispell to Smith Valley School recommendation is to change the speed limit from 70 to 60 mph and to change the speed limit to 45 mph 100' east of Rose Heights Lane and continuing east approximately 1.2 miles.

Freyholtz also reported that effective October 1, 2007 that the speed limit change to 55 mph would go into effect on Hwy 93, Somers to Lakeside and north west of Whitefish on Hwy 93 that is currently 65 mph will be changed to 60 mph on the curves. Also stated was the construction of the Reserve Loop is almost complete and a traffic study will be done to establish a speed zone. Freyholtz then spoke about the speed limit around the Swan River School (inaudible). He then requested that the Commission send a letter in support of the speed limit changes.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 2, 2007.

TUESDAY, OCTOBER 2, 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. 8:48

Wayne McWhorter, 5870 Farm to Market Road, commented that he protested the inclusion of his property into the Tally/ Bissell Zoning District. He then said until yesterday he didn't understand that his property was being included in the district. He spoke about receiving a letter requesting that he join the district that he did not sign. Since he did not sign the letter he received a phone call from Narda Wilson asking him why he didn't sign the letter, in which he told her he was unfamiliar with Montana zoning laws and didn't wish to commit to something that was unfamiliar to him that he hadn't had a chance to study. He then added that he knew there was educational meetings on the zoning district but was unable to attend them. As he recalled his phone conversation with Narda Wilson he told her that he had three children that he was contemplating doing a family transfer with, to enable his children to build a cabin if they so desired, and at that time he asked if zoning would interfere with family transfers, and believes he was told that it would due to the size of the minimum acreage size. McWhorter further noted that he does not oppose the overall idea of zoning the area, but that he believes that he specifically said that he did not want to be included because of the family transfers that he was contemplating. He then respectfully requested that his property be excluded from the Tally/Bissell Zoning District.

Whitey Boughton, 1150 Lupfer Road, spoke about road counts on Lupfer Road in which he stated that the average daily road count from September 13 through September 19, 2007 was 188 vehicle trips per day, and from September 20 through September 26, 2007 the average daily road count was 209. He then added that these counts do not include the five lot subdivision that was approved in March 2007. He then spoke about the lack of material to grade the north end of the road, a problem with a telephone pole in the right of way, road width and the money wasted by the county for putting up reduced speed limit signs.

Tom Gorton, 578 Creston Road, questioned what the policy is on grading roads and also asked if the county was grading any roads that had been oiled this year. He then said Mennonite Church Road is almost impassable with huge pot holes that are making it dangerous.

Further discussion ensued in regards to the policy of grading roads, in which Gorton was advised to check with the Road Department.

Discussion was also held in regards to an RSID for Fox Hills Development Phase 4, Public Works Director's qualifications and questions for who is in authority at the Road Department.

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

QUARTERLY MEETING W/ MARCIA SHEFFELS, SUPT OF SCHOOLS

[9:06:59 AM](#)

Members present:

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

Others present:

Superintendent of Schools Marcia Sheffels, Clerk Kile

Marcia Sheffels reported on the office work that her staff has been working on that included a profile on all the school budgets for the year that are available for public view. It was then stated that school calendars have been handed in, a school substitute teacher list has been prepared and sent out to all schools, bus inspections have been scheduled for this fall, background checks and fingerprinting has been completed for 50 teachers, 177 home school families have registered for a total of 341 students and the education center at the Juvenile Detention Center has been evaluated. Sheffels then spoke about district boundary clarification work that is still in progress and the new state wide data base for school records, which provides each student with an ID # in the State of Montana. Also reported was that an inventory list was completed on behalf of the Red Cross for possible evacuation shelters. Discussion also included guardianship and tuition concerns.

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

[9:25:56 AM](#)

Members present:

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

Others present:

IT Director Vicki Saxby, Clerk Kile

Discussion was held relative to tax notices that are being prepared this week.

Vicki Saxby reported that the web enhancement proposal is being gone over in detail for what is being expected in regards to monthly support. Also reported was that a programmer in the IT Department has given notice. She then spoke about the year end reports that Larry Johnson is working on and stated that the main file server went down, but was repaired quickly. Saxby then added that a new web e-mail address for Flathead County is forthcoming that will be instead of co.flathead.mt.us will be flathead.mt.gov, which is being mandated as a state standard.

OPEN BIDS: ROAD STRIPING

[9:45:31 AM](#)

Members present:

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

Others present:

Jim Mohn, Clerk Kile

No bids were received.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #465 (BOWER ROAD EASEMENT)

[9:45:22 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Clerk Kile

Commissioner Hall made a **motion** to approve the publication of the Notice of Public Hearing for Road Abandonment #465 and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

Notice is hereby given that the Board of Viewers have reported favorably to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

Bower Road located in the N.W. ¼ of Section 13, Township 26 North, Range 21 W, PM, M, as it runs through said property, noted as 1903 easement. Actual location of Bower Road is in a different location. Road easement to be abandoned is highlighted on COS #12394 and is available at the Clerk & Records Office for viewing.

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **October 23, 2007 at 10:00 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 2nd day of October 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

PAULA ROBINSON,
CLERK AND RECORDER

By: /s/Diana Kile
Diana Kile, Deputy

Publish on October 9 and October 16, 2007.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #466 (PORTION SOLBERG DRIVE)

[9:45:22 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Clerk Kile

Commissioner Hall made a **motion** to approve the publication of the Notice of Public Hearing for Road Abandonment #466 and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

**NOTICE OF DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 466**

Notice is hereby given that the Board of Viewers have reported favorably to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

A tract of land located in Section 34, Township 29 North, Range 21 East and being the south 15 feet of the north 20 feet of the West Half of Lot 24 of Hoiland Day Acres Subdivision, a Plat of which is on file with the Flathead County Clerk and Records Office.

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **October 23, 2007 at 10:15 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 2nd day of October 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

PAULA ROBINSON,
CLERK AND RECORDER

By: /s/Diana Kile
Diana Kile, Deputy

Publish on October 6 and October 13, 2007.

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

[10:05:43 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
HR Director Raeann Campbell, Clerk Kile

Commissioner Lauman made a **motion** to approve the HR administrative actions for the month of September. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Campbell reported on the personnel transactions for the month of September, the trust fund balance and the work comp expenses. She then reported that the frequency of accidents has been reduced and that Liberty is pleased with the progress they are making. Also added was that several presentations of the Long Term Disability Plan & EA Plan have been made. Campbell further noted that she attended a county wide HR meeting where she learned that MACo made changes in their insurance plan in regards to hiring practices.

DOCUMENT FOR SIGNATURE: BIG MOUNTAIN COMMUNICATIONS SITE/ FOREST SERVICE LEASE

[10:17:10 AM](#)

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

Commissioner Lauman made a **motion** to approve the document for signature for the Big Mountain Communications Forest Service lease. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ALBERTONI/ ANNEXATION TO BLANKENSHIP RURAL FIRE DISTRICT

[10:18:26 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
County Attorney Jonathan Smith, Clerk Kile

Commissioner Lauman made a **motion** to approve Resolution #2105 and authorized the publication of the Notice of Public Hearing for annexation of the Albertoni's property into the Blankenship Rural Fire District and authorized the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2105

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

WHEREAS, a petition was received from all owners of property that is currently in the Flathead County Fire Service Area, requesting to be annexed into the Blankenship Rural Fire District, and that petition was approved by the Board of Trustees of the Blankenship Rural Fire District;

WHEREAS, the property to be annexed is described as follows:

Tract 2BBA in the SE¼, NW¼, in Section 16, Township 31 North, Range 20 West, P.M.M., also shown as Parcel A on COS # 13258.

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that it intends to alter the boundaries of the Flathead County Fire Service Area by transferring the property described above from the Flathead County Fire Service Area into the Blankenship Rural Fire District.

BE IT FURTHER RESOLVED that the Board of Commissioners will hold a public hearing on its intent to alter said boundaries and the petition to annex the property into the Blankenship Rural Fire District on the 16th day of October, 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 accept written protests from property owners of the property described above and will receive general protests and comments relating to the alteration of the Flathead County Fire Service Area boundaries, and the annexation of the property into the Blankenship Rural Fire District.

Dated this 2nd day of October, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: /s/Gary D. Hall

Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Diana Kile, Deputy

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
FLATHEAD COUNTY FIRE SERVICE AREA

The Board of Commissioners has received a petition to annex certain property now located in the Flathead County Fire Service Area into the Blankenship Fire District. The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 2105) on October 2, 2007, to amend the boundaries of the Flathead County Fire Service Area.

The proposed boundary change is for the purpose of transferring the following property from the Flathead County Fire Service Area into the Blankenship Fire District:

Tract 2BBA in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, in Section 16, Township 31 North, Range 20 West, P.M.M., also shown as Parcel A on COS # 13258.

A public hearing will be held on the 16th day of October, 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 accept written protests from property owners of the property described above and will receive general protests and comments relating to the alteration of the Flathead County Fire Service Area boundaries, and the annexation of the property into the Blankenship Fire District.

DATED this 2nd day of October, 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 October 6 and October 13, 2007.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: PLOYHAR ZONE CHANGE/ EVERGREEN & VICINITY ZONING DISTRICT

[10:19:40 AM](#)

Members present:

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

Others present:

County Attorney Jonathan Smith, Planner George Smith, Clerk Kile

Commissioner Hall made a **motion** to adopt Resolution #797EO. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 797 EO

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 20th day of August, 2007, to consider a proposal to change the zoning designation on property in the Evergreen and Vicinity Zoning District from SAG-10 (Suburban Agricultural) to I-1 (Light Industrial);

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

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

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 797 EN, dated August 20, 2007) to change the zoning designation from SAG-10 (Suburban Agricultural) to I-1 (Light Industrial); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on August 23 and 30, 2007, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Evergreen and Vicinity Zoning District to change the zoning designation, for the area described on Exhibit "A" hereto, from SAG-10 (Suburban Agricultural) to I-1 (Light

Industrial), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 2nd day of October, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: /s/Gary D. Hall
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Diana Kile, Deputy

EXHIBIT A

A Zone Change request in the Evergreen Zoning District by David Ployhar, from SAG-10 (Agricultural) to I-1 (Light Industrial). The property is located at 1128 Rose Crossing and can legally be described as Tract 3AB in Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana. More particularly described as follows:

All that portion of the Northwest Quarter of the Northeast Quarter of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

Beginning at the Northwest corner of the said Northwest Quarter of the North 89°45' East, along the North boundary thereof, a distance of 793.50 feet to the West boundary of the Great Northern Railway Right of Way; thence North 89°45' East, along the North boundary of said Northwest Quarter of the Northeast Quarter, a distance of 52.78 feet to the Easterly boundary of said Railway Right of Way; thence

South 18°25' West, along the Easterly boundary of said Railway Right of Way a distance of 30.00 feet, more or less, to the Southerly boundary of the county road and the True Point of Beginning of the property to be herein described; thence

North 89°45' East, along the Southerly boundary of said county road. A distance of 352.00 feet to the center line of Spring Creek; thence

Southerly, along the center line of Spring Creek, a distance of 208.00 feet, more or less, to the point which is due South, a distance of 208.00 feet from the Southerly boundary of said county road; thence South 89°45' West, parallel with and 208.00 feet South of the South boundary of said county road, a distance of 382.30 feet to a point on the Easterly boundary of the aforesaid Railway Right of Way; thence

North 18°25' East, along the Easterly boundary of said Railway Right of Way, a distance of 219.50 feet to the Point of Beginning.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: CREATION OF TALLY-BISSELL ZONING DISTRICT

[10:30:01 AM](#)

Members present:

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

Others present:

County Attorney Jonathan Smith, Planner Annie Thompson, Eric Kaplan, Wayne McWhorter, John Klassen, Robbie Robertson, Robert Hayes, Robert Rice, Wendy Rice, Sean Frampton, Clerk Kile

Commissioner Hall questioned the protest letter received today from Wayne McWhorter.

Discussion was held relative to the protest letter received from Mr. McWhorter, wherein it was noted that the protest period for the zone change had expired.

County Attorney Jonathan Smith said that as long as a legal use is made of property when it is zoned, it can continue and can be extended, but only with a conditional use permit. The case mentioned by Sean Frampton about extending nonconforming uses was based upon a regulation different from ours. But whatever is happening when the property is under non-conforming use provisions of our regulations. If Mr. Hayes has begun a shooting range and the County now zones property, that zoning wouldn't prohibit it.

Commissioner Hall questioned Narda Wilson in regards to notifications sent.

Narda Wilson then assured him that every single person was notified twice and that everyone included in the zoning district had an opportunity to comment; no one was excluded. She further added that no attempt was made what so ever that would have left him without all the information that everyone else received.

Discussion was then held relative to a portion of Mr. McWhorter's property being inside the zoning district and a portion outside also.

Wayne McWhorter then added that he doesn't oppose the zoning; he just doesn't want his property included in it.

Commissioner Hall then asked why the road was not used as a boundary line.

Narda Wilson then said that from her understanding that he wasn't opposed to the zoning and that is why his property was included.

Wayne McWhorter said that he really didn't want it included in the zoning and that he doesn't want the zoning to interfere with a possible family transfer. He then said that he did not consent to being put on the list.

County Attorney Jonathan Smith noted that no changes can be made at this point; without going through the whole process over again.

Commissioner Hall said that anyone else that requested to be removed was taken out. He then added that he is not opposed to going through the whole process over again with the information received from Mr. McWhorter today.

Eric Kaplan said to begin with the protest was not received within the 30 day protest period and that this is clearly outside of the time limit and is prohibited by regulations. He then added this is not a public hearing; that the public hearing was closed and to start making changes now would be totally inappropriate.

Chairman Brenneman then said that this is not a public hearing that he is being asked if he had any more comments on the issue raised by Mr. McWhorter.

Eric Kaplan said there was an earlier hearing and he doesn't have an appropriate remedy today.

County Attorney Jonathan Smith said that Mr. McWhorter could ask for a zone change to go through the process again.

Commissioner Hall said that he feels this is exclusionary zoning again.

Commissioner Lauman made a **motion** to adopt Resolution #2085A. Chairman Brenneman **seconded** the motion.

Commissioner Hall read into the record. "That the county's adoption of SAG 10 zoning for the Bissell area is not intended to assist the neighbors with any issues that might exist over Mr. Hayes' shooting range and shall in no way affect or prevent Mr. Hayes' proposed range." It is the policy of the state of Montana to provide for the health, safety and welfare of citizens of the state by promoting the safety and enjoyment of the shooting sports among the citizens of the state and by protecting the locations of and investment in shooting ranges for shotgun, archery, rifle and pistol shooting. Montana Code Ann. 76-9-101 (2005). The statute establishes a clear policy in favor of shooting sports and in favor of the promotion of shooting ranges. This policy statute is consistent with others portions of the code, including Section 45-8-111(5) which provides for prohibition against the noise of a shooting range being considered a public nuisance.

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

RESOLUTION NO. 2085A

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 9th day of August, 2007, concerning a proposal to create a zoning district to be known as the Tally/Bissell Zoning District, with the area within the proposed district to be designated SAG-10 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed creation of the Tally/Bissell Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 2085, dated August 9, 2007) to create the zoning district to be known as the Tally/Bissell Zoning District, that area to be zoned SAG-10 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on August 14 and August 21, 2007, and the Board of Commissioners did not receive written protests to the creation from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby creates the zoning district to be known as the Tally/Bissell Zoning District, with boundaries as described on Exhibit "A."

IT IS FURTHER RESOLVED that the Flathead County Zoning Regulations shall apply in the Tally/Bissell Zoning District and the zoning designation on the property within the Tally/Bissell Zoning District shall be SAG-10 (Suburban Agricultural), as defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 2nd day of October, 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

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.

BUDGET AMENDMENT

[10:47:11 AM](#)

Members present:

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

Others present:

Finance Director Laurel Raymond, Clerk Kile

Raymond stated that in general these budget amendments clean up records for year end.

Commissioner Hall made a **motion** to adopt Resolution #2104. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

BUDGET AMENDMENT RESOLUTION NO. 2104

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2006-2007, 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 2006-2007; 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 October, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: /s/Gary D. Hall
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Diana Kile, Deputy

DATE OF ISSUE: <u>DATE OF RECORD:</u>			BUDGET ENTRY		VOUCHER NO.:	
RESOLUTION #			2104		Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2374	0224	440180	398			213,000.00
2374		242000			213,000.00	
				INCREASE BUDGET PER CONTRACT		
				MATCHED BY REVENUE		
2970	0191	440176	110			4,008.06
2970		242000			4,008.06	
2971	0191	440171	222			7,075.95
2971		242000			7,075.95	
				INCREASE SPENDING AUTHORITY COVERED		
				BY INCREASE IN GRANT REVENUE		
3530	0200	490300	610			47,000.00
3530		242000			47,000.00	
				INCREASE SPENDING AUTHORITY TO		
				PAY EXTRA PRINCIPAL ON BOND. OFFSET		
				BY EARLY PAYMENTS OF ASSESSMENTS.		
Explanation					271,084.01	271,084.01

FINAL PLAT: RIVER VISTA

[10:53:57 AM](#)

Members present:

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

Others present:

Planner Alex Hogle, Eric Mulcahy, Dennis Carver, Clerk Kile

Hogle reviewed the application submitted by Makinaw Estates, LLC with technical assistance from Sands Surveying for final plat approval of River Vista Subdivision; a subdivision creating 11 residential lots located on Wagner Lane off of Lower Valley Road. Preliminary plat approval was granted on March 20, 2007 subject to 27 conditions. All conditions have been met and staff recommends approval.

Commissioner Hall made a **motion** to approve the SIA for \$3,312.50 and final plat of River Vista Subdivision. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF BIGFORK STORM WATER PROJECT PER RFQ RECOMMENDATION

[11:15:06 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
County Attorney Jonathan Smith, Grant Writer Debbie Pierson, William Buxton, Clerk Kile

Pierson reported that four proposals were analyzed and the recommendation is to go forward with Morrison and Maierle.

Chairman Brenneman stated that they received very well qualified applicants to choose from.

Commissioner Hall made a **motion** to approve the negotiation of the contract with the Morrison & Maierle. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF HR TRANSMITTALS: FINANCIAL TECH/ FINANCE OFFICE AND MEDICAL DIRECTOR/ HEALTH DEPT., OPERATIONS MANAGER/ SOLID WASTE & ROAD DEPT.

[11:32:13 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
HR Director Raeann Campbell, Public Works Director Dave Prunty, Clerk Kile

Commissioner Lauman made a **motion** to approve the revised classification HR Transmittal for a Financial Technician. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the HR Transmittal for a Finance Technician from .4 FTE to 1 FTE. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to approve the HR Transmittal for a Medical Director for the Health Department and authorized the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the HR Transmittal for an Operations Manager for Solid Waste and for the Road & Bridge Department. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: ROADLESS RULE

[11:45:04 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman
Others present:
County Attorney Jonathan Smith, Clerk Kile

Commissioner Hall stated that during the MACo Conference that the coalition of force counties workshop, Mineral County Commissioner informed the group of the fact that they signed on as an amicus brief in support of the suit between the district of Wyoming and the United States Department of Agriculture and that they financially supported it. When he returned he called the attorney from Wyoming to ask what was going on with the lawsuit in which he was told it had already been filed and that the county had until October 5, 2007 to do a resolution of support. This resolution supports the Wyoming Agricultural Case 07-17, seeking a nationwide injunction against the implementation of the Clinton Roadless Rule. Hall then added that the Clinton Roadless Rule has given countless litigation against our own local Forest Service to keep timber sales from going forward.

Commissioner Lauman stated that he supported the resolution and that we have watched more and more fire situations in the valley with more timber wasted because of rules and regulations.

Chairman Brenneman commented that he believes we need to cut more timber on the forest lands and doesn't see where passing this resolution or the course of action by Mineral County or Granite County has resulted in increased timber sales; that he feels this is an action that would further polarize groups that should be talking to each other about how to get trees out of the National Forests. He then added that this has not had any public review and that he feels uncomfortable as a Commissioner voting in favor of the resolution.

Commissioner Hall made a **motion** to adopt Resolution #2106. Commissioner Lauman **seconded** the motion. **Aye** - Hall and Lauman. **Opposed** - Brenneman. Motion carried by quorum.

RESOLUTION NO. 2106

WHEREAS the State of Wyoming has filed a lawsuit in the District of Wyoming against the United States Department of Agriculture, Case No. 07-17, seeking a nationwide injunction against the implementation of the Clinton Roadless Rule;

WHEREAS the Clinton Roadless Rule forever imposes prohibitions and restrictions on management of inventoried roadless areas that are not subject to reconsideration, revision, or rescission in subsequent project decisions for forest plan amendments or revisions;

WHEREAS by permanently precluding consideration of management alternatives in inventoried roadless areas, the prohibitions of the Clinton Roadless Rule will eliminate important resource management options in the forest plan amendment and revision process;

WHEREAS the Clinton Roadless Rule restrictions significantly limit the management flexibility to treat overgrown forests that are vulnerable to wildfire and insect attack in inventoried roadless areas because only incidental removal of small trees is allowed and forest health projects often must remove small and medium sized trees to reduce wildfire risk and improve the health of the larger overstory trees;

WHEREAS the Clinton Roadless Rule prohibits the commercial salvage of fire-killed timber within inventoried roadless areas and thousands of acres of forest in inventoried roadless areas have been burned during the last several years; and

WHEREAS Mineral County, Montana, Grant County, Oregon, Harney County, Oregon, and Siskiyou County, California have filed a motion to submit an amicus brief in support of a nationwide injunction of the Clinton Roadless Rule.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, supports the State of Wyoming's effort to obtain a nationwide injunction of the Clinton Roadless Rule in order to maintain resource management planning options, to maximize flexibility to restore forest health and reduce wildfire risk in overgrown forests, and remove timber killed by wildfire.

BE IT FURTHER RESOLVED that this Resolution can be filed in the District Court and Court of Appeals in support of Wyoming's case.

Dated this 2nd day of October, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Joseph D. Brenneman, Chairman

By: /s/Gary D. Hall
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Diana Kile, Deputy

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 3, 2007.

WEDNESDAY, OCTOBER 3, 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.

- 7:00 a.m. Commissioner Brenneman to Higher Education Community Conversation @ FVCC Arts & Technology Building, Room 139**
- 11:00 a.m. County Attorney meeting @ Co. Atty's Office**
- 4:00 p.m. Commissioner Brenneman to travel to Havre**
- 6:00 p.m. Flathead County Planning Board meeting re: Implementation of Growth Policy @ Earl Bennett Bldg.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 4, 2007.

THURSDAY, OCTOBER 4, 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.

- 8:30 a.m. Commissioner Brenneman to Northern Tier Interoperability Project meeting in Havre**
- Commissioner Lauman to AOA TAB meeting @ Eagle Transit**

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

FRIDAY, OCTOBER 5, 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.

- 8:00 a.m. Commissioner Brenneman to meeting re: Bigfork Storm Water Project RFP @ Commissioners Meeting Room**

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