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## MONDAY, DECEMBER 17, 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.**

Whitey Boughton, 1150 Lupfer Road, a member of Flathead Citizens for Paved Roads, said that during a meeting with the Road Advisory Committee that Dave Hilde asked the Road Department what the cost of moving a ton of crushed rock was and they weren't able to give him an answer. He then added that it seems to him that the Road Department should have been able to give him an answer. Also discussed was Sheep Herders Pit, the possible land swap with Googan and sponsoring legislation for dust abatement. Boughton then asked if the county could put a moratorium on approving subdivisions in the Flathead.

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

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

[9:00:01 AM](#)

Members present:

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

Others present:

AOA Director Jim Atkinson, Eagle Transit Cheryl Talley, Ray Tinkey, Sharon Bengston, Gary Danczyk, Clerk Kile

Atkinson reported the application has been submitted for the Armory site and then added that an application was also submitted by a homeless agency. He then noted that the home delivered meals are increasing with seniors in the valley getting older and requiring more services.

Commissioner Hall stated that Flathead County has been honored and privileged to have Ray Tinkey be a part of the public transportation services in Glacier Park. He then reviewed the work that transpired in setting up the service provided to the 132,000 park visitors that rode the buses this past year. Hall added that the service was appreciated and loved by those that used the buses in the park.

Commissioner Lauman added that it was a success due to Cheryl Talley, Jim Atkinson, Ray Tinkey and his staff that put forth the extra mile of effort. He then thanked them for all their hard work and dedication in making it succeed.

Gary Danczyk said on behalf of Glacier Park that the transit system was a great addition to the Park with an average of 2,200 riders a day. He then added that a whole team made the transit system work in working through the bureaucracy. Danczyk stated that Cheryl Talley made a great decision in hiring Ray Tinkey to coordinate the transit system as he was able to meet the challenge that required being diligent, extremely competent and well respected.

Chairman Brenneman added that he used the service in the Park and was very impressed with what the transit system provided. He then presented a plaque to Ray Tinkey on behalf of the Commissioners and Cheryl Talley for his dedication and service.

Ray Tinkey then thanked the Commission and stated that he received an entire array of guidance in pointing him in the right direction.

### **PUBLIC HEARING: TAX INCENTIVE REQUEST/ SEMITOOL, INC.**

[9:35:10 AM](#)

Members present:

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

Others present:

County Attorney Jonathan Smith, Bruce Severson, James Gray, Mantz Hutchinson, Bruce Severson, John Dudis, Clerk Kile

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

John Dudis, the attorney representing Semitool reported they purchased the old Costco Store on Hwy 2, which is now referred to as the Birch Grove Facility. The manufacturing plant now includes cabinet making, drilling and fabrication operations, which were taken out of the main plant north of town. Dudis then added that due to these generated expenses that they qualify for the tax credit.

Bruce Severson, Plant Manager for Semitool stated that they have continued to expand the Birch Grove Facility. He then reported at the Birch Grove site they are manufacturing their own raw stock in a HEPA filtered environment to reduce particulars and are working towards being totally integrated. Severson added that if they could recruit more machinists they would be more self sufficient than they currently are. He further noted the lab also expanded and purchased microscopes that cost two million dollars.

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

Commissioner Hall made a **motion** to approve Resolution #2117. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2117

WHEREAS, the Board of Commissioners of Flathead County, Montana, passed Resolution No. 476 on April 8, 1983, Resolution No. 476A on February 21, 1984, and Resolution 476B on May 4, 2005, allowing tax benefits for new or expanding manufacturing industry in Flathead County;

WHEREAS, Semitool, Inc., of Kalispell, Montana, has applied for the tax benefits for the expansion of manufacturing industry by adding a women's restroom, alterations to the machine shop and a security annex and break room to the current structure located on Hwy 2 East and at the main plant on West Reserve Drive three conference rooms were remodeled and added to Lab C and new inspection machinery was also installed in Lab C;

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing under the provisions of Section 15-24-1402, M.C.A., on the 17<sup>th</sup> day of December, 2007, after due notice was published pursuant to Section 76-15-103, M.C.A., concerning the request for tax benefits filed by Semitool, Inc.; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, having reviewed the application of Semitool, Inc., and the testimony presented at the public hearing, has determined that the statutory \$50,000 investment requirement for expansion has been met, and has concluded that the application for tax reduction benefits meets the requirements of the applicable statutes and resolutions.

NOW, THEREFORE, BE IT RESOLVED that the manufacturing expansion by the addition of a women's restroom, alterations to the machine shop and a security annex and break room to the current structure located on Hwy 2 East, the remodeling of three conference rooms and their addition to Lab C and the installation of new inspection machinery in Lab C at the main plant on West Reserve Drive, and new machinery and equipment added at both sites, as set forth in the application of Semitool, Inc., shall be granted the tax benefits for new or expanding industry set forth in Resolution No. 476B and Section 15-24-1402, M.C.A.

DATED this 17<sup>th</sup> day of December, 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

**CONSIDERATION OF RELEASE OF COLLATERAL & ACCEPTANCE OF NEW SIA: EAGLE'S NEST INDUSTRIAL PARK**

9:43:40 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 partial release of collateral for Eagle's Nest Industrial Park with a new SIA for \$24,955.00. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**CONSIDERATION OF RECISION: LEASE/ LAKESIDE**

9:47:32 AM

Members present:

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

Others present:

County Attorney Jonathan Smith, Weed & Parks Director Jed Fisher, Tom Esch, Jim Cummings, Clerk Kile

County Attorney Jonathan Smith reported that Mr. Pusich has changed his mind and suggested that the lease now be rescinded.

Tom Esch, representing Jim and Cathy Cummings the property owners to the north of the proposed park, stated that several meetings have been held with the Parks Board, Weed & Parks Director Jed Fisher, Mr. Pusich and the Lakeside Community Council, in which the Council and Parks Board have now unanimously voted to ask that the lease be rescinded. He then said that once this decision is rescinded that the county will have a very small parcel of land, which in his mind is surplus and consideration should be made in putting it up for sale. Also suggested was that the county form some kind of a task force for the study and acquisition of water front property in Flathead County.

Chairman Brenneman asked Mr. Esch if he would briefly address the idea of how this is not an example of how the have's are not further taking away from the have not's in this situation.

Esch replied with it is a matter of the givers being asked not to give anymore. He then said that in this process we have learned that there are a number of concerns with the existing park with traffic, parking and garbage. It was then added that after the meeting where the Park Board voted to rescind the decision that there were people from Lakeside Blvd. that volunteered to keep the park maintained.

Chairman Brenneman then asked what kind of commitment would exist with the volunteers.

Esch said that members of the Lakeside Parks Advisory Committee volunteered to help coordinate the effort. He then added that a neighbor already helps maintain the park and is now relieved to learn that other neighbors will be helping him.

Jim Cummings stated that he too would help maintain the existing park with the neighbors and would also work with the Lakeside Board in looking at other opportunities. He then added that it is not a matter of the have and have not's; that the property is not big enough.

Chairman Brenneman said that the community needs to make this their project and to bring something acceptable to the Commission.

Commissioner Hall commented that he felt the Park Board rescinded only after the son-in-law accused the Weed & Parks Director of coercion. He then said that we have failed the public in the past by not securing and giving opportunity to the water resources we have in this valley; here we had an opportunity and the neighbors don't want it. Hall then stated that he would like to delay the action until something else is in place.

Commissioner Lauman commented that when this proposal was brought forth that it excited him, yet he agrees this is a very small parcel of property. He then added this has caused the community of Lakeside to look at trying to provide better lake access.

Commissioner Hall further noted that part of his hesitation is that the gentleman that proposed the lease was excited about having this part of his legacy.

Commissioner Lauman then challenged the community to take this as an opportunity in working with the Parks Board who is willing to devote time and energy to make something happen in Lakeside.

Esch commented that when decisions like this are made that they need to seek public comment before leases are signed. He then asked that the lease be rescinded today.

Jim Cummings said that there are neighbors involved now that weren't involved before, and to prolong this is putting many through a lot of stress. He then added that the property is not big enough for what they want to do with it.

Chairman Brenneman noted that he is willing to do this as a gesture of good faith to the community, and has an expectation that their good faith will be responded to positively.

Commissioner Lauman made a **motion** to rescind the lease with Mr. Pusich and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. **Opposed** - Hall. Motion carried by quorum.

#### **BI-MONTHLY MEETING W/ JED FISHER, WEED/ PARKS/ MAINTENANCE**

[10:11:08 AM](#)

Members present:

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

Others present:

Weed & Parks Director Jed Fisher, Tom Esch, Clerk Kile

Fisher reported that the property in Lakeside is in the Road Department's inventory; therefore they would receive the money if the 11' x 60' piece of property is sold.

Tom Esch then added that the county has a deed on the parcel.

Fisher further noted that the seismic study on the Court House is moving forward. He then spoke about the Conrad Complex, building maintenance activities, RFQ proposals received and the proposal that will be forthcoming on Stillwater Christian School.

#### **BOARD APPOINTMENTS: MISCELLANEOUS**

[10:34:55 AM](#)

Members present:

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

Others present:

Planning & Zoning Mary Sevier, Planner Eric Giles, Tony Sagami, Ardis Larsen, I Johnson, Clerk Kile

Commissioner Lauman made a **motion** to re-appoint Clare Hafferman to the AOA Advisory Council. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to re-appoint Glen Kartheiser to the Airport Authority Board. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to appoint Chris Damrow to the Ashley Lake Land Use Advisory Committee for one year. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to re-appoint Scott Hollinger, Gina Klempel and Tony Sagami to the Board of Adjustments. Commissioner Lauman **seconded** the motion. **Aye** - Hall and Lauman **Opposed** – Brenneman. Motion carried by quorum.

Commissioner Hall made a **motion** to re-appoint to the Columbia Falls Cemetery Board Rick Skyberg and Mark Lampman. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to re-appoint Jenny Draband to replace Karl Anderson for one year and to re-appoint Susan Haverfield and Russ Vukonich to the Columbia Falls City/County Planning Board. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to re-appoint Rita Fitzsimmons to the Conrad Mansion Board. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Terry Fosbery, Butch Woolard and Lynn Tripp to the Fair Board. Motion died for lack of a second.

Commissioner Lauman made a **motion** to appoint Terry Fosbery, Susan Munsinger and Butch Woolard to the Fair Board. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. **Opposed** – Hall. Motion carried by quorum.

Commissioner Lauman made a **motion** to re-appoint Art Weaver to the Fairview Cemetery Board. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Chairman Brenneman made a **motion** to appoint Zack Bradley, Bill Brass, Thomas Bates and Lynn Ogle to the Flathead County Fire Service Area Advisory Board. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to appoint Frank DeKort as the Flathead Conservation District representative to the Flathead County Planning Board. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to re-appoint Randy Toavs and Gordon Cross and to appoint Marc Pitman and Robbie Holman to the Flathead County Planning Board. Commissioner Lauman **seconded** the motion. **Aye** - Hall and Lauman. **Opposed** – Brenneman. Motion carried by quorum.

Chairman Brenneman made a **motion** to appoint Len Ford to the 1 year term on the Flathead County Planning Board to replace Barry Conger. Motion died for lack of a second.

Chairman Brenneman made a **motion** to appoint Al Johnson to the 1 year term on the Flathead County Planning Board to replace Barry Conger. Motion died for lack of a second.

Commissioner Lauman made a **motion** to appoint Rita Hall to the 1 year term to replace Barry Conger on the Flathead County Planning Board. Commissioner Hall **seconded** the motion. **Aye** – Lauman and Hall. **Opposed** – Brenneman. Motion carried by quorum.

Commissioner Hall made a **motion** to re-appoint Hank Olson and to appoint Greg Acton to the Solid Waste District Board. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to re-appoint James Buechle and Ray Sanders to the Weed & Parks Board. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to re-appoint Doug Smith and to appoint Wayne Miller to the Health Board. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to re-appoint Marc Hindrichs and to appoint Joseph Ruffolo to the Helena Flats Neighborhood Advisory Committee. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to re-appoint Mark Mazur to the LaBrant Lindsey Lane Land Use Advisory Committee. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to re-appoint Anna Marie Bailey and to appoint Chris Saucier to the Little Bitterroot Land Use Advisory Committee. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Marvin Rosenberg to the Little Bitterroot Land Use Advisory Committee. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Joseph Ruffolo and David Greer to the Long Range Planning Task Force. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Chairman Brenneman made a **motion** to appoint Ann Fagre to the Middle Canyon Land Use Advisory Committee. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman and Lauman. **Opposed** – Hall. Motion carried by quorum.

Commissioner Lauman made a **motion** to re-appoint Jeannie Luckey to the Port Authority. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to re-appoint Karl Schrade to the Road Advisory Committee. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Chris Damrow and Lorrie Woods to the Rogers Lake Land Use Advisory Committee. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Chairman Brenneman made a **motion** to re-appoint Paul McKenzie and to appoint John Schwarz to the West Valley Land Use Advisory Committee. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to re-appoint Francis Sweeney and Kerry Crittenden to the Whitefish City/County Planning Board and to appoint Ken Meckel as the Flathead Conservation District representative on the Board. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Ron Hauf to the Whitefish Lakeshore Protection Committee. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

#### **MEETING W/ LARRY VAN RINSUM, FLATHEAD CONSERVATION DISTRICT**

[11:03:29 AM](#)

Members present:

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

Others present:

Larry VanRinsum, Pete Woll, Clerk Kile

VanRinsum reported they are still trying to figure out a way to capture the parcels that were taken out of the Conservation District. He added that the City of Kalispell is not getting enough service from the Conservation District to justify annexing all of Kalispell into the district. VanRinsum stated that most of the areas that were taken out have been identified through GIS information, but that it will literally have to be done parcel by parcel to fix the problem.

Pete Woll said that if they had support from the Commission to go back and approach the Conservation District Board and ask them to re-consider including all of Kalispell, that it might have some kind of influence on the board members.

Commissioner Hall made a **motion** for Chairman Brenneman to write a letter on behalf of the commission to the Conservation District Board to annex parcels of Kalispell into the Conservation District. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Discussion was then held relative to re-designation of Flathead Lake in which the proposal is to do a Lidar Study around the entire perimeter of Flathead Lake. VanRinsum stated that Flathead County's portion of the cost of this study would be around 300 thousand and that grants are available for this.

VanRinsum then asked if the Conservation District could work with the accounting office in regards to getting 25% of their funding during each quarter, instead of getting 47% of it at the end of the year.

Pete Woll then reported that he has been elected the Vice-President of the Montana Association of Conservation District.

#### **CONFERENCE CALL W/ KEN BROWN & MARK WALSH RE: WESTERN COUNTIES ALLIANCE PRESENTATION**

[11:23:25 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Gary D. Hall

Members absent:

Commissioner Dale W. Lauman

Others present:

Ken Brown, Mark Walsh (via conference call), Clerk Kile

Mark Walsh, Executive Director of Western Counties Alliance introduced himself and Ken Brown Field Director for Western Counties Alliance via a conference call. He then noted the intent of their organization is to bring attention to agendas that are falling through the cracks and not being dealt with when a resolution can be sought.

Commissioners Hall noted that he attended a seminar on RS -247 that was presented by Mark Walsh and Ken Brown.

Mark Walsh then said that the purpose of the call is to encourage Flathead County in joining the alliance. He then added that the advantage of them becoming involved in the Western States Counties Alliance would be that they can focus on issues and provide a vast amount of research in putting something into the form of a bill.

Ken Brown then spoke about the fee structure in providing the service and said that another benefit is the organization is plugged in tightly with the Western Congressional Congress.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 18, 2007.

**11:15 a.m. Commissioner to Court House: Canvass Panoramic Heights & Mountain River Heights Water District mail ballot election**  
**1:00 p.m. Commissioner Brenneman to Spring Weight Limits Meeting @ Earl Bennett Bldg.**

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## TUESDAY, DECEMBER 18, 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.**

### MONTHLY MEETING W/ DEBBIE PIERSON, GRANT WRITER

[9:17:23 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Grant Writer Debbie Pierson, Sue Hanson, Clerk DeReu

Pierson reported on the Watershed Advisory Group work being done, preliminary engineering report for the Bigfork Storm Water project, submittal of final DEQ 319 draft for the next funding cycle, Brownfield Assessment Analysis in the process and work with the Finance Department in developing a system to track all county grants.

### DOCUMENT FOR SIGNATURE: WLI AGREEMENT/ BIGFORK WATERSHED

[9:17:49 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Grant Writer Debbie Pierson, Sue Hanson, Clerk DeReu

Pierson reported the contract is with the Whitefish Lake Institute for a project coordinator for the Bigfork Water Storm project.

Discussion was then held relative to the work required now for the administration of the grants. A contract with Whitefish Lake Institute to provide the service is the contract being signed today. Mike Copple the Executive Director with the Whitefish Lake Institute will be the Project Coordinator and will also help in advising the Watershed Advisory Group.

Commissioner Hall made a **motion** to approve the agreement between Flathead County and the Whitefish Lake Institute. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

### FINAL PLAT: GLACIER BUSINESS CENTER 2

[9:33:05 AM](#)

Members present:

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

Others present:

Planner Alex Hogle, Jane Eby, Harold N. Beach, Clerk DeReu

Hogle entered into record FPP 07-24. He then reviewed the application submitted by Nolan Holdings, LLC with technical assistance from Eby & Associates for final plat approval of Glacier Business Center 2; a subdivision creating three tracts of record; altering the size of one existing lot and expressly requesting approval for condominiums on the existing lots of Glacier Business Center and the new lots of Glacier Business Center 2. This subdivision is located west of Hwy 93 between Whitefish and Kalispell. Preliminary plat approval was granted on September 8, 2005, subject to 11 conditions. Hogle then noted that there is a request from the applicant to expressly request approval for condominiums on existing lots as well as new lots.

Harold Beach explained the formation of the condominium units.

Jane Eby stated that the condominiums were done with a conditional use permit, and when the second phase was submitted they were asked by a planner to re-submit all lots for approval for condominiums, so in the future they don't have to do individual conditional use permits for each condo unit. She then said that her concern is that there would be no public record saying that they have gone through subdivision review for all the condominiums, and her request is that something be put into the approval statement that says it was reviewed and approved for condominiums as well as the subdivision.

Commissioner Hall asked if parking was addressed for each of the buildings, in which Harold Beach stated that it had been.

Jane Eby then added that all they are asking for is something to be in the record that states it was reviewed for condominiums.

Chairman Brenneman made a **motion** to approve final plat for Glacier Business Center 2 with the understanding that this includes approval for condominiums on existing lots 2 through 5 and lots 1, 6 and 7 of Glacier Business Center 2. Lots 2 through 5 are a part of Glacier Business Center and lots 1, 6 and 7 of Glacier Business Center 2. A conditional use permit for condominiums is not required for Glacier Business Center and Glacier Business Center 2. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

### FINAL PLAT: TEN ARROWS RANCH

[9:46:16 AM](#)

Members present:

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

Others present:

Planner Andrew Hagemeyer, Dawn Marquardt, Debbie Shoemaker, Clerk DeReu

Hagemeyer reviewed the application submitted by William and Alana Myers with technical assistance from Marquardt & Marquardt Surveying for final plat approval of Ten Arrows Ranch; a five lot minor subdivision located on McCaffery Road, south of Echo Lake and north east of Bigfork. Preliminary plat approval was granted on December 11, 2003, subject to 10 conditions. The applicant received a one year extension.

Commissioner Hall made a **motion** to approve final plat of Ten Arrows Ranch FPP 07-47 that includes an SIA. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**FINAL PLAT: GLACIER PINES SUBDIVISION**

[10:03:57 AM](#)

Members present:

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

Others present:

Planner Alex Hogle, Eric Mulcahy, Clerk Kile

Hogle reviewed the application received from Carla Mangel with technical assistance from Sands Surveying for final plat approval of Glacier Pines Subdivision; a subdivision creating nine residential lots located off Blankenship Road approximately 1.23 miles west of Belton Stage Road. Preliminary plat approval was granted on May 8, 2007, subject to 21 conditions.

Commissioner Lauman made a **motion** to approve final plat of Glacier Pines Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**CONSIDERATION OF PRINTING BIDS: HEALTH DEPT. AND JUSTICE CENTER**

[10:15:34 AM](#)

Members present:

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

Others present:

Mike Pence, Clerk DeReu

Commissioner Lauman made a **motion** to approve the print bid for 500 Air Quality Violation Forms for \$96.00 and 1,000 Depo-Provera reminder cards for \$113.00 from Thomas Printing, 2,000 Montana Breast and Cervical Health Program Letterhead Paper for \$210.08 from American Printing for the Health Department and 500 (4) part forms with changes for \$390.00 for Justice Court from Trippett Printing. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: MEDICAID MATCH CONTRACT**

[10:22:18 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk DeReu

Commissioner Lauman made a **motion** to approve the Medicaid Match contract and authorized the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**CONSIDERATION OF ADOPTION OF RESOLUTION: CREATION OF BIGFORK WATERSHED COMMITTEE**

[10:24:45 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Grant Writer Debbie Pierson, Sue Hanson, Clerk DeReu

Commissioner Hall made a **motion** to approve Resolution #2118 for the Creation of the Bigfork Watershed Committee. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2118

WHEREAS, Flathead County has received a grant from the State of Montana to initiate the Bigfork Stormwater Project, a preliminary engineering report designed to assess the current stormwater situation and provide remedies to correct the stormwater runoff of non-point source (NPS) pollution into Flathead Lake,

clearly describing the present situation, analyzing alternatives, and proposing a specific course of action, from an engineering perspective;

WHEREAS, under the terms of the grant it is suggested that an advisory committee made up of persons familiar with the area in which the study will be undertaken and/or familiar with water issues be formed; and

WHEREAS, the Board of Commissioners has determined that an advisory committee made up of County residents would provide important assistance to the Board in overseeing the work related to the Bigfork Stormwater Project.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Commissioners of Flathead County, Montana, that the Watershed Advisory Committee is established as follows:

1. The Watershed Advisory Committee shall be composed of five members, who shall be appointed by the Board of Commissioners and serve at the pleasure of the Board of Commissioners.

2. The members of the Watershed Advisory Committee shall serve until such time as any one of them is replaced by the Board of Commissioners and until the current phase of the Bigfork Stormwater Project is completed in 2010. The members of the Watershed Advisory Committee may be reappointed in the event that further actions are undertaken after the completion of the Bigfork Stormwater Project.

3. The members of the Watershed Advisory Committee shall receive no salary or pay for their service on the Flathead County Watershed Advisory Committee.

4. Three members of the Watershed Advisory Committee shall be residents of Flathead County who also reside within the area in which the Bigfork Stormwater Project will be undertaken. One member of the committee shall be appointed from the County at-large. If possible, one member of the committee will have professional knowledge that will aid in the Committee's work.

5. The Watershed Advisory Committee, with the assistance of the subcontractors and the coordinator engaged by the County, will advise the Board of Commissioners concerning any issues that might arise during the time that the Bigfork Stormwater Project is ongoing.

6. A majority of the members of the Watershed Advisory Committee constitutes a quorum for the purpose of conducting business and exercising responsibilities; when a quorum is present, action may be taken by a majority of members present and voting.

7. The Watershed Advisory Committee shall organize by electing one of its members president and one of its members vice-president. The committee will provide for the keeping of written minutes of its meetings, which minutes will include the final vote on all actions and the vote of each member.

8. The Watershed Advisory Committee shall adopt bylaws governing its activities and procedures, and shall set forth therein the date, time, and place of regularly scheduled meetings and such other matters as the Committee shall deem advisable. The bylaws, and any amendments thereto, shall be subject to approval by the Board of Commissioners.

9. The members of the Watershed Advisory Committee may be removed by a majority vote of the Board of Commissioners.

Dated this 18<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By: /s/ Duana DeReu  
Duana DeReu, Deputy

**AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: FLATHEAD LAKE PROTECTION ASSOCIATION  
V. COUNTY**

[10:33:38 AM](#)

Members present:

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

Others present:

Assistant Mike Pence County Attorney Jonathan Smith, Clerk DeReu



County Attorney Jonathan Smith reported the law suit challenges information presented by the developer for preliminary plat approval of Eagle's Crest.

Commissioner Hall made a **motion** to authorize the County Attorney's office to accept service. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

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

This meeting was cancelled.

#### **FINAL PLAT: MARE LANE ESTATES, PHASE 1**

[10:58:44 AM](#)

Members present:

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

Others present:

Planner Eric Giles, Ardis Larsen, Clerk DeReu

Giles reviewed the application submitted by Robert Rinke with technical assistance from Larsen Engineering & Surveying for final plat approval of Mare Lane Estates, Phase 1; an eight lot major subdivision located off South Cedar Drive east of Kalispell. Preliminary plat approval was granted on January 6, 2004, subject to 18 conditions.

Commissioner Lauman made a **motion** to approve Mare Lane Estates, Phase 1 with an SIA. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

#### **FINAL PLAT: RIVERSIDE HEIGHTS**

[11:05:58 AM](#)

Members present:

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

Others present:

Planner Eric Giles, Ardis Larsen, Clerk DeReu

Giles reviewed the application submitted by Michael and Cynthia Tortomasi with technical assistance from Larsen Engineering & Surveying for final plat approval of Riverside Heights; a three lot major subdivision located off of Rabe Road, southeast of Blankenship Road, west of Hwy 2. Preliminary plat approval was granted on January 5, 2006, subject to 15 conditions.

Commissioner Hall made a **motion** to approve final plat of Riverside Heights Subdivision. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

#### **FINAL PLAT: WHITEFISH HILLS, PHASE 3**

[11:17:58 AM](#)

Members present:

Commissioner Gary D. Hall PT  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Planner Annie Thompson, Erica Wirtala, Don Murray, Dan Manning, Clerk DeReu

Thompson reviewed the application submitted by Whitefish Hills, LLC and Paul and Shelly Coe with technical assistance from Sands Surveying and WMW Engineering for final plat approval of Whitefish Hills Subdivision, Phase 3; a 22 lot major subdivision located on the west side of Hwy 93 North, southwest of the City of Whitefish. Preliminary plat approval was granted on January 4, 2006, subject to 17 conditions.

Discussion was held relative to condition #10.

Commissioner Lauman made a **motion** to waive condition #10 and to approve final plat of Whitefish Hills, Phase 3. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

#### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #469 (HOLT DRIVE)**

[11:30:35 AM](#)

Members present:

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

Members absent:

Chairman Joseph D. Brenneman

Others present:

Robert K. Wunderlich, Bryan Long, Dan Manning, Clerk DeReu

Robert Wunderlich presented maps and pictures that explained the reasoning for the road abandonment.

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing for Road Abandonment #469 and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

NOTICE OF DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 469

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 strip of land, known as Holt Drive, located in the Southeast Quarter of the Southwest Quarter of Section 26, Township 27 North, Range 20 West Principal Meridian Montana described as follows:

Commencing from the South Quarter Corner of said Section 26; thence along the midsection line of said Section 26 North 00° 18' 12" West 657.67 feet to an iron pin said iron pin being the POINT OF BEGINNING of a 60-foot wide road known as Holt Drive, said road lying 30 feet on each side of the following described centerline; thence continuing along said midsection line of said Section 26 North 00° 18' 12" West 671.57 feet to the Northeast Corner of the Southeast Quarter of the Southwest Quarter of said Section 26; thence along the northerly line of the Southeast Quarter of the Southwest Quarter of said Section 26 North 89° 47' 45" West 264.09 feet to a found iron pin, said iron pin being the end of the previous centerline description.

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 **January 2, 2008 at 9:30 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 18<sup>th</sup> day of December 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

PAULA ROBINSON,  
CLERK AND RECORDER

By: /s/Duana DeReu  
Duana DeReu, Deputy

Publish on December 22 and December 29, 2007.

**DOCUMENT FOR SIGNATURE: SHORT TERM CONTRACT/ REYNOLDS**

This meeting was cancelled.

**DOCUMENT FOR SIGNATURE: HEALTH PLAN AMENDMENT**

[11:35:40 AM](#)

Members present:

Commissioner Gary D. Hall PT  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk DeReu

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

**CONSIDERATION OF RELEASE OF COLLATERAL: BUCCANEER ACRES**

[11:37:08 AM](#)

Members present:

Commissioner Gary D. Hall PT  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence Clerk DeReu

Discussion was held relative to consideration of release of collateral for Buccaneer Acres.

Commissioner Lauman made a **motion** to approve the release of collateral for Buccaneer Acres. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum

**FINAL PLAT: HARBOR VILLAGE AT EAGLE BEND, PHASE 6**

[11:45:39 AM](#)

Members present:

Commissioner Gary D. Hall PT  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Planner Andrew Hagemeyer, Don Murray, Robert K. Wunderlich, Bryan Long, Clerk DeReu

Hagemeyer reviewed the application submitted by Rocky Mountain Recreational Communities with technical assistance from Glacier Surveying for final plat approval of Harbor Village at Eagle Bend, Phase 6; a subdivision creating one residential lot and two commercial lots located on Holt Drive in Bigfork. Preliminary plat approval was granted on December 14, 2006, subject to 21 conditions. All conditions have been met.

Commissioner Lauman made a **motion** to approve Harbor Village at Eagle Bend, Phase 6. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

**12:00 a.m. Commissioner Brenneman to CDC Board meeting @ CDC Office**  
**1:30 p.m. Commissioner Brenneman to meeting w/ Peter Strelinger, Plum Creek**  
**6:00 p.m. Road Advisory Committee "Special Meeting" @ Earl Bennett Building**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 19, 2007.

\*\*\*\*\*

**WEDNESDAY, DECEMBER 19, 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.**

Bill Koenig, 220 Highland Drive, the developer of Harvest View Subdivision reported that he has had his final plat turned into the Planning Office since the end of August, and with the exception of approximately 6 or 7 business days that it was taken back to adjust a property line to allow for more parkland space, it has been in the hands of the county either at the Planning Office or the County Surveyor. He then said that he recently received a call from the Planning Office to inform his that his subdivision has now been assigned to a new planner, which made it sound like they would now be starting over from scratch again. Koenig then added that the whole subdivision has been bogged down with bureaucratic delays.

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

**FINAL PLAT: CABERNET ESTATES**

[9:15:58 AM](#)

Members present:

Commissioner Gary D. Hall PT  
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Planner Annie Thompson, Rick Swan, Clerk Kile

Thompson reviewed the application submitted by Cabernet Estates, LLC with technical assistance from Thomas, Dean & Hoskins for final plat approval of Cabernet Estates, No. 5; an eight lot major subdivision located in Bigfork off of Chapman Hill Road. Preliminary plat approval was granted on July 6, 2006, subject to 12 conditions.

Commissioner Lauman made a **motion** to approve final plat of Cabernet Estates. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

**PUBLIC HEARING: MT. ECONOMIC DEVELOPMENT CDBG/ GLACIER STONE SUPPLY**

[9:30:58 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Gary Winship, Charlie Wright, Clerk Kile

**Chairman Brenneman opened the public hearing to anyone wishing to speak.**

Gary Winship with Montana West Economic Development which is Jobs Now Inc. in Kalispell reported that they administer the CDBG Program for Flathead County, and the reason they are having this hearing today is to inform citizens that there will be a new issue of CDBG money coming from HUD this coming year.

Commissioner Hall asked if they had specific projects to designate the money towards that is being applied for this year.

Gary Winship replied that they did have a specific project and that it would be brought to them at the second public hearing to be held. Winship also said that there was a public notice published in the Daily Inter Lake to notice the meeting being held.

Charlie Wright, Regional Development Officer for N. W. Montana Department of Commerce said that the purpose that he was there was to present the Community Development Block Grant Economic Development Program that is funded through the US Department of Housing and Urban Development. He then said that each year the appropriation is passed for funding this particular program. Wright then said that this was the first public hearing to be held, which has to be held every 12 months to the entity that is authorized to approve the funding. The public hearing today is to introduce the Commission and the public to the program that is anticipated to be coming on board with funding next April 1, 2008. Wright then presented an overview of the program with a power point presentation.

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

#### **MONTHLY MEETING W/ KIM CROWLEY, LIBRARY**

This meeting was not held.

#### **MEETING W/ JED FISHER, WEED/ PARKS/ MAINTENANCE**

[10:15:17 AM](#)

Members present:

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

Others present:

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

Fisher reported the Parks Board has reviewed the two RFQ's received for the Parks Master Plan, which is the long term planning mechanism for the Parks & Rec Department to help deal with land acquisition and cash in lieu issues. The two proposals received were from Applied Communication and PBS&J; after interviews with each of them the company that is being recommended by the Parks Board is Applied Communications.

Commissioner Lauman made a **motion** to authorize Jed Fisher to proceed with negotiating a contract for services with the firm that is being recommended by the Weed & Parks Board. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

#### **PUBLIC HEARING: MURER ZONE CHANE/ BIGFORK ZONING DISTRICT**

[10:34:39 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Erica Wirtala, Loyal Murer, Marilyn Murer, Clerk Kile

Hogle entered into record staff report FZC 07-08. He then reviewed the request submitted by Loyal and Marilyn Murer for a zone change from SAG-5 to R-1 within the Bigfork Zoning District. The property is located west of and adjacent to Hwy 35 in the "Icebox Canyon" area of Bigfork. The total area proposed for rezoning is 14.58 acres contained within a single tract of land that is currently developed with an existing residence. The area is characterized as suburban residential/agricultural with existing and increasing commercial activity along the Hwy 35 corridor. This property is located in the Bigfork Land Use Plan area and the land use designation is AG-Agricultural.

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

Erica Wirtala addressed comments made by BLUAC regarding transportation and the increase in traffic, in which she stated that they didn't take into consideration the improvements with the highway and reduction of the speed limit. She then said that the site is extremely steep with areas of bedrock and outcropping. Also stated was the property has been on the market for approximately 1 – 2 years and has been annexed into the sewer district. Wirtala continued with if any development was to occur on the property a lift station would have to be installed which would be fairly expensive. She further added that the 12 criteria's do not have to be met; that they are something the planner's uses to evaluate.

Marilyn Murer, 7940 Hwy 35, commented that she felt if they zoned their property it would be more saleable.

Loyal Murer, 305 Aero Lane, said that everything that he had on his mind had already been said.

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

Commissioner Lauman said that the property is beautiful and that it doesn't fit an agricultural designation at all. He then added that he doesn't see how it could be developed with 14 homes and feels it would be an advantage to enhance the area.

Commissioner Hall made a **motion** to approve Resolution #956CE and authorized the publication of the Resolution of Intent and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 19<sup>th</sup> day of December, 2007, concerning a proposal by Loyal and Marilyn Murer, to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-5 (Suburban Agricultural) to R-1 (Suburban Residential);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on December 8 and December 15, 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 the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, including the supplemental information provided, and, in accordance with Section 76-2-205(4), M.C.A., adopts this resolution of intention to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-5 (Suburban Agricultural) to R-1 (Suburban Residential), that area being described as the boundaries of Tract 3AAB in the NW ¼ NE ¼ of Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana located west of and adjacent to Mt Hwy 35 in the "Icebox Canyon" area of Bigfork.

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

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

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

DATED this 19<sup>th</sup> day of December, 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

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Diana Kile  
Diana Kile, Deputy

#### NOTICE OF PASSAGE OF RESOLUTION OF INTENTION BIGFORK AREA ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 956CE) on December 19, 2007, to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-5 (Suburban Agricultural) to R-1 (Suburban Residential).

The boundaries of the area proposed to be amended from SAG-5 to R-1 are the boundaries of Tract 3AAB in the NW ¼ NE ¼ of Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana located west of and adjacent to Mt Hwy 35 in the "Icebox Canyon" area of Bigfork.

The proposed change would generally change the character of the zoning regulations applicable to the property from a district intended to protect and preserve smaller agricultural functions, to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development, to a residential district intended to provide estate type development, in rural areas away from concentrated urban development or in areas where it is desirable to permit only low density development. The SAG-5 classification has a minimum lot size of 5 acres; a change to R-1 would result in a minimum lot size of 1 acre.

The regulations defining the SAG-5 and R-1 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Bigfork Area Zoning District from persons owning real property within the Bigfork Area Zoning District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 19<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

By: /s/ Joseph D. Brenneman

Joseph D. Brenneman, Chairman

By:/s/Diana Kile  
Diana Kile, Deputy

Publish on December 24 and December 31, 2007.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TOURIS & SNEED ZONE CHANGE/ BIGFORK ZONING DISTRICT**

[10:52:58 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Clerk Kile

Commissioner Hall made a **motion** to authorize the publication of the Notice of Public Hearing for the Touris & Sneed Zone Change/ Bigfork Zoning District and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Michael D. and Patricia A. Touris and William L. Sneed, to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-5 (Suburban Agricultural) to I-1 (Light Industrial).

The boundaries of the area proposed to be amended from SAG-5 to I-1 are the boundaries of Tracts 2 and 2D in Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana located on the north side of Montana Highway 93 approximately one-half (1/2) mile east of the intersection with Montana Highway 35.

The proposed change would generally change the character of the zoning regulations applicable to the property from a district intended to protect and preserve smaller agricultural functions, to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development, to an industrial district intended to provide for light industrial uses that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke, etc.) which extend beyond the lot lines, such as light manufacturing, processing, fabrication and assembling of products or material, warehousing and storage and transportation facilities.

The regulations defining the SAG-5 and I-1 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 **10<sup>th</sup> day of January, 2008, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Bigfork Area Zoning District.

DATED this 19<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By:/s/Diana Kile  
Diana Kile, Deputy

Publish on December 24 and December 31, 2007.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #07-07-4-51-010-0**

[10:55:17 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Pence reported this is an HIV contract.

Commissioner Lauman made a **motion** to approve DPHHS Contract #07-07-4-51-010-0. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: INMATE TELEPHONE CONTRACT/ SHERIFF'S DEPT**

[10:30:38 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner Gary D. Hall  
Commissioner Dale W. Lauman  
Others present:  
Assistant Mike Pence, Sheriff Mike Meehan, Kathy Frame, Clerk Kile

Frame reported that their recommendation for the Inmate Telephone Contract is Secures Technologies, which is their current provider.

Sheriff Meehan reported that after looking over all the proposals received that this would be the best deal with the smoothest transition.

Commissioner Hall made a **motion** to support the recommendation from the Sheriff's Office in continuing the contract with Secures Technologies. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**11:00 a.m. County Attorney meeting @ Co. Atty's Office**  
**12:00 p.m. Commissioner Brenneman to DUI Task Force meeting @ The Summit**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 20, 2007.

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### **THURSDAY, DECEMBER 20, 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.

**10:00 a.m. Commissioner Brenneman to Flathead Basin Commission meeting @ Forest Service Office**  
**1:00 p.m. Suicide Prevention Coalition Quarterly meeting @ Earl Bennett Bldg.**  
**2:00 p.m. Commissioner Brenneman to Health Board meeting @ Earl Bennett Bldg.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 21, 2007.

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### **FRIDAY, DECEMBER 21, 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.

**9:00 a.m. Commissioner Lauman to Audit Committee meeting @ Commissioners Meeting Room**  
**Software Review**  
**10:00 a.m. Commissioner Brenneman to meeting w/ Mark Schelf/ Montana Land Reliance in Bigfork**

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

\*\*\*\*\*