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## MONDAY, MARCH 3, 2008

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

**3:00 p.m. Commissioner Hall to RC & D meeting in Troy  
Commissioner Brenneman to Helena**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 4, 2008.

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## TUESDAY, MARCH 4, 2008

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

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

### MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

10:04:37 AM

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk Kile

Campbell presented the month of February personnel transaction report to the Commission.

Chairman Hall made a **motion** to approve the HR transactions for the month of February. Commissioner Lauman **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

Campbell then reported on the workers comp claims and the trust fund balance that is up. She then stated that accident investigation training will be held for the Sheriff's Department and that their contract was ratified. Campbell then noted that she is also working on salary surveys and union negotiations.

### PRELIMINARY PLAT: WARNER HILLS

10:20:51 AM

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianne Broadie, Brian Sullivan, Clerk Kile

Broadie entered into record Staff Report FSR 07-12. She then reviewed the application submitted by Pat and Yvonne Warner with technical assistance from F & H Land Surveying for preliminary plat approval of Warner Hills Subdivision; a minor subdivision that would create 1 lot with the potential to add 1 additional dwelling unit on 24.247 acres, with a remainder of 83.526 acres from 107.77 acres. The subject property is located adjacent to Hwy 93 roughly halfway between Whitefish and Kalispell.

Broadie then reviewed Findings of Fact, Conditions and Unique Conditions.

Commissioner Lauman made a **motion** to adopt Staff Report FSR 07-12 as Findings of Fact. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

Commissioner Hall made a **motion** to approve preliminary plat of Warner Hills Subdivision. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

### **STANDARD CONDITIONS**

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.17(iv), FCSR]
2. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures.
3. The owner shall provide proof of legal access to Highway 93.
4. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that the plat meets the requirements of the fire district shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]

5. The applicant shall provide an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved. The Weed Control Plan shall be implemented prior to final plat application. The County Weed Supervisor may charge a fee to inspect the subdivision and approve the implementation. [Section 4.7.26, FCSR]
6. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
7. The developer shall contact the Superintendent of Schools and, if required, provide and improve a location for the safe loading and unloading of students. [Section 4.7.30, FCSR]
8. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.27©, FCSR]
  - b. All utilities shall be placed underground. [Section 4.7.24, FCSR]
  - c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler.
  - d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed.
  - e. The owners of Lot 1 shall abide by the guidelines set forth in the approved Dust
    - i. and Air Pollution Control and Mitigation Plan during and after site construction
    - ii. and development activities.

- f.
 

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

\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.

9. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), MCA]
10. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.27, FCSR]
11. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 4.4.23, FCSR]
12. Preliminary plat approval is valid for three years. [Section 4.4.20, FCSR]

**UNIQUE CONDITIONS**

13. The final plat shall allow utilities to locate in the 30 ft access easement and will note this on the face of the final plat.
14. An approved MDOT approach permit must be submitted.
15. The following statement shall be placed on the face of the final plat:
 

This subdivision is located in an agricultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm on adjoining properties will not be restricted as a result of the development or occupancy of this subdivision.

**DOCUMENT FOR SIGNATURE: CONTRACT MODIFICATION/ EAST EVERGREEN BIKE PATH**

[10:37:11 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Public Works Director Dave Prunty, Clerk Kile

Hogle reviewed the contract modification request for the East Evergreen Bike Path; STEP 679927. He then noted the engineering on this existing project has been altered. Hogle said the contract modification is dealing with accounting for the changes and setting the construction engineering balance back to zero. He then noted problems in regards to easements, flood plain issues and trail width.

Commissioner Lauman made a **motion** to approve the contract modification for the East Evergreen Bike Path and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: ENGINEERING SERVICES/ KILA BIKE PATH**

[10:54:04 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Public Works Director Dave Prunty, Clerk Kile

Hogle reported this agreement is for engineering services for the Kila Bike Path Project. He then noted the most complex section of the project is across from the Kila School where a crossing will be established.

Commissioner Lauman made a **motion** to approve the Engineering Services for the Kila Bike Path and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

### **CONSIDERATION OF ADOPTION OF RESOLUTION: SET LOAD LIMITS**

10:58:11 AM

Members present:

Chairman Gary D. Hall

Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Solid Works Director Dave Prunty, Clerk Kile

Prunty reported that all of the heavy haulers have been contacted in regards to the setting of load limits and will be faxed a copy of the resolution signed today.

Commissioner Lauman made a **motion** to approve Resolution #2124 to set load limits on county roads. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

#### Resolution No. 2124

WHEREAS, the Board of Commissioners of Flathead County, Montana, is responsible for the maintenance of public highways under its jurisdiction;

WHEREAS, said public highways can be seriously damaged or destroyed by deterioration, rain, snow, thawing, or other climatic conditions unless the permissible vehicle weights are reduced;

WHEREAS, the Board of Commissioners of Flathead County, Montana, has the authority under Section 61-10-128, M.C.A., to impose restrictions on the weight of vehicles traveling on public roads under its jurisdiction;

WHEREAS, the public safety requires the immediate imposition of limits on county roads as an emergency measure to prevent accidents and damage to property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Section 61-10-128, M.C.A., that the following load limits shall apply until further order of the Board.

Load limit single axle 7 tons, tandem axle 14 tons, 350 lbs. per inch width of tire, however, at no time will the weight exceed 14,000 lbs. per single axle and 28,000 lbs. per tandem axle. Speed limit as posted.

Load limit single axle 8 tons, tandem axle 16 tons, 400 lbs. per inch width of tire, however, at no time will the weight exceed 16,000 lbs. per single axle and 32,000 lbs. per tandem axle. Speed limit as posted.

The load limit on the following roads shall be 350 to 400 pounds per inch of tire width as marked as well as 35 miles per hour speed limit: (If a particular road on this list has not been marked then no load limit is imposed at this time.)

350 400 pounds per inch of tire.

350 \_\_\_ 4th St. NW and 4th St. NE in Columbia Falls from 4th Ave. E to 4th Ave. NW.

350 \_\_\_ Adams Street for the entire length of the road.

350 \_\_\_ Angel Point Road for the entire length of the road.

350 \_\_\_ Ashley Lake Road from Highway 2 to intersection with North Ashley Lake Road

350 \_\_\_ Antelope Trail from Highway 93 to Hodgson Road.

350 \_\_\_ Auction Road from Highway 93 to the end of the road

350 \_\_\_ Austin Crossroad for the entire length of the road.

350 \_\_\_ Bald Rock Road from Rhodes Draw to Church Drive

350 \_\_\_ Bad Rock Road for the entire length of the road

350 \_\_\_ Batavia Lane from Highway 2 to Ashley Lake Road

350 \_\_\_ Beaver Lake Road from Hwy 93 N. to the end of the road.

350 \_\_\_ Belton Stage Road from Hwy 2 to Hwy 2.

350 \_\_\_ Berne Road for the entire length of the road.

350 \_\_\_ Best Way for the entire length of the road

350 \_\_\_ Bierney Creek Road from Hwy 93 to the end of the road.

350 \_\_\_ Big Horn Drive from Hwy 2 to Smith Lake Road.

350 \_\_\_ Bigfork Stage for the entire length of the road.

350 \_\_\_ Bills Road for the entire length of the road.

350 \_\_\_ Birch Grove from Helena Flats to Whitefish Stage.

350 \_\_\_ Bitterroot Drive from Highway 2 to Pleasant Valley Road

350 \_\_\_ Blackmer Lane for the entire length of the road.

    400 Blacktail Road from Highway 93 to the end of the road.

350 \_\_\_ Blanchard Lake Road from Hwy 93 to Karrow Ave.

350 \_\_\_ Blankenship Road for the entire length of the road.

350 \_\_\_ Boon Road from Highway 93 to end of road

350 \_\_\_ Bowdish Road from US 93 to the end of the road

350 \_\_\_ Brosten Lane for the entire length of the road.

350 \_\_\_ Browns Meadow for the entire length of the road.

350 \_\_\_ Brunner Road from Hwy 2 to S. Hilltop.

    400 Cemetery Road for the entire length of the road.

350 \_\_\_ Chapman Hill for the entire length of the road.

    400 Church Drive for the entire length of the road.

350 \_\_\_ Clark Drive for the entire length of the road.

400 Columbia Falls Stage and River Road from Highway 35 to Highway 2  
350 Conn Road for the entire length of the road.  
350 Coram Stage for the entire length of the road.  
350 Coverdell Road for the entire length of the road  
350 Creston Hatchery Road from Highway 35 to Lake Blaine Road  
350 Creston Road for the entire length of the road.  
350 Deer Creek Road for the entire length of the road.  
350 Dillon Road for the entire length of the road.  
350 Dyer Road for the entire length of the road.  
350 East Edgewood Drive for the entire length of the road.  
350 East Evergreen Drive for the entire length of the road.  
400 East Lakeshore from Big Mountain Road to the end of the road.  
350 East Reserve Drive for the entire length of the road.  
350 Echo Lake Road for the entire length of the road.  
350 Eckleberry Drive for the entire length of the road.  
350 Egan Slough Road from Hwy 35 to the end of the road  
350 Elk Park Road for the entire length of the road  
350 Fairmont Road for the entire length of the road.  
350 Farm Road from Lower Valley to MT HWY 82.  
400 Farm-to-Market from Hwy 93 North, to the intersection of Lodgepole Road.  
400 FAS 486 (North Fork Road) from end of the oil, north to end of road  
350 Fern Lane for the entire length of the road.  
350 Ferndale Drive for the entire length of the road.  
350 Flathead Lodge Road for the entire length of the road.  
400 Foothill Road from Lake Blaine Road to Echo Lake Road  
350 Forest Hill Road for the entire length of the road.  
350 Gladys Glen Road for the entire length of the road.  
350 Gopher Lane from Highway 2 to Pleasant Valley Road  
400 Good Creek Road from American Timber entrance off of Highway 93 to the end  
of the road  
350 Grand Avenue for the entire length of the road.  
350 Grayling Road from Bierney Creek Rd. to Troutbeck Rd.  
400 Halfmoon Road north of Highway 40 from Stoltz Lumber Mill entrance going north  
to the end of the road  
350 Hanging Rock Drive from Highway 82 to Holt Drive.  
350 Helena Flats from Pioneer Road to Hwy 35.  
350 Hodgson Road from Hwy 93 to Hwy 2.  
350 Hoffman Draw from Highway 2 to end of road  
350 Hog Heaven from Highway 29 to end of road  
350 Holt Drive for the entire length of the road.  
350 Holt Stage for the entire length of the road.  
350 Hubbart Dam Road from Highway 2 to Crossover Road  
350 Idaho Hill Road for the entire length of the road  
350 Jacquette Road for the entire length of the road.  
350 Jellison Road from Jellison Lane north to the end of the road.  
350 Jensen Road for the entire length of the road.  
350 J P Road from Whitefish River to Monegan Road.  
350 Karrow Ave. for the entire length of the road.  
350 Kelley Road for the entire length of the road.  
350 Kila Road for the entire length of the road.  
350 KM Ranch Road for the entire length of the road.  
350 Kuhns Road for the entire length of the road.  
350 Kuzmic Lane for the entire length of the road.  
350 LaBrant Road for the entire length of the road..  
400 Lake Blaine Road from Highway 35 to Foothills Road  
350 Lake Five Road form Hwy 2 to the Belton Stage Road.  
350 Lakeside Boulevard for the entire length of the road.  
350 Lindsey Lane for the entire length of the road.  
350 Lost Creek Drive for the entire length of the road.  
350 Lost Prairie Road from Highway 2 to Pleasant Valley Road  
400 Lower Valley Road from Highway 93 to Highway 82  
350 Lupfer Road from Highway 93 to the end of the road.  
350 Luthern Camp Road for the entire length of the road.  
350 Mable Street for the entire length of the road.  
350 Managhan Lane from Highway 2 to Batavia Lane  
350 Many Lakes Drive for the entire length of the road.  
350 Marquardt Lane from Highway 2 to Kienas Road  
350 Martin Camp Road Highway 93 for the entire length of the road  
350 McCaffery Road for the entire length of the road.  
350 McMannamy Draw from Farm-to-Market to the end of the road  
350 Meadow Lake Blvd for the entire length of the road.  
350 Mennonite Church Road for the entire length of the road.  
350 Middle Road for the entire length of the road.  
350 Monegan Road for the entire length of the road.  
350 Monte Vista Drive for the entire length of the road.  
350 Montford Road for the entire length of the road.  
350 Morning View Drive for the entire length of the road.  
350 North Hilltop Road for the entire length of the road.  
350 North Somers Road for the entire length of the road.  
350 Olney Loop Road for the entire length of the road.  
350 Patrick Creek Road from Foys Canyon Road to the end of the road  
350 Phanco Lane for the entire length of the road.  
350 Pleasant Valley Road from Highway 2 to Lost Prairie Road  
350 Political Hill for the entire length of the road.  
350 Rabe Road for the entire length of the road.  
350 Ramsfield Road for the entire length of the road.  
350 Ranch Road for the entire length of the road.  
350 Reservoir Road from E. Lakeshore to the end. (Northwoods Drive)  
400 Rhodes Draw from Farm-to-Market to the end of the road  
350 River Bend Drive for the entire length of the road.  
350 Riverside Road for the entire length of the road.

- \_\_\_ 400 Rocky Cliff Road from Highway 93 to Airport Road
- 350 \_\_\_ Rogers Lake Road from Highway 2 to Sickler Creek Road
- \_\_\_ 400 Rogers Road for the entire length of the road.
- 350 \_\_\_ Rose Crossing from Whitefish Stage to Helena Flats.
- 350 \_\_\_ School Addition Road for the entire length of the road.
- 350 \_\_\_ Schrade Road from Hwy 93 to Whitefish Stage Road
- 350 \_\_\_ Shady Lane for the entire length of the road.
- 350 \_\_\_ Sickler Creek Road from Highway 2 to Rogers Lake Road. .
- 350 \_\_\_ Smith Lake Road from Whalebone Drive to Kila Road
- 350 \_\_\_ Snow Line Road from Highway 93 to the end of the road
- 350 \_\_\_ Somers Road for the entire length of the road.
- 350 \_\_\_ Somers Stage Road from Hwy 93 to the end of the road.
- 350 \_\_\_ South Fork Road from US Hwy 2 to Spotted Bear Road.
- 350 \_\_\_ South Hilltop Road from Talbot Road to Jellison Road.
- 350 \_\_\_ South Woodland Dr. from Woodland Ave. to Kelly Road.
- 350 \_\_\_ Spring Creek Drive for the entire length of the road.
- 350 \_\_\_ Springcreek Road from Hwy 93 to the end of the road.
- \_\_\_ 400 Spotted Bear Road from Old US 2 to South Fork Road
- 350 \_\_\_ Stillwater Road from Church Drive to Kalispell City Limits.
- 350 \_\_\_ Stoner Creek Road for the entire length of the road.
- 350 \_\_\_ Sullivan Crossroad for the entire length of the road.
- \_\_\_ 400 Sunset Drive for the entire length of the road.
- 350 \_\_\_ Swan Hill Road for the entire length of the road.
- 350 \_\_\_ Swan River Road from MT 83 to MT 209.
- 350 \_\_\_ Tamarack Creek Road from Hwy 93 N. to the end of the road.
- 350 \_\_\_ Tamarack Lane from 4th Ave NW to East Edgewood Drive.
- 350 \_\_\_ Tavern Lane for the entire length of the road.
- 350 \_\_\_ Thompson River Road from Highway 2 to County Line
- 350 \_\_\_ Tetrault Road for the entire length of the road.
- 350 \_\_\_ Three Mile Drive from West Springcreek to end of the road.
- 350 \_\_\_ Timber Lane for the entire length of the road.
- 350 \_\_\_ Trap Road for the entire length of the road.
- 350 \_\_\_ Truman Creek Road for the entire length of the road.
- 350 \_\_\_ Trumble Creek Road for the entire length of the road.
- 350 \_\_\_ Twin Acres Drive for the entire length of the road.
- 350 \_\_\_ Twin Bridges Road from Lodgepole Road to Farm-to-Market.
- 350 \_\_\_ Voerman Road for the entire length of the road.
- 350 \_\_\_ Vonderheide Lane for the entire length of the road.
- 350 \_\_\_ Walsh Road from Hwy 2 to South Hilltop Road.
- 350 \_\_\_ West Evergreen from Highway 2 to Whitefish Stage Road
- 350 \_\_\_ West Springcreek from Highway 2 to Three Mile Drive
- 350 \_\_\_ West Valley Drive for the entire length of the road.
- 350 \_\_\_ Whalebone Drive for the entire length of the road.
- \_\_\_ 400 Whitefish Stage from Kalispell City Limits to Reserve
- 350 \_\_\_ Wiley Dike Road for the entire length of the road.
- 350 \_\_\_ Wishart Road for the entire length of the road.
- 350 \_\_\_ Wolf Creek Road for the entire length of the road.
- 350 \_\_\_ Yoeman Hall from Hwy 206 E. to the end of the road.

Variances may be granted by permit obtained through the County Road Department.

BE IT FURTHER RESOLVED, that this resolution shall be effective March 6, 2008 and shall be in effect until load limits are removed by motion of this Board.

Dated this 4<sup>th</sup> day of March, 2008.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

By/s/Dale Lauman  
Dale Lauman, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

**MEETING W/ B. J. GRIEVE/ PLANNING & ZONING OFFICE RE: KALVIG RESIGNATION/ IMPACT FEE COMMITTEE**

11:04:25 AM

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Assistant Planning & Zoning Director B J Grieve, County Attorney Jonathan Smith, Clerk Kile

Grieve reported the resignation of Ken Kalvig needs to be accepted by the Commission per the Impact Fee Committees by-laws. He then asked for authorization to publish a notice of a vacancy on the board.

Commissioner Lauman made a **motion** to accept the resignation of Ken Kalvig and authorized the publication of a notice of a vacancy on the board. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

**MEETING W/ SHANE STACK/ MDOT RE: COURTHOUSE COUPLET**

[11:07:14 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Public Works Director Dave Prunty, Shane Stack, Ben Nunnally, Clerk Kile

Discussion was held relative to the status of the Courthouse Couplet which has been postponed until 2012. Shane Stack stated that an (SEIS) Supplemental Environmental Impact Study still needs to be done before final design can move forward. He then noted that any structures that are over 50 years old become 4-F properties and require an SEIS.

Chairman Hall stated that the County has outgrown their facilities and are in the process of preparing plans for the future. He then asked if the State could purchase the right-of-way ahead of time.

Shane Stack noted that they have advanced acquisition that they can do on some projects, but given the environmental concerns they are limited to what they can do with advanced acquisition.

Discussion was also held relative to the time involved in having an SEIS done and whether it could be started sooner.

Shane Stack added that they would need the money to be available before it is started and that the cost could be one million. He then reviewed the pending MDOT projects pending in Flathead County.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: AG & SAG CLUSTERING SETBACKS TEXT AMENDMENT/ FLATHEAD COUNTY ZONING REGULATIONS**

[11:48:12 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

County Attorney Jonathan Smith, Clerk Kile

Harris noted the Flathead County Planning Board reviewed the proposed Zone Text Amendment and conducted a public hearing on December 12, 2007; on a roll call vote the text amendment motion passed unanimously as amended. He then noted that the resolution is a house keeping issue in regards to clustering provisions, which will make cross referencing easier to understand in the zoning regulations.

Commissioner Lauman made a **motion** to approve AG & SAG Clustering Setbacks Text Amendment Resolution #955GS. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 955 GS

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 23<sup>rd</sup> day of January, 2008, concerning a proposal to change the text of the Flathead County Zoning Regulations which would amend the Bulk and Dimensional Requirements for Sections 3.04.040 (Agricultural, AG-80), 3.05.040 (Agricultural, AG-40), 3.06.040 (Agricultural, AG-20) 3.07.040 (Suburban Agricultural, SAG-10) and 3.08.040 (Suburban Agricultural, SAG-5) in the Flathead County Zoning Regulations to clarify that residential clustering setbacks for AG and SAG districts found in the Performance Standards are different from setbacks set forth in the AG and SAG districts where clustering is not employed;

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 Flathead County Planning Board regarding the proposed amendment;

WHEREAS, based upon that recommendation and the testimony of the public, 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. 955 GR dated January 23, 2008) to amend the Bulk and Dimensional Requirements for Sections 3.04.040 (Agricultural, AG-80), 3.05.040 (Agricultural, AG-40), 3.06.040 (Agricultural, AG-20) 3.07.040 (Suburban Agricultural, SAG-10) and 3.08.040 (Suburban Agricultural, SAG-5) in the Flathead County Zoning Regulations to clarify that residential clustering setbacks for AG and SAG districts found in the Performance Standards are different from setbacks set forth in the AG and SAG districts where clustering is not employed and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on January 28 and February 4, 2008, and the Board of Commissioners did not receive written protests to the change from forty percent (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 Flathead County Zoning Regulations by amending the Bulk and Dimensional Requirements for Sections 3.04.040 (Agricultural, AG-80), 3.05.040 (Agricultural, AG-40), 3.06.040 (Agricultural, AG-20) 3.07.040 (Suburban Agricultural, SAG-10) and 3.08.040 (Suburban Agricultural, SAG-5) in the

Flathead County Zoning Regulations to clarify that residential clustering setbacks for AG and SAG districts found in the Performance Standards are different from setbacks set forth in the AG and SAG districts where clustering is not employed.

DATED this 4<sup>th</sup> day of March, 2008.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By \_\_\_\_\_  
Joseph D. Brenneman, Member

ATTEST:  
Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

**TAKE ACTION: RAINBOW I SUBDIVISION**

11:49:05 AM

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kile

Chairman Hall stated as a matter of record preliminary plat approval for Rainbow I Subdivision expired on March 2, 2008 and is now a dead file; it will not go to final plat.

**MEETING W/ HANNAH PLUMB/ FLATHEAD YOUTH HOME**

11:50:39 AM

Members present:

Chairman Gary D. Hall  
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Hannah Plumb, Sheila Smith, Pat Warnecke, Lance Isaak, Clerk Kile

Hannah Plumb the Development Coordinator for Flathead Youth Homes reviewed the program that has been in operation for the past 11 years assisting youth in finding security, a sense of belonging and a place to call home while they remain in the community, stay in their school and also remain close to their families. She then noted that they are the only short term non-profit shelter in North West Montana. Plumb then stated they receive their referrals from area youth courts, mental health facilities and the Department of Child and Family Services.

Sheila Smith with Western Montana Health Center noted that many of the youth have significant mental health problems and before the Youth Home came to the valley, they were struggling to find ways to deal with youth that were in a crisis situation. She then said that they would often end up in detention with the cost being paid by the County and that there is tremendous pressure on the correctional system. Smith added that through the health services they are able to keep the youth out of the hospital which in turn saves the county money.

Commissioner Lauman commented that in Health Board meetings they have talked about the increase of mental health services that are needed with substance abuse within families.

Pat Warnecke with Flathead County Youth Court noted that prior to the opening of Youth Homes the Detention Center was always full, and the county would then have to transfer kids out of the county which cost the taxpayers. He then said since the Youth Home has opened it has saved the county millions of dollars. Warnecke then added that after 48 – 72 hours they can be released to a controlled setting like the Youth Home which has 24 / 7 supervision; the difference in cost while they are in detention is \$225.00 / day that they have to appropriate and when they are sent to the Youth Home the cost drops to \$98.00 a day that the state pays.

Lance Isaak the Flathead Youth Home Director noted that the Youth Home is committed to the kids. He then spoke about the program saving the County money and said that they came today to see if the County would subsidize them \$36 thousand dollars a year. The cost of running the Youth Home is \$350 thousand a year.

**Commissioner Brenneman to Interoperability Project Directors meeting in Helena**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 5, 2008.

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**WEDNESDAY, MARCH 5, 2008**

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

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

#### **FINAL PLAT: ISLAND LAKE ESTATES**

[9:41:37 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianne Broadie, Clerk Kile

Broadie reviewed the application submitted by Tungsten Holdings, Inc., with technical assistance from Flathead Geomatics for final plat approval of Island Lake Estates; a subdivision creating 4 residential lots. Island Lake Estates is located on the western edge of the county, off Island Lake Road north west of Marion. Preliminary plat approval was granted on July 31, 2007, subject to 14 conditions.

Discussion was held relative to condition #1 in regards to the road. It will be changed to state: The roads are in place and built to county standards.

Commissioner Lauman made a **motion** to approve final plat of Island Lake Estates with amended compliance of condition #1. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

#### **FINAL PLAT: WILKE ESTATES**

[9:49:23 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianne Broadie, Clerk Kile

Broadie reviewed the application submitted by George and Lauralee Wilke with technical assistance from Flathead Geomatics for final plat approval of Wilke Estates; a subdivision creating 3 residential lots. Wilke Estates is located north of Tally Lake and west of Hwy 93 between Whitefish and Olney. Preliminary plat approval was granted on April 10, 2006, subject to 14 conditions.

Commissioner Brenneman noted that the buyer should be made aware that there is no permanent easement provided to the property from the Forest Service. He then stated that Flathead County in no way guarantees that there will always be access on Forest Service roads. Also noted was the letter from the Forest Service doesn't guarantee access either.

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

#### **FINAL PLAT: STONEFIELD ESTATES**

[9:57:12 AM](#)

Members present:

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

Others present:

Planner Dianne Broadie, Joe Kauffman, Clerk Kile

Broadie reviewed the application submitted by Lonnie and Shirley Mitchell with technical assistance from Big Sky Surveying for final plat approval of Stonefield Estates; a subdivision creating 4 residential lots. Stonefield Estates is located east of Farm to Market Road on Stonefield Lane and north of Lost Creek Drive. Preliminary plat approval was granted on June 4, 2007, subject to 16 conditions.

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

#### **MEETING W/ RAEANN CAMPBELL/ HUMAN RESOURCE OFFICE RE: EVALUATION OF SHELTER STAFFING**

[10:04:55 AM](#)

Members present:

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

Others present:

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

General discussion was held relative to keeping the full time position intact at the Animal Shelter.

Commissioner Brenneman made a **motion** to continue the full time position until the next fiscal budget cycle. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ANNEXATION INTO BIG MOUNTAIN FIRE DISTRICT/BLAKE & HAYES**

10:41:26 AM

Members present:

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

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Clerk Kile

Commissioner Brenneman made a **motion** to approve Resolution #2123 and authorized the publication of the Notice of Passage of Resolution of Intent to annex property into the Big Mountain Fire District and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 2123

WHEREAS, Section 7-33-2125, M.C.A., allows for annexation of adjacent property into a fire district upon petition by at least 40% of the owners in an area to be annexed and approval by the Trustees of the Fire District;

WHEREAS, a petition was received from 100 % of the owners of property that is currently in the Whitefish Fire Service Area, to be annexed into the Big Mountain Fire District and that petition was approved by the Board of Trustees of the Big Mountain Fire District;

WHEREAS, the property to be annexed is described on Exhibit A hereto and shown on Exhibit B;

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 Big Mountain Fire District 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 Whitefish Fire Service Area by transferring the property described on Exhibit A into the Big Mountain 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 Big Mountain Fire District on the 24<sup>th</sup> day of March, 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 accept written protests from property owners of the property described above and will receive general protests and comments relating to the alteration of the boundaries of the Whitefish Fire Service Area and the Big Mountain Fire District.

BE IT FURTHER RESOLVED that notice of the passage of this resolution of intent and of the scheduling of the public hearing shall be published pursuant to the terms of Section 7-1-2121, M.C.A.

Dated this 5<sup>th</sup> day of March, 2008.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

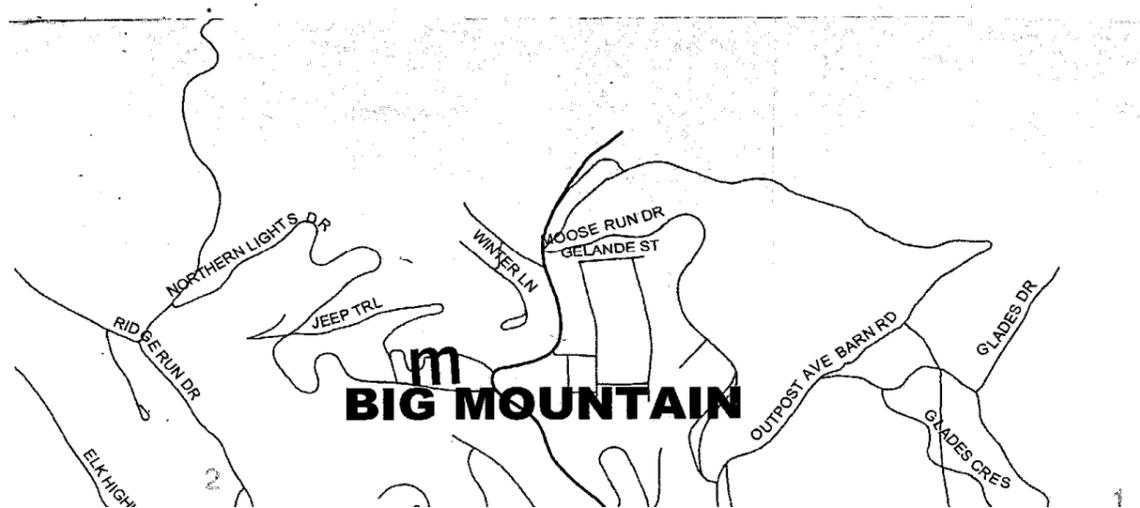
By/s/Dale W. Lauman  
Dale W. Lauman, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

**"Exhibit A"**

Lots 1, 2, 3, 4 and common area A-1 and A-2 of the Plat of Eagle's Nest 2005 in Section 2, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.



NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners has received a petition to annex certain property now located in the Whitefish Fire Service Area into the Big Mountain Fire District. The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 2123) on March 5, 2008, to amend the boundaries of the Whitefish Fire Service Area.

The proposed boundary change is for the purpose of transferring the following property from the Whitefish Fire Service Area into the Big Mountain Fire District:

Lots 1, 2, 3, 4 and common area A-1 and A-2 of the Plat of Eagle's Nest 2005 in Section 2, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.

A public hearing will be held on the 24<sup>th</sup> day of March, 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 accept written protests from property owners of the property described above and will receive general protests and comments relating to the alteration of the Whitefish Fire Service Area boundaries, and the annexation of the property into the Big Mountain Fire District.

DATED this 5<sup>th</sup> day of March, 2008.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

Publish on March 10 and March 17, 2008.

**TAKE ACTION: EAST VIEW ESTATES**

[10:43:30 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Clerk Kile

Chairman Hall stated as a matter of record preliminary plat approval for East View Estates is now a dead file; it will not go to final plat.

**BOARD APPOINTMENTS: FIRE SERVICE AREA COMMITTEE**

[10:46:48 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to appoint M. Glenn Koldodejchuk as the Middle Fork Area Representative to the Fire Service Area Committee. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CANYON AREA LAND USE REGULATORY SYSTEM TEXT AMENDMENT**

10:47:30 AM

Members present:

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

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Clerk Kile

Commissioner Brenneman made a **motion** to approve the publication of the Notice of Public Hearing for Canyon Area Land Use Regulatory System and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman 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 the Middle Canyon Land Use Advisory Committee to change the Canyon Area Land Use Regulatory System (CALURS), by clarifying the overall purpose of the CALURS, improve consistency and clarity in the interpretation of the document and make administrative updates in the Middle Canyon Zoning District. The changes would include clarifying that CALURS is primarily a residential zone, clarifying nonconforming use status and permitting for expansion, clarifying when Minor Land Use review and Major Land use are appropriate, eliminating industrial activity areas as minor and major land uses and adding mineral resource/gravel extraction to the definition of industrial use.

The amendments to the Canyon Area Land Use Regulatory System would affect the property within the Canyon Area previously zoned under the Canyon Area Land Use Regulatory System (CALURS).

The proposed Canyon Area Land Use Regulatory System Regulations and the proposed changes thereto are on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at:

<http://www.co.flathead.mt.us/fcpz/drafts.html>

The public hearing will be held on the **24th** day of **March, 2008**, at **10:00** o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed amendment to the Canyon Area Land Use Regulatory System.

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

DATED this 5th day of March, 2008.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

Publish on March 10 and March 17, 2008.

**11:00 a.m. County Attorney meeting @ Co. Atty's Office**  
**1:00 p.m. Commissioner Brenneman to Excel II Class @ I.T.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 6, 2008.

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**THURSDAY, MARCH 6, 2008**

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

**7:00 a.m. Commissioner Lauman to Prerelease Center Working Committee meeting @ The Triangle Bldg.**  
**8:30 a.m. Commissioner Lauman to AOA TAB meeting @ Eagle Transit**  
**12:00 p.m. Commissioner Brenneman to Rotary @ Hilton Garden Inn**  
**5:00 p.m. Commissioner Lauman to LHC Trade Show @ Outlaw Inn**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 7, 2008.

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**FRIDAY, MARCH 7, 2008**

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

**8:00 a.m. Commissioner Brenneman to Mosquito Board meeting @ Earl Bennett Building**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 10, 2008.

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