
MONDAY, MARCH 10, 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/ JAY SCOTT, FAIRGROUNDS

9:06:05 AM

Members present:

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

Others present:

Fair Director Jay Scott, Clerk Kile

Discussion was held relative to events that are being scheduled for the upcoming fair season, changes in accounting software and changes that will be made in regards to gate fee prices. He then noted that Senior Citizens Day and kid's day will be discontinued with discounted gate fees instead.

PRELIMINARY PLAT: SADDLEHORN SUBDIVISION, RESUBDIVISION OF SITES 1-6

9:30:26 AM

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Mike Fraser, Frank Landis, Doug Averill, Ralph Walton, Clerk Kile

Hogle entered into record Staff Report FPP 07-35. He then reviewed the application submitted by Saddlehorn, LLC with technical assistance from Thomas, Dean & Hoskins, Fraser Consulting & Management and Cache Creek Consulting for preliminary plat approval of Saddlehorn I, First Amended Plat; a major subdivision that would create 39 residential lots. The applicant is proposing to re-subdivide six of the seven "Future Residential Development Sites" created from Saddlehorn I in 2006 into 39 single family townhouse, cabin and camp lots (28 single family townhouse lots, 10 single family cabin lots and one single family camp lot) and 3 Common Area lots. Access to Future Residential Development sites 1 - 6 and all proposed lots is from the internal subdivision road network that was established with the final approval of Saddlehorn I (FFP 07-32) and the first amendment to the PUD (FFPUD 07-02). The primary access for lots within this proposal is from Hwy 35 via Lower Ranch Road, Barn Dance Trail, Saddlehorn Trail and Chief Cliff Trail. Saddlehorn I and the Future Residential Development Sites are located within a Planned Unit Development overlay in the Bigfork SAG-5 Suburban Agricultural Zoning District. Hogle then reviewed Findings of Fact 1-15.

Discussion was held relative to driveway grades in which Mike Fraser explained that they didn't show finished elevations for the units; that they will be above the highest elevation with cut and fill to meet driveway standard.

Discussion was also held relative to numbering concerns in regards to conditions that will be corrected.

Mike Fraser stated that he understood that the conditions he had would be the basis of what would be acted upon today and would like an opportunity to see the conditions before they are approved.

Hogle then noted the Planning Board recommended a change to condition #4 and added condition #21.

Discussion was then held relative to approach permits, primary access roads and impact studies.

Hogle stated that a standard in the Subdivision Regulations is to acquire all pertinent approach permits.

Doug Averill noted that he thinks an approach permit is already in place.

Commissioner Brenneman made a **motion** to adopt staff report FPP 07-35. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve preliminary plat of Saddlehorn Subdivision, Re-subdivision of Sites 1-6, subject to amended conditions 1-21 pending review of them by the applicant. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

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. The applicant shall provide an updated approach permit from the Montana Department of Transportation that specifically includes the number of lots introduced by this subdivision. [Section 4.7.17, FCSR]
3. Except for sewer and water lines, underground utilities (if placed in the road right-of-way or easement) shall be located between the roadway and the right of way or easement line to simplify location and repair of lines. These underground facilities shall be installed after the road has been brought to grade and before it is surfaced. Utility lines shall be designed by utility firms in cooperation with the subdivider, subject to all applicable laws and all rules and regulations of any appropriate regulatory authority having jurisdiction over such facilities. At the time of final plat, letters shall be provided from the

appropriate utilities stating that the lines constructed meet these requirements and any of their additional requirements. [Section 4.7.24, FCSR]

4. Utility easements shall be at a minimum 10 feet wide unless otherwise specified by the utility company. These easements shall be shown on the face of the final plat. [Section 4.7.24(c), FCSR]
5. The proposed water and sewage treatment systems and storm drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Sections 4.7.21 and 4.7.22, FCSR]
6. The applicant shall comply with reasonable fire suppression and access requirements of the Bigfork Fire District. A letter from the fire chief stating requirements have been met shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
7. 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 and implemented. 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]
8. 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]
9. 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]
10. 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(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.24, FCSR]
 - c. Lot owners are notified they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler.
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed.
 - f.

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

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

11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), MCA]
12. 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]
13. 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]
14. Preliminary plat approval is valid for three years. [Section 4.4.20, FCSR]

UNIQUE CONDITIONS

15. The applicant shall obtain and submit an approved approach permit from the Montana Department of Transportation pertinent to the approach of Ranch Road onto Montana Highway 35 prior to or concurrent with final plat.
16. The applicant shall submit an engineer certified driveway profile for all lot accesses (driveways) prior to or concurrent with final plat.
17. The Final PUD Plan shall be submitted and approved prior to or concurrent with final plat in order to maintain the average density standard of 2.5 acres/unit, as approved with the original Saddlehorn SAG-5 PUD.
18. The applicant shall submit an updated service plan for approval to the Bigfork Water and Sewer District. This plan shall include detailed information regarding service to the uses proposed in this application, specifically including 39 additional residential units.
19. The following statements shall appear on the face of the final plat:
 - g. Only Class A and Class B fire-rated roofing materials are allowed.
 - h. Defensible Space Standards and Firewise practices shall be incorporated around all primary structures.
20. The following statements shall appear on the face of the final plat:
 - i. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal, as it not only has negative impacts on the animals themselves, it increases the presence of dangerous predatory animals. Lot owners are encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
 - i. Keeping dogs under owner control at all times.
 - ii. Using bear-proof garbage containers, stored inside garages or other secure facilities.
 - iii. Removing obvious sources of food.
 - iv. Securing compost piles with electrical fencing.
 - v. Feeding pets indoors or bringing food dishes in at night.

vi. Placing bird feeders out of reach of deer and other big game. [76-3-608, MCA]

21. All infrastructure improvements shall be constructed in conformance with the approved standards outlined in the Final PUD Plan.

MID-YEAR POLICY VISIT W/ GREG JACKSON/ MACo JPIA

10:07:33 AM

Members present:

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

Others present:

Clerk & Recorder Paula Robinson, HR Director Raeann Campbell, Joe Garza Finance Comptroller, Robin Boon, Kim Thomas, Brad Salonen, Greg Jackson, Clerk Kile

Jackson stated that he came to present the MACo JPIA Mid Year Policy report. He then reviewed the financial status of the property liability policy, which included the history of incurred losses, financial statements, claims and reserve number analysis.

Discussion was also held in regards to Eagle Transit and the Transportation Authority.

Jackson then noted that not only in Flathead County but other counties as well a lot of money is being channeled through the Department of Transportation, with the objective of consolidating local transportation services into providing transportation to the public. Jackson said that they will be putting together a rational recommendation from an insurance perspective as to what the counties should be doing with the cooperative programs.

Discussion was also held relative to loss control measurers.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CADY ZONE CHANGE/ EVERGREEN & VICINITY ZONING DISTRICT

10:52:29 AM

Members present:

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

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing for the Cady Zone Change/ Evergreen & Vicinity Zoning District and authorized the Chairman to sign. Commissioner Brenneman **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 Richard Cady, to change the zoning designation in a portion of the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to R-2 (One-Family Limited Residential).

The boundaries of the area proposed to be amended from R-1 to R-2 are the boundaries of Lots 8, 9 and 10 of Block 1 in Scenic Tracts Subdivision in Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

The proposed change would generally change the character of the zoning regulations applicable to the property from a residential district, with a minimum lot size of one acre, intended to provide estate type development, normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc., to a residential district, with a minimum lot size of 20,000 square feet, intended to provide for large tract development, in suburban areas, beyond sanitary sewer and/or water lines.

The regulations defining the R-1 and R-2 Zones are contained in the Flathead County Zoning Regulations, 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://co.flathead.mt.us/fcpz/index.html>

The public hearing will be held on the **25th day of March, 2008, at 11:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

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

DATED this 10th 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 13 and March 20, 2008.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: FOSTER ZONE CHANGE/ BLANCHARD LAKE ZONING DISTRICT

[10:52:32 AM](#)

Members present:

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

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to authorize the publication of the Notice of Public Hearing for the Foster Zone Change/ Blanchard Lake Zoning District 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 Richard Foster, Judy Thornton, and Whitefish Village, LLC, Andrea Adams, Mark S. and Donna C. Lies, Norman and Patricia Wendt and Whitefish Hills Forest, LLC, to change the zoning designation in portions of the Blanchard Lake Area and Highway 93 North Zoning Districts from AG-40 (Agricultural) and AG-20 (Agricultural) to SAG-10 (Suburban Agricultural) and SAG-5 (Suburban Agricultural).

The boundaries of the areas proposed to be changed from the AG-40 and AG-20 classification to the SAG-10 and SAG-5 classifications are set forth on Exhibit "A" hereto.

The proposed change would generally change the character of the zoning regulations applicable to the property from those intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to regulations intended to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development. The AG-20 classification has a minimum lot size of 20 acres and the AG-40 classification has a minimum lot size of 40 acres; a change to SAG-10 would result in a minimum lot size of 10 acres and to SAG-5 would result in a minimum lot size of 5 acres.

The regulations defining the AG-40, AG-20, SAG-10 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, 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/index.html>

The public hearing will be held on the **1st day of April, 2008, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the proposed amendment to Blanchard Lake Area and Highway 93 North Zoning Districts.

DATED this 10th 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 13 and March 20, 2008.

EXHIBIT "A"

REQUEST FOR ZONE CHANGE FROM AG-40 AND AG-20 TO SAG-10 and SAG-5

The boundaries of the property proposed for rezoning are the boundaries of two properties containing approximately 1,107 acres, one located on Brady Way, Stelle Lane and US Highway 93 South, described as Tract 4 in Section 26, Tract 4 in Section 25, Tracts 2E, 3F, 4, 5, 5-100 in Section 24, and Tract 5BA in Section 23, to be zoned SAG-5; and one located on KM Ranch Road and Whitefish Ranch Road, described as Tracts 1, 2, 2B and 4A in Section 22, Tracts 1, 2, 2A, 3, 3A, and 3B in Section 23 and Tracts 1, 5, and 5B and Lot 12 in Whitefish Hills, Phase 1, in Section 14, to be zoned SAG-10; all in Township 30 North, Range 22 West, P.M.M., Flathead County Montana.

MEETING W/ DAVE PRUNTY RE: HODGE CREEK RESERVE SUBDIVISION CASH-IN-LIEU

[10:54:55 AM](#)

Members present:

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

Others present:

Public Works Director Dave Prunty, Operations Manager Guy Foy, Erica Wirtala, Clerk Kile

General discussion was held relative to Hodge Creek Reserve Subdivision, condition #25 that reads: The applicant shall donate an amount equal to the expense of paving 1,000 feet of Ashley Lake Road to county standards. The donation shall be used exclusively for paving Ashley Lake Road. Prunty noted that a bid estimate was provided from WWM Engineering for \$57,000.00 for cash-in-lieu of paving. He then said that they would be happy to take the money and put it into a fund

earmarked just for Ashley Lake Road and use it when improvements are made. He then stated that he is asking for direction from the Commission.

Wirtala said they have no problem paying the \$57,000.00 as cash-in-lieu of paving, but to have it diverted to putting in culverts or gravel improvements isn't what it was intended for. She then added if it was diverted to dust abatement that it would be better used with the neighbors complaining about dust.

Chairman Hall stated that he would like to see the money used for paving and doesn't want to see it put into a fund.

Prunty said in light of where they are going with RSID's, that if it is put into a fund and earmarked for paving that when an RSID is organized that it could go towards that cost.

Commissioner Lauman stated that he agreed that the dust issue is the greatest issue they have.

Chairman Hall said he wants to send the message that if someone is going to do a subdivision; they will have to pave the road in front of it.

Commissioner Brenneman said he would be in favor of putting the money into a fund and used as deemed appropriate by the Road Department. He then added if the feeling is that it needs to go towards paving, then putting it into a fund to be used at such time that they have plans to pave the entire road would be okay; that it could be used for an engineering study for an RSID.

Chairman Hall stated that there are not enough people living on the road to make an RSID happen.

General discussion was held relative to what would be the best decision for the road.

Commissioner Lauman made a **motion** to authorize the applicant to pave 1,000 feet adjacent to the hwy. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

COS REVIEW: FREDENBERG

[11:16:42 AM](#)

Members present:

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

Others present:

Mark Roedell, Orin Fredenberg, Glenna Fredenberg, Clerk Kile

Hagemeier reviewed the family transfer request with the subject parcel located on Trumble Creek Road west of Glacier Park International Airport.

Discussion was held relative to the history of the property.

Commissioner Brenneman then reviewed the criteria of Resolution 509D and asked Mark Roedell if the grantor would benefit by the transfer of the property.

Glenna Fredenberg stated that the purpose of the family transfer is estate planning.

Commissioner Brenneman asked if the property would be sold.

Glenna Fredenberg stated that their original intent for the property was to give it to the Yellowstone Boys & Girls Ranch of Montana, and after discussions with the president of the Ranch, they were told they would rather have the cash instead of the actual property. She then added they have no intentions of leaving their home.

Mark Roedell reviewed from a map the history of the property.

Commissioner Brenneman made a **motion** to approve the Fredenberg family transfer request. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 11, 2008.

TUESDAY, MARCH 11, 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/ LAURIE REBUCK, JUVENILE DETENTION CENTER

[9:33:37 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:
 Commissioner Dale W. Lauman
 Others present:
 Juvenile Detention Director Laurie Rebuck, Clerk Kile

General discussion was held relative to Detention Center facilities and concern in regards to their budget.

BUDGET AMENDMENT: SHERIFF'S OFFICE

10:09:13 AM

Members present:
 Chairman Gary D. Hall
 Commissioner Joseph D. Brenneman
 Members absent:
 Commissioner Dale W. Lauman
 Others present:
 Sheriff Mike Meehan, Kathy Moore, Clerk Kile

Meehan reported the budget amendment request is to reimburse expenses incurred during the Chippy Creek, Brush Creek and Skyland fire per the co-op agreement. The purpose is to reimburse overtime, fuel cost, work comp and unemployment.

Commissioner Brenneman made a **motion** to approve Budget Resolution #2125. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

BUDGET AMENDMENT RESOLUTION NO. 2125

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2007-2008, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2007-2008; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 11th 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: _____
 Dale W. Lauman, Member

ATTEST:
 Paula Robinson, Clerk

By/s/Diana Kile
 Diana Kile, Deputy

Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2300		172000		Revenue		7,295,533.00
2300		242000		Expenditures	7,255,276.00	
2300	0209	331082		Forest Service Fires	171,802.00	
2300	0209	420110	120	Overtime		234,552.00
2300	0209	420110	141	Unemployment		42,629.00
2300	0209	420110	142	Work Comp		158,946.00
2300	0209	420110	231	Gas, Oil, Diesel		138,181.00
Figures used to add to budget						

57,542.15	84,044.99	20,214.80	Revenue/Expenses	161,801.94		
Chippy	Brush	Skyland				
41,930.72	61,337.48	14,026.66	OT	117,294.86		
10,482.67	15,334.37	3,506.67	Unemp	29,323.71		
2,503.26	3,661.85	837.39	Work comp	7,002.50		
2,625.50	3,711.29	1,844.08	Fuel	8,180.87		
57,542.15	84,044.99	20,214.80	161,801.94	161,801.94		
6,565.05	10210.75	2,370.44	Fica,Medi,Retirement	2370-0200-360000		
These amounts were deposited to the 2370 fund to cover Fica, Medicare, and Retirement portions from sheriff's fire overtime						
Explanation:						
These state of emergency expenditures were not budgeted for FY08.						

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

[10:08:13 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Dale W. Lauman

Others present:

Planner George Smith, Clerk Kile

Commissioner Brenneman made a **motion** to adopt Resolution #797EQ to change zoning in the Evergreen Zoning District. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 797 EQ

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 24th day of January, 2008, to consider a proposal to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to B-1 (Neighborhood/Professional Business);

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

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

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 797 EP, dated January 24, 2008) to change the zoning designation from R-1 (Suburban Residential) to B-1 (Neighborhood/Professional Business); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on January 29 and February 5, 2008, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Evergreen and Vicinity Zoning District to change the zoning designation, for the area described as the boundaries of Tract 5E in Section 33, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, from R-1 (Suburban Residential) to B-1 (Neighborhood/Professional Business), as those terms are used and defined in the Flathead County Zoning Regulations.

DATED this 11th 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

ATTEST:
Paula Robinson, Clerk

By: _____
Dale W. Lauman, Member

By/s/Diana Kile

Diana Kile, Deputy

BOARD APPOINTMENT: ANIMAL ADVISORY COMMITTEE & SMITH VALLEY VOLUNTEER FIRE DEPT.

[10:18:55 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Dale W. Lauman

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to appoint Carmen O'Brien to the Animal Advisory Committee. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to delay the board appointment consideration for approximately 2 weeks for Smith Valley Volunteer Fire Department. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: QUITCLAIM DEED/ TIM WOODS, CHUBB LANE

[10:06:18 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Dale W. Lauman

Others present:

County Attorney Jonathan Smith, Debbie Boreson, Eric Mulcahy, Clerk Kile

Mulcahy reported that Tim Woods is doing a boundary line adjustment and the County is doing a QCD to the owner, who will in exchange grant the County an easement.

Commissioner Brenneman made a **motion** to approve the QCD to Tim Woods. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

MONTHLY MEETING W/ MARK PECK, OES

[10:35:27 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Dale W. Lauman

Others present:

OES Director Mark Peck, Myron Boulden, Clerk Kile

Peck reported interviews were held for the Fire Service Manager position in which they hope to make a decision this week. He then spoke about the Fire Chief's meeting that was held, the retirement of Allen Chrisman and prevention mitigation plans. Peck then reviewed the 911 Dispatch event statistics, location of the new 911 Call Center and reported that as of May 15, 2008 they will be qualified as a Type 3 Team.

MEETING W/ JEFF HARRIS, PLANNING AND ZONING OFFICE RE: ECHO LAKE WAVE RESTRICTIONS

[11:11:56 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Dale W. Lauman

Others present:

Planning & Zoning Director Jeff Harris, Planner George Smith, Clerk Kile

Smith reported a group of cabin owners on Blackie's Bay have petitioned the FWP to waive the 200 foot wake restriction on the western portion of the lake. He then noted the Regional Director of FWP feels the restrictions should be in place and asked for support from the Commission.

General discussion was held relative to the cost to lakeshore land owners for the erosion being caused.

Harris then stated if the restriction is removed it will cause them more work, cost the property owners more and over time cost the taxpayers to clean up the lake.

Chairman Hall asked why the county is getting involved in something the FWP has always taken care of.

Harris then said that they don't get involved in management of the lake that it is a state responsibility; yet there is a direct relationship to the shoreline in regards to the county.

Chairman Hall stated that restricting recreation didn't set well with him.

Smith then reviewed a map that shows the areas where the boats need to slow down, where wakes have already caused erosion.

Commissioner Brenneman stated that he wholeheartedly endorsed the restriction and encouraged the Commission to write a letter. He then added that quite clearly this falls in the realm of necessary action to protect private property rights, that people who own property have a right to have their property protected.

Harris then added they are not supporting them doing anything other than what they have already done.

DOCUMENT FOR SIGNATURE: FLATHEAD CONSERVATION DISTRICT GRANT APPLICATION

[11:27:06 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Dale W. Lauman

Others present:

Larry VanRinsum, Patti Mason, Clerk Kile

Patti Mason stated that she applied for a grant from DEQ and were funded approximately 86 percent and she is now applying for another grant from DNRC and needs verification of the counties mill levy.

Commissioner Brenneman made a **motion** to approve the grant application for the Flathead Conservation District and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

1:15 p.m. 911 meeting @ Justice Center

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 12, 2008.

WEDNESDAY, MARCH 12, 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.

11:00 a.m. County Attorney meeting @ Co. Atty's Office
4:00 p.m. Commissioner Lauman to GPHC @ First Interstate Bank

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 13, 2008.

THURSDAY, MARCH 13, 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.

Bruce Ruby, 105 Springcreek Road, stated that he has been reading the lighting zoning regulations which are vague. He then asked what it would take to improve them.

Commissioner Brenneman said it would require overlay zoning and more administration than the county has the capability to provide. He then added that when plans come before them they add what they can during preliminary plat.

Charles Lapp read the following letter from Jim Dupont in regards to the doughnut area: "Over the past several weeks, I have been repeatedly asked to give my thoughts regarding the "doughnut" issue in Whitefish. I would have been here today, but have contracted the flu and cracked a couple of ribs as a result of a fall; however, I do wish to make a statement. I have spent 30 years in service to Flathead County, 4 terms as the elected Sheriff winning my last election by over 91% of the vote. One of my top priorities in all of those years was protecting the rights of the people. I would never promote or endorse any agreement that would remove the fundamental right of the people to vote for those that govern them, or that would allow regulations to be placed upon the use of their property without representation within the governing body. That being said, I would encourage you to resolve this issue as soon as possible, so that these good people can have appropriate direction in the use of their property".

Charles Lapp, 3230 Columbia Falls Stage Road commented that he was on the Columbia Falls Planning Board when the doughnut area in Whitefish was approved and that the City of Columbia Falls wrested with having the same extra territorial jurisdiction over their lands as to where do we want this to go. Lapp said if you look at the Columbia Falls map it is not at all any kind of circle or line around the city limits; it goes to where they thought the growth would go that Columbia Falls would either be servicing or should have some say in. He then closed with saying the Whitefish area definitely needs to be fixed.

Earl Holbeck, 320 N. Foy's Lake Drive stated that he has 40 acres in the doughnut area and is concerned. He then read the emergency ordinance out of MCA which states: "If an agency finds that an eminent peril to the public health, safety or welfare

requires adoption of a rule upon fewer than 30 days notice, and states in writing its reason for that finding it may proceed upon special notice filed with the committee without prior notice or hearing upon the abbreviated notice, and hearing that it finds practical to adopt a emergency rule. The rule may be effective for a period not longer than 120 days (and we all know that it went well over that) after which a new emergency rule with substantially the same text may not be adopted, but the adoption of identical rule under article 2.4.302 is not precluded. Because the exercises of emergency rule making power precludes the peoples constitutional right to prior notice and participation in the operations of their government it constitutes the exercise of extraordinary power requiring extraordinary safeguards against abuse. An emergency rule may be adopted only in circumstances that truly and clearly constitute an existing eminent peril to public health, safety or welfare that cannot be averted or remedied by any other administrative act. The sufficiency's of the reason for finding of eminent peril to the public of health, safety or welfare is subject to judicial review upon sufficiency of the petition by any person the matter must be set for a hearing at the earliest possible time and takes precedence over all other matters, except older manners of the same. Holbeck then said what he is trying to say is there are a number of different MCA Codes that he could go on about. He then asked where the eminent danger was. Whose life or property was in peril? The spirit of the law is to protect the people and it didn't happen; somehow, someway Whitefish government was able to skirt what was suppose to protect them. He then asked that the agreement be rescinded.

Jeff Jensen, 320 Blanchard Hollow stated that he has two pieces of property that are impacted by what the City of Whitefish is doing. He then said that he agreed with comments made by Charles Lapp that instead of drawing a two mile circle the city should have to justify where they are going to expand too. Jensen noted that he is taxed by those controlling his property, but cannot vote for them and asked that the agreement be rescinded.

Tom Thomas said that wars were fought in order to win our freedom and that a serious mistake was made and now needs to be corrected. In response to Mr. Brenneman's question in regards to what it would cost the county to do the planning in the doughnut, he stated that currently Whitefish has done no planning for the doughnut; they are in a serious no growth policy. He then said the reason they want no growth is because they don't get the 2% tax on anything that is done in the doughnut area. They also don't get any impact fees. Thomas stated that they have made it very clear that they will not allow growth in the area. He further stated there are 1,600 lots set to be built upon in Whitefish and until 800 of the lots are built upon there will be no trigger point. It was then said if you go to a city council meeting they will tell you that they want everything downtown and nothing on the outskirts; this increases the value of the downtown properties and decreases the value of anything on the other side of Hwy 40. Thomas stated with all the new laws and rules the people of the doughnut, which includes 4,700 people and 20,000 acres of land cannot even move.

Larry Campbell a resident of the doughnut area asked why he should be treated any differently than a person who lives 2 ½ miles from the city. He then noted that he is paying taxes to the county who is suppose to be representing him; instead he is being dictated too, by the City of Whitefish. Campbell then stated that the county isn't giving him representation for the taxes he pays and he doesn't have a vote for those that are controlling him. He then asked that the resolution be rescinded.

Denise Smith, Executive Director of Flathead Business and Industry Association asked that the Interlocal Agreement between the City of Whitefish and Flathead County for Extra Territorial Jurisdiction, Resolution 1783A be rescinded. She then said FBIA was first approached last fall by several business owners in the Whitefish area requesting assistance in regards to issues affecting them, and since that time they have also begun to hear from Whitefish residents who are feeling disenfranchised and not represented. In the United States of America we have a democracy that allows us to elect individuals that we feel represent our interests, and if you feel that you are not being represented well you can work to send a clear message the next election cycle. Smith stated that is not the case in the City of Whitefish; decisions are being made that affect over 4,000 people that cannot be involved in the process if you live in the doughnut area. The City of Whitefish has stated that they want to resolve this issue, however, the situation continues to be discussed but there is no effort to listen to the residents living in the doughnut area.

Brent Hall encouraged the Commission to rescind the agreement unanimously. He then said that we can't let a few people dictate for many with Whitefish wanting to form a county within the county.

Roland Horst business and property owner within the county said that an injustice is happening. He then stated that we have a group of people who are not represented and have no voice that need to be treated like everyone else.

Ben Cavin a resident of the doughnut area said that they are entitled to representation. He then added that it seems prudent to him to wait and see if the representation provided is adequate.

Dave Kauffman a property owner inside and outside Whitefish city limits said that it is erroneous that you don't have any input to decisions on what directly affects your property. He then asked that they be freed from the bonds.

Jack Siliger a resident of the doughnut area stated that he was born and raised in Whitefish and after moving back doesn't like what he sees with the government.

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

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING

[9:16:39 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, County Attorney Jonathan Smith, Clerk Kile

Harris presented a workload report to the Commission that summarized applications, violations and projects processed by staff, which included:

- 10 Major Subdivision Applications, 1 Minor Subdivision Application, 11 Final Plat Applications, 5 Pre-application requests

- 6 Conditional Use Permits, 8 Zoning Map Amendments, 4 Zoning Text Amendments, 2 Zoning Variance Applications
- 24 Floodplain Development Permits, 9 Floodplain Violations, 1 Floodplain Map Amendment, 8 Joint Floodplain/Lakeshore Permits
- 9 Lakeshore-only Permits (such as docks, waterlines, etc.), 2 Lakeshore Variances
- 44 Zoning Violations, 30 Community Decay Violations, 2 Subdivision Violations
- Administration of FEMA, Appendix C Implementation Plan, Researching original West Valley Zoning boundary, Impact Fee Committee, Weekly Resolution 509 Evasion Review, Conservation Easement Reports, 2008 MAP conference, Subdivision Regulations update, Transportation Plan, Water Quality Management Plan grant proposal, CTEP Projects, Neighborhood Plans

Discussion was also held relative to an alternative site for holding the North Shore Ranch Planning Board hearing.

CONTINUATION OF CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: PLANNING BOARD RECOMMENDATION TO ADOPT APPENDIX C/ IMPLEMENTATION PLAN WITHOUT OTHER CHANGES – GROWTH POLICY

[9:45:47 AM](#)

Members present:

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

Others present:

County Attorney Jonathan Smith, Assistant Planning & Zoning Director B J Grieve, David Greer, Clerk Kile

Grieve noted that comments were received from Paul McKenzie with FH Stoltz Lumber and David Greer with Plum Creek.

Discussion was held relative to suggested language changes from the comment letters received.

Commissioner Brenneman made a **motion** to direct B J Grieve to schedule a workshop with the Commission, David Greer and Paul McKenzie in attendance to review the suggested changes with the proper notices. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

TAKE ACTION: BALES CREEK SUBDIVISION

[10:04:20 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, County Attorney Jonathan Smith, Clerk Kile

Discussion was held relative to the expiration date of Bales Creek Subdivision that will expire on March 17, 2008.

Jeff Harris stated that the applicant has 30 days by statute to come in with a final. They also by statute are required to submit their final application 30 days prior to the termination date or request a one year extension.

Chairman Hall stated as a matter of record that this will be re-scheduled in approximately one month.

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: TOURIS & SNEED V. COUNTY

[10:07:47 AM](#)

Members present:

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

Others present:

County Attorney Jonathan Smith, Tammy Fisher, Clerk Kile

Jonathan Smith noted this is for a zone change that was denied by the Commission on February 14, 2008.

Commissioner Brenneman made a **motion** to accept service for Touris & Sneed vs. Flathead County. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

BUDGET AMENDMENTS: HEALTH DEPARTMENT & SHERIFF'S OFFICE

[10:08:29 AM](#)

Members present:

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

Others present:

County Attorney Jonathan Smith, Sheriff Mike Meehan, Karen Moore, Clerk Kile

Meehan reviewed the grants that were received.

Commissioner Lauman made a **motion** to approve Budget Resolution #2127 for the Sheriff's Office. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

BUDGET AMENDMENT RESOLUTION NO. 2127

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2007-2008, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2007-2008; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 13th 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

BUDGET ENTRY / RESOLUTION # 2127

Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESC	DEBIT	CREDIT
2936		101000		Cash		
2936		132001		Due from Other Governments		
2936		172000		Revenue		21,987.00
2936		201000		Warrants Payable		
2936		207100		Claims Vouchers Payable		
2936		211000		Interfund Loans Payable		
2936		242000		Expenditures	21,987.00	
2936		271000		Fund Balance		
2936		272500		Adj to Prior Years Accounting Records		
2936	0209	300000		Revenue Closing Account		
2936	0209	331151		National Children's Alliance	21,987.00	
2936	0209	400000		Expenditure Closing Account		
2936	0209	420110	110	Salaries		13,020.00
2936	0209	420110	120	Overtime		1,000.00
2936	0209	420110	141	Unemployment		61.00
2936	0209	420110	142	Industrial Accident		253.00
2936	0209	420110	143	Health Insurance		2,614.00
2936	0209	420110	144	FICA		832.00
2936	0209	420110	145	Pers		1,002.00
2936	0209	420110	147	Medicare Tax		195.00

2936	0209	420110	150	Life Insurance	17.00
2936	0209	420110	320	Printing	833.75
2936	0209	420110	370	Travel	2,159.25
Award Period: January 1, 2008- December 31, 2008					
CFDA# 16.543					
AIN: KALI-MT-NMPD08					
Explanation					
National Children's Alliance Grant					
					43,974.00

Commissioner Brenneman made a **motion** to approve Budget Resolution #2126 for the Health Department. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

BUDGET AMENDMENT RESOLUTION NO. 2126

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2007-2008, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2007-2008; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 13th 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

FISCAL YEAR 2007

DATE OF ISSUE: 3/6/2008		FY 08			VOUCHER #:	
DATE OF RECORD:					Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2977	0190	331127		Bioterrorism Grant	41,402.00	
2977	0190	440155	215	Comp Equip/Sftwr/Hrdwr/Supplies	3,796.00	
2977	0190	440155	345	Telephone		1,950.00
2977	0190	440155	398	Other Contracted Services		1,601.00
BUDGET AMENDMENT					45,198.00	3,551.00

The Bioterrorism contract was more than anticipated. (See attached) We won't be using carry over \$ now.

Expense adjustments made. Approved by: Joe Russell

Date: 3/6/2008

COUNTY OF FLATHEAD
GENERAL JOURNAL VOUCHER
FISCAL YEAR 2007

DATE OF ISSUE: 3/5/2008		FY 08			VOUCHER #:	
DATE OF RECORD:					Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2270	0222	440175	311	Postage	50.00	
2270	0222	440175	398	Other Contracted Services		50.00
BUDGET AMENDMENT					50.00	50.00

MTAP has no postage expense, but there is other contracted services expense.

Approved by: Joe Russell

Date: 3/5/2008

GENERAL JOURNAL VOUCHER
FISCAL YEAR 2007

DATE OF ISSUE: 3/5/2008		FY 08			VOUCHER #:	
DATE OF RECORD:					Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2980	0190	331129		Obesity Prevention	676.00	
2980	0190	36000		Misc Revenue	5,200.00	
2980	0190	440110	110	Salaries		5,730.00
2980	0190	440110	141	Unemployment		26.00
2980	0190	440110	142	Industrial Accident		62.00
2980	0190	440110	143	Health Insurance		932.00
2980	0190	440110	144	FICA		355.00
2980	0190	440110	145	PERS		397.00
2980	0190	440110	147	Medicare Tax		83.00
2980	0190	440110	150	Life Insurance		7.00
2980	0190	440110	210	Office Supplies	275.00	
2980	0190	440110	228	Educational Supplies	1,000.00	
2980	0190	440110	229	Other Operational Supplies		418.00
2980	0190	440110	378	Travel	75.00	
2980	0190	440110	380	Training		75.00
2980	0190	440110	398	Other Contracted Services	859.00	
BUDGET AMENDMENT					8,085.00	8,085.00
Obesity revenue is more than expected. (See attached)						
Obesity is receiving \$5,200 from the Forest Service for Get Moving Flathead.						
					Approved by: Joe Russell	
					Date: 3/5/2008	

GENERAL JOURNAL VOUCHER
FISCAL YEAR 2007

DATE OF ISSUE: 2/28/2008		FY 08			VOUCHER #:	
DATE OF RECORD:					Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2971	0190	331141		WIC		12,177.00
2971	0190	440171	110	Salaries	11,843.00	
2971	0190	440171	143	Health Insurance	3,731.00	
2971	0190	440171	144	FICA	1,378.00	
2971	0190	440171	145	PERS	607.00	
2971	0190	440171	147	Medicare Tax	323.00	
2971	0190	440171	210	Office Supplies		1,290.00
2971	0190	440171	222	Chem/Lab/Medical Supplies		291.00
2971	0190	440171	228	Educational Supplies		750.00
2971	0190	440171	311	Postage	250.00	
2971	0190	440171	335	Memberships/Registrations		50.00
2971	0190	440171	363	Machine Repair/Maint	250.00	
2971	0190	440171	370	Travel		24.00
2971	0190	440171	378	Travel		100.00
2971	0190	440171	398	Contracted Services		3,700.00
BUDGET AMENDMENT					18,382.00	18,382.00
WIC Contract was less than anticipated. (See Attached) Revenue & Expenses didn't balance on original Budget.						
3 months is from FY07 Contract (7/07-9/07) & 9 months is from FY08 Contract (10/07-6/08)						
					Approved by: Joe Russell	
					Date: 2/28/2008	

**GENERAL JOURNAL VOUCHER
FISCAL YEAR 2007**

DATE OF ISSUE: 2/28/2008		FY 08			VOUCHER #:	
DATE OF RECORD:					Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2971	0190	331141		WIC		11,926.00
2971	0190	440171	110	Salaries	11,843.00	
2971	0190	440171	143	Health Insurance	3,731.00	
2971	0190	440171	144	FICA	1,378.00	
2971	0190	440171	145	PERS	607.00	
2971	0190	440171	147	Medicare Tax	323.00	
2971	0190	440171	210	Office Supplies		1,290.00
2971	0190	440171	222	Chem/Lab/Medical Supplies		291.00
2971	0190	440171	228	Educational Supplies		750.00
2971	0190	440171	311	Postage	250.00	
2971	0190	440171	335	Memberships/Registrations		50.00
2971	0190	440171	363	Machine Repair/Maint	250.00	
2971	0190	440171	370	Travel		24.00
2971	0190	440171	378	Travel		100.00
2971	0190	440171	398	Contracted Services		3,700.00
BUDGET AMENDMENT					18,382.00	18,131.00

WIC Contract was less than anticipated. (See Attached) Revenue & Expenses didn't balance on original Budget.

3 months is from FY07 Contract (7/07-9/07) & 9 months is from FY08 Contract (10/07-6/08)

Approved by: Joe Russell

Date: 2/28/2008

FISCAL YEAR 2007

DATE OF ISSUE: 3/6/2008		FY 08			VOUCHER #:	
DATE OF RECORD:					Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
1000	0217	344010		Animal Control	745.00	
1000	0217	351050		Animal Shelter Fines		4,500.00
1000	0217	365000		Donations	6,000.00	
1000	0217	440600	110	Salaries	27,767.00	
1000	0217	440600	120	Overtime		8,000.00
1000	0217	440600	130	Accum Sick & Vacation		2,206.00
1000	0217	440600	142	Industrial Accident		438.00
1000	0217	440600	212	Small Item Equipment		1,000.00
1000	0217	440600	220	Operational Supplies		8,000.00
1000	0217	440600	222	Chem/Lab/Med Supplies	2,500.00	
1000	0217	440600	231	Gas Oil Diesel		6,000.00
1000	0217	440600	311	Postage	700.00	
1000	0217	440600	335	Memberships/Registrations	1,250.00	
1000	0217	440600	370	Travel	1,000.00	
1000	0217	440600	380	Training Services		1,500.00
1000	0217	440600	552	Credit Card Charges		550.00
1000	0217	440600	900	Capital Outlay		5,523.00
BUDGET AMENDMENT					39,962.00	37,717.00

Animal Control adjustments to revenue & expenses.

Won't need to use as much Carry Over as projected.

Approved by: Joe Russell

Date: 3/6/2008

DATE OF ISSUE:		3/6/2008		VOUCHER #:		
DATE OF RECORD:		FY 08		Entered by:		
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2270	0222	411200	110	Salaries	250.00	
2270	0222	411200	120	Overtime		250.00
2270	0222	440110	110	Salaries	60.00	
2270	0222	440110	120	Overtime		60.00
2270	0222	440110	228	Educational Supplies		1,413.00
2270	0222	440110	229	Other Operational Supplies	1,413.00	
2270	0222	440110	311	Postage		200.00
2270	0222	440110	335	Memberships/Registrations		3,000.00
2270	0222	440110	340	Utilities	5,800.00	
2270	0222	440110	345	Telephone		500.00
2270	0222	440110	361	Rep Main Mtr Veh		1,800.00
2270	0222	440110	378	Travel		300.00
2270	0222	440130	110	Salaries	300.00	
2270	0222	440130	378	Travel		300.00
2270	0222	440140	120	Overtime		50.00
2270	0222	440140	130	Accum Sick & Vacation		50.00
2270	0222	440140	212	Small Item Equipment	750.00	
2270	0222	440140	229	Other Operational Supplies		250.00
2270	0222	440140	231	Gas Oil Diesel		500.00
2270	0222	440140	370	Travel		100.00
2270	0222	440140	378	Travel	100.00	
2270	0222	440140	510	Insurance	100.00	
2270	0222	440150	110	Salaries	2,401.00	
2270	0222	440150	120	Overtime		100.00
2270	0222	440150	130	Accum Sick & Vacation		1,200.00
2270	0222	440150	210	Office Supplies		1,701.00
2270	0222	440150	212	Small Item Equipment		650.00
2270	0222	440150	215	Comp Equip/Sftwr/Hrdwr/Supplies	3,000.00	
2270	0222	440150	228	Educational Supplies		400.00
2270	0222	440150	229	Other Operational Supplies		3,800.00
2270	0222	440150	231	Gas Oil Diesel		150.00
2270	0222	440150	311	Postage	500.00	
2270	0222	440150	345	Telephone		400.00
2270	0222	440150	370	Travel		50.00
2270	0222	440150	378	Travel	50.00	
2270	0222	440150	510	Insurance	2,500.00	

BUDGET AMENDMENT

Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2270	0222	TAX \$ NEEDED		Tax \$	85,000.00	
2270	0222	344150		Well Child Clinic Fees	29,334.00	
2270	0222	440158	110	Salaries		73,333.00
2270	0222	440158	141	Unemployment		236.00
2270	0222	440158	142	Industrial Accident		647.00
2270	0222	440158	143	Health Insurance		7,098.00
2270	0222	440158	144	FICA		4,022.00
2270	0222	440158	145	PERS		5,086.00
2270	0222	440158	147	Medicare Tax		940.00
2270	0222	440158	150	Life Insurance		74.00
2270	0222	440158	210	Office Supplies		2,063.00
2270	0222	440158	215	Comp Equip/Sftwr/Hrdwr/Supplies		112.00
2270	0222	440158	222	Chem/Lab/Medical Supplies		17,173.00
2270	0222	440158	228	Educational Supplies		1,202.00
2270	0222	440158	229	Other Operational Supplies		2,071.00
2270	0222	440158	345	Telephone		77.00
2270	0222	440158	378	Travel		200.00
2270	0222	331124		FAS Grant \$		2,607.00
2270	0222	344130		FAS Medicaid	6,596.00	
2270	0222	440159	110	Salaries		7,730.00
2270	0222	440159	141	Unemployment		31.00
2270	0222	440159	142	Industrial Accident		89.00
2270	0222	440159	143	Health Insurance		536.00
2270	0222	440159	144	FICA		426.00
2270	0222	440159	145	PERS		536.00
2270	0222	440159	147	Medicare Tax		100.00
2270	0222	440159	150	Life Insurance		10.00
2270	0222	440159	210	Office Supplies	750.00	
2270	0222	440159	228	Educational Supplies	1,000.00	
2270	0222	440159	229	Other Operational Supplies	2,500.00	
2270	0222	440159	311	Postage	100.00	
2270	0222	440159	345	Telephone	100.00	
2270	0222	440159	378	Travel	500.00	
2270	0222	440159	380	Training	519.00	
				BUDGET AMENDMENT	143,623.00	143,623.00

These are the budget amendments for Health. I've written comments on the attached trial balance.

Approved by: Joe Russell

Date: 3/6/2008

FISCAL YEAR 2007

DATE OF ISSUE: 3/5/2008		FY 08			VOUCHER #:	
DATE OF RECORD:					Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2974	0191	331139		Consortia III		9,000.00
2974	0191	440156	110	Salaries	6,661.00	
2974	0191	440156	141	Unemployment	30.00	
2974	0191	440156	142	Industrial Accident	72.00	
2974	0191	440156	143	Health Insurance	1,242.00	
2974	0191	440156	144	FICA	413.00	
2974	0191	440156	145	PERS	462.00	
2974	0191	440156	147	Medicare Tax	97.00	
2974	0191	440156	150	Life Insurance	8.00	
2974	0191	440176	210	Office Supplies	15.00	
2974	0190	331139		Consortia III	9,000.00	
2974	0190	440156	110	Salaries		6,661.00
2974	0190	440156	141	Unemployment		30.00
2974	0190	440156	142	Industrial Accident		72.00
2974	0190	440156	143	Health Insurance		1,242.00
2974	0190	440156	144	FICA		413.00
2974	0190	440156	145	PERS		462.00
2974	0190	440156	147	Medicare Tax		97.00
2974	0190	440156	150	Life Insurance		8.00
2974	0190	440156	210	Office Supplies		15.00
BUDGET AMENDMENT					18,000.00	18,000.00

Consortia III should be in #0190, we no longer use # 0191.

Approved by: Joe Russell

Date: 3/5/2008

FISCAL YEAR 2007

DATE OF ISSUE: 3/4/2008		FY 08			VOUCHER #:	
DATE OF RECORD:					Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2972	0190	331142		Title X		6,251.00
2972	0190	331143		MCH		785.00
2972	0190	331144		Title X Lab	1,152.00	
2972	0190	331147		Preventive Hlth	613.00	
2972	0190	331149		General Fund	68,845.00	
2972	0190	343130		Medicaid		5,000.00
2972	0190	344060		Hlth Clinic Services	12,845.00	
2972	0190	365000		Donations		14,445.00
2972	0190	440173	110	Salaries		55,641.00
2972	0190	440173	141	Unemployment		251.00
2972	0190	440173	142	Industrial Accident		602.00
2972	0190	440173	143	Health Insurance		13,755.00
2972	0190	440173	144	FICA		3,450.00
2972	0190	440173	145	PERS		5,512.00
2972	0190	440173	147	Medicare Tax		807.00
2972	0190	440173	150	Life Insurance		71.00
2972	0190	440173	210	Office Supplies		790.00
2972	0190	440173	212	Small Item Equipment	500.00	
2972	0190	440173	215	Comp Equip/Software/Upgrade		2,300.00
2972	0190	440173	222	Chem/Lab/ Med Supplies		29,200.00
2972	0190	440173	311	Postage		220.00
2972	0190	440173	345	Telephone		360.00
2972	0190	440173	378	Travel	802.00	
2972	0190	440173	380	Training		1,238.00
2972	0190	440173	398	Other Contracted Services	5,425.00	
2972	0190	440173	510	Insurance	600.00	
BUDGET AMENDMENT					90,782.00	140,678.00

Family Planning Contract was more than anticipated. (See Attached)

\$62,284 in Carry Over \$ will be used. The revenue will then balance the expenses.

Approved by: Joe Russell

Date: 3/4/2008

FISCAL YEAR 2007

DATE OF ISSUE: 3/5/2008		FY 08			VOUCHER #:	
DATE OF RECORD:					Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2970	0191	331132		Consortia		10,000.00
2970	0191	440176	110	Salaries	1,024.00	
2970	0191	440176	141	Unemployment	5.00	
2970	0191	440176	142	Industrial Accident	11.00	
2970	0191	440176	143	Health Insurance	98.00	
2970	0191	440176	144	FICA	63.00	
2970	0191	440176	145	PERS	71.00	
2970	0191	440176	147	Medicare Tax	15.00	
2970	0191	440176	150	Life Insurance	1.00	
2970	0191	440176	311	Postage	93.00	
2970	0191	440176	351	Med/Dental/Pharmacy	8,520.00	
2970	0191	440176	378	Travel	100.00	
2970	0190	331132		Consortia	10,000.00	
2970	0190	440176	110	Salaries		2,720.00
2970	0190	440176	141	Unemployment		12.00
2970	0190	440176	142	Industrial Accident		24.00
2970	0190	440176	143	Health Insurance		394.00
2970	0190	440176	144	FICA		165.00
2970	0190	440176	145	PERS		189.00
2970	0190	440176	147	Medicare Tax		39.00
2970	0190	440176	150	Life Insurance		1.00
2970	0190	440176	311	Postage		112.00
2970	0190	440176	351	Med/Dental/Pharmacy		6,195.00
2970	0190	440176	378	Travel		150.00
BUDGET AMENDMENT					20,001.00	20,001.00

Consortia II should be in #0190, we no longer use # 0191.

Approved by: Joe Russell

Date: 3/5/2008

FISCAL YEAR 2007

DATE OF ISSUE:		3/6/2008		VOUCHER #:		
DATE OF RECORD:				Entered by:		
				FY 08		
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2200	0227	4407	142	Industrial Accident		1,640.00
2200	0227	4407	215	Comp Equip/Sftwr/Hdwr/Supplies		11,300.00
2200	0227	4407	222	Chem/Lab/Medical Supplies	5,000.00	
2200	0227	4407	228	Educational Supplies	1,300.00	
2200	0227	4407	398	Other Contracted Services	6,640.00	
				BUDGET AMENDMENT		
					12,940.00	12,940.00

This will adjust Mosquito expenses.

Approved by: Joe Russell

Date: 3/6/2008

GENERAL JOURNAL VOUCHER
FISCAL YEAR 2007

DATE OF ISSUE:		3/6/2008		VOUCHER #:		
DATE OF RECORD:				Entered by:		
				FY 08		
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2374	0224.	440180	110	Salaries	2,320.00	
2374	0224.	440180	120	Overtime		820.00
2374	0224.	440180	378	Travel		1,500.00
				BUDGET AMENDMENT		
					2,320.00	2,320.00

This will adjust Home Health expenses.

Approved by: Joe Russell

Date: 3/6/2008

FISCAL YEAR 2007

DATE OF ISSUE:		3/5/2008		VOUCHER #:		
DATE OF RECORD:				Entered by:		
				FY 08		
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2968	0190	440110	110	Salaries	25,543.00	
2968	0190	440110	130	Accum Sick & Vacation		5,074.00
2968	0190	440110	141	Unemployment	101.00	
2968	0190	440110	142	Industrial Accident	242.00	
2968	0190	440110	143	Health Insurance	3,986.00	
2968	0190	440110	144	FICA	1,386.00	
2968	0190	440110	145	PERS	1,551.00	
2968	0190	440110	147	Medicare Tax	325.00	
2968	0190	440110	150	Life Insurance	25.00	
2968	0190	440110	228	Educational Supplies		12,839.00
2968	0190	440110	345	Telephone		200.00
2968	0190	440110	378	Travel		263.00
2968	0190	440110	380	Training		500.00
2968	0190	440110	398	Other Contracted Services		14,283.00
				BUDGET AMENDMENT		
					33,159.00	33,159.00

This will adjust Tobacco expenses.

Approved by: Joe Russell

Date: 3/5/2008

FISCAL YEAR 2007

DATE OF ISSUE:		3/5/2008		VOUCHER #:		
DATE OF RECORD:		FY 08		Entered by:		
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2967	0190	331138		Cancer Program Grt	26,180.00	
2967	0190	440110	210	Office Supplies		126.00
2967	0190	440110	215	Comp Equip/Sftwr/Hdwr/Supplies		68.00
2967	0190	440110	228	Educational Supplies	2,758.00	
2967	0190	440110	311	Postage		1,625.00
2967	0190	440110	345	Telephone		330.00
2967	0190	440110	398	Other Contracted Services		609.00
				BUDGET AMENDMENT	28,938.00	2,758.00

Cancer contract with more than expected. We will not be using any carry over \$ as projected.

Approved by: Joe Russell
Date: 3/5/2008

GENERAL JOURNAL VOUCHER
FISCAL YEAR 2007

DATE OF ISSUE:		2/28/2008		VOUCHER #:		
DATE OF RECORD:		FY 08		Entered by:		
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2979	0190	440140	110	Salaries		5,526.00
2979	0190	440140	130	Accum Sick & Vacation		135.00
2979	0190	440140	143	Health Insurance	5,881.00	
2979	0190	440140	345	Telephone		220.00
				BUDGET AMENDMENT		
					5,881.00	5,881.00

Air Quality budget expense adjustments for FY08.

Approved by: Joe Russell
Date: 2/28/2008

FISCAL YEAR 2007

DATE OF ISSUE:		2/28/2008		VOUCHER #:		
DATE OF RECORD:		FY 08		Entered by:		
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2978	0190	331137		TB Grant		2,000.00
2978	0190	440174	110	Salaries	1,521.00	
2978	0190	440174	141	Unemployment	11.00	
2978	0190	440174	142	Industrial Accident	15.00	
2978	0190	440174	143	Health Insurance	187.00	
2978	0190	440174	144	FICA	129.00	
2978	0190	440174	145	PERS	115.00	
2978	0190	440174	147	Medicare Tax	29.00	
2978	0190	440174	150	Life Insurance		1.00
				BUDGET AMENDMENT	2,007.00	2,001.00

TB Contract was less than expected. (See Attached)

TB has no carry over to use, so the initial expenses were over \$6. This will correct that.

Approved by: Joe Russell
Date: 2/28/2008

GENERAL JOURNAL VOUCHER

FISCAL YEAR 2007

DATE OF ISSUE: 2/28/2008		FY 08			VOUCHER #:	
DATE OF RECORD:					Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2964	0190	331125		Community Youth Suicide Prevention	8,850.00	
2964	0190	440113	398	Other Contracted Services		8,850.00
BUDGET AMENDMENT						
					8,850.00	8,850.00
Suicide Previon Contract was more than expected. (See Attached)						
					Approved by: Joe Russell	
					Date: 2/28/2008	

GENERAL JOURNAL VOUCHER
FISCAL YEAR 2007

DATE OF ISSUE: 3/5/2008		FY 08			VOUCHER #:	
DATE OF RECORD:					Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2272	0222	440110	130	Accum Sick & Vacation		794.00
2272	0222	440110	143	Health Insurance		2,715.00
2272	0222	440110	212	Small Item Equipment		1,100.00
2272	0222	440110	215	Comp Equip/Sftwr/Hrdwr/Supplies	1,759.00	
2272	0222	440110	222	Chem/Lab/Med Supplies	4,000.00	
2272	0222	440110	228	Educational Supplies		3,000.00
2272	0222	440110	335	Memberships/Registrations	1,000.00	
2272	0222	440110	345	Telephone		150.00
2272	0222	440110	380	Training Services	1,000.00	
BUDGET AMENDMENT					7,759.00	7,759.00
This will adjust EMS expenses.						
					Approved by: Joe Russell	
					Date: 3/5/2008	

FISCAL YEAR 2007

DATE OF ISSUE: 2/28/2008		FY 08			VOUCHER #:	
DATE OF RECORD:					Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2966	0190	331131		Radon Grant		145.00
2966	0190	3441		Radon Test Kit Sales	145.00	
BUDGET AMENDMENT						
Explanation					145.00	145.00
Radon Contract for FY08 was less than projected. (See attached)						
					Approved by: Joe Russell	
					Date: 2/28/2008	

Fund	Dept	ACTMITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2273	0222	440110	212	Small Item Equip	98,262.00	
2273	0222	440110	398	Other Contracted Services		156,262.00
2273	0222	440110	399	Other Contracted Serv-Spec Projects	58,000.00	
				BUDGET AMENDMENT	156,262.00	156,262.00

This will adjust Special EMS expenses.

DATE OF ISSUE: 2/28/2008				VOUCHER #:		
DATE OF RECORD:				Entered by:		
FY 08						
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2973	0190	331143		MCH	484.00	
2973	0190	344130		Medicaid		484.00
2973	0190	440170	351	Med/Dent/Pharmacy		382.00
				BUDGET AMENDMENT		
					484.00	866.00

MCH Contract was more than expected. (See Attached)

The MCH expenses didn't equal the revenue on the initial budget. It's adjusted here to balance.

Approved by: Joe Russell

DATE OF ISSUE: 2/28/2008				VOUCHER #:		
DATE OF RECORD:				Entered by:		
FY 08						
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2976	0190	331140		Immunizations	9,758.00	
2976	0190	440174	110	Salaries		7,184.00
2976	0190	440174	130	Overtime		8.00
2976	0190	440174	141	Unemployment		10.00
2976	0190	440174	142	Industrial Accident		75.00
2976	0190	440174	143	Health Insurance		1,329.00
2976	0190	440174	144	FICA		434.00
2976	0190	440174	145	PERS		593.00
2976	0190	440174	147	Medicare Tax		102.00
2976	0190	440174	150	Life Insurance		1.00
				BUDGET AMENDMENT	9,758.00	9,736.00

Immunization Contract was more than expected. (See Attached)

Immunizations has no carry over to use, so the initial expenses were over \$22. This will correct that.

Approved by: Joe Russell

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: BOARD ZONE CHANGE/ LOWER SIDE ZONING DISTRICT

10:12:01 AM

Members present:

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

Others present:

- County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Planner Andrew Hagemeyer, Clerk Kile

Commissioner Lauman made a **motion** to adopt Final Resolution #957BD to change the Lower Side Zoning District. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after publication of legal notice, on the 4th day of February, 2008 to consider a request to change the zoning designation in a portion of the Lower Side Zoning District from AG-80 (Agricultural) to AG-20 (Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Lower Side Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 956 CI, dated February 4, 2008) to change the zoning designation in a portion of the Lower Side Zoning District from AG-80 (Agricultural) to AG-20 (Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on February 7 and February 14, 2008, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Lower Side Zoning District to change the zoning designation for the area described as Parcel B of COS 14268 and Parcel A and B of COS 13766 in Section 35, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana and located on Lower Valley Road, from AG-80 to AG-20, as those terms are used and defined in the Flathead County Zoning Regulations.

DATED this 13th 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

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: TAYLOR & SPITLER ZONE CHANGE/ BIGFORK ZONING DISTRICT

[10:13:20 AM](#)

Members present:

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

Others present:

County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Planner Andrew Hagemeyer, Clerk Kile

Commissioner Brenneman made a **motion** to adopt Resolution #956CJ to change the Bigfork Zoning District. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 956 CJ

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 4th day of February, 2008, concerning a proposal to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

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

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

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 956 CI, dated February 4, 2008) to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on February 7 and February 14, 2008, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Bigfork Area Zoning District to change the zoning designation for the boundaries of Tracts 5A and 5AB in Section 17, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana located on the southwest corner of Mud Lake Road and Echo Lake Road at 1314 McCaffery Road containing 25.54 (Taylor – 12.8 and Spitler – 13.46) acres, from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations.

DATED this 13th 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

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC MEETING: BIGFORK STORM WATER PROJECT FACILITIES PROGRAM

[10:13:54 AM](#)

Members present:

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

Others present:

County Attorney Jonathan Smith, Clerk Kile

Commissioner Brenneman noted this public meeting has to do with grant money received to do the preliminary engineering review for the Bigfork Storm Water Project. He then added that part of the preliminary engineering review requirement is that two public meetings be held.

Commissioner Brenneman made a **motion** to authorize the publication of the Notice of a Public Meeting for the Bigfork Storm Water Project Facilities Program. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Notice of Public Meeting
Bigfork Area Stormwater Improvements

The Flathead County Commissioners invite the public to attend a public meeting on Tuesday, April 1, 2008 at 7:00 p.m. at Community United Methodist Church, 750 Electric Avenue, in Bigfork, Montana for the purpose of obtaining public comments regarding the Flathead County/Bigfork Stormwater Preliminary Engineering Report. The County's consulting engineer, Morrison-Maierle, Inc. will discuss the deficiencies thus far identified in the existing Bigfork area stormwater facilities. The County may be submitting grant applications to the Treasure State Endowment Program and the Montana Department of Natural Resources and Conservation and would like to obtain public comment on the project. At the public meeting everyone will be given the opportunity to express their opinions regarding this project.

Written comments are encouraged and may be submitted in advance of the public meeting to William A. Buxton, P.E., Morrison-Maierle, Inc., PO Box 8057, Kalispell, Montana 59904.

Dated this 13th day of March, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on March 18 and March 25, 2008 in the Daily Inter Lake.
Publish the week of March 17 and March 24, 2008 in the Bigfork Eagle.

CONSIDERATION OF RESCISSION: RESOLUTION #1783A (WHITEFISH COUNTY INTERLOCAL AGREEMENT FOR EXTRA TERRITORIAL JURISDICTION)

[10:32:03 AM](#)

Members present:

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

Others present:

County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Jeff Jensen, Denise M Smith, Earl Holbeck, Larry Campbell, Tom Thomas, Roland Horst, Brent Hall, Barbara Hall, Ben Cavin, Jack Siliger, David Kauffman, Jim Peck, Ted Dykstra Jr., George Culpepper, K. Schultz, Nick Palmer, Nancy Woodruff, Ruth Walsh, G. Cesnik, Greg Carter, Jeff Raper, Hunter Homes, Cynthia Dearing, Ardis Larsen, Jeff Larsen, Lee Patterson, Barb Fulk, Teddi Joham, K. Lynch, Don Feldman, Bob Chambers, Kevin Kerivan, Nancy Bogart, Keith Bogart, Rick Blake, David Skinner, Diane Smith, Michael Moffitt, David Pickeral, Susie Moore, Mary Alice Moffitt, John Phelps, Don Dulle, Ole Netteberg, Bruce Tutvedt, Joni McKervan, Joe

Shupert, R. J. Shupert, Judy S. Phillips, Lyle Phillips, John E Osweiler, Rick DeJana, Sean Frampton, Murray Craven, Clerk Kile

Chairman Hall explained that a public hearing is not scheduled today.

Chairman Hall then made a **motion** to rescind Resolution #1783A and adopt Resolution #1783B. Commissioner Lauman **seconded** the motion.

Commissioner Brenneman said that realistically if this is a done deal and a decision has been made as to what will be done, that we would be wasting everyone's time to sit here with the intentions of doing anything else. He then suggested that this would be the time for the Commissioners to think very clearly about the importance of establishing good public policy which is based upon looking at the facts and making an unemotional, unsentimental decision. He then asked where the adoption of the resolution would place them and what the status of the land in the doughnut area would be.

Chairman Hall said that he felt that would be determined as time evolves as it will more than likely be adjudicated in court. He then stated that in his opinion the rescission will basically stop the planning that is currently in place in Whitefish, and that there will be a time where things will be on hold until they decide what will happen as a result of the action taken today.

Commissioner Brenneman then said if he owned a piece of property in the doughnut area that as of today, he knows who the governing board is, he knows what the zoning is, and also knows what procedures he would need to go through to develop the land. If the resolution is adopted today he would no longer know who the governing board is or what the zoning is. He then added this will in effect stop all growth in the doughnut area until the case gets carried to whatever level of legal procedure it goes to; up to and including possibly the Supreme Court. He then asked if we would really as a matter of public policy say that we are going to in effect, do what we can to stop growth in the Whitefish doughnut area for possibly six years.

Chairman Hall said that he understands what is being said, but would contend with the current growth policy that has been implemented by the City of Whitefish that growth has been stopped in the Whitefish area.

Commissioner Brenneman then asked if he could point to him in the "Critical Land Ordinance" where the big problem is.

Chairman Hall said that we are not discussing the "Critical Land Ordinance", that they are discussing the Resolution.

Commissioner Brenneman then explained that a resolution is simply syllogistic logic where the "whereas" have to add up to make the valid argument of the "therefore". He then noted that the 4th "whereas" states : WHEREAS with the enactment of the Critical Area Ordinance by the Whitefish City Council on March 4, 2008, many donut area residents are significantly impacted by enormous costs, regulatory burdens, violation of property rights, and potential loss of property values. Brenneman said in light of the fact that this is one of the premises upon which they are considering the "therefore" he feels it is relevant to look at the ordinance and does not see where this precludes growth; it gives you things you have to do and as Commissioners they have regulations they have to follow and there are state law requirements that certain things be done.

Chairman Hall stated that he sat in on Whitefish City Council meetings while they were creating the document, where some of the brightest people he has ever known gave critical and scientific evidence that this is not a workable document. He then said that the rescission is not Commission driven, that it is public county residence driven. Hall then stated that if there were any questions that a member in the audience that sat through the "Critical Land Ordinance" meetings that also helped in creating the document he would like him to come forward to answer the questions.

Commissioner Brenneman then asked if after sitting through all the hearings if he could turn to a place that has come up again and again as being a problem.

Chairman Hall then asked if he had a question for Greg Carter.

Commissioner Brenneman said that he hoped the decision makers would be the ones that would be able to point out what it is that is difficult or impossible to do.

Chairman Hall then asked Greg Carter to come forward.

Commissioner Brenneman asked Mr. Carter if he would point to him an area that is particularly incomprehensible or difficult to follow through with.

Greg Carter then pointed to a section in the Matrix (pg 21-22) and said that it is a part of the ordinance that has confused more people with a number of Realtors being very concerned in that they don't understand it. He then asked Commissioner Brenneman if he understands what an angle of repose is.

Commissioner Brenneman then explained that he did.

Greg Carter continued with it is when you scoop up a bunch of dirt and pour it on the ground it forms a conic shape and the angle between the sides of the cone and the ground is the angle of repose.

Commissioner Brenneman then explained that in an irrigation ditch the angle of repose is the angle in which they can dig the ditch and the bank will stay stable.

Greg Carter then asked Commissioner Brenneman if he could see the confusion they are already having on the first item brought up. He then added that as far as the ordinance goes that his definition would not be correct. Carter then said that he has a Masters Degree in Civil Engineering, Civil Mechanics and Hydraulics, which is part of the reason he was asked to be on the committee. He then added that the ordinance ought to be understood by the ordinary citizen and that this has been run through numerous intelligent people who say they just can't understand it. Carter then said if you look at the matrix it requires that you hire a professional.

Commissioner Brenneman noted that the matrix only applies to land that has a 10% slope.

Greg Carter then stated that the City of Whitefish issued 70 building permits and only 4 of them were in the vicinity of what might be called critical conveyances, or that could have had the potential of degrading water quality.

Commissioner Brenneman further noted that presumably 95% of those affected would have staff come out and say that the matrix doesn't apply.

Greg Carter stated that the first thing you have to do is prove that it is a slope of 10% or less. If it is more then you have to run through the matrix and hire a professional, because the city is going to want the results from a professional. Carter then reviewed applications that he has submitted to the City of Whitefish Planning Office and stated that he doesn't feel constituents should be subjected to such an ordinance.

Commissioner Brenneman added that it is important when they are making decision to ensure that they are establishing good public policy. He then said that the area needs elected representation in order to have a voice on policies that are enacted on their property and that the City of Whitefish has some work to do in administering their policies, and that neither of these will be accomplished by passing this resolution.

Chairman Hall stated that he disagreed and feels they have been pushed to this point where they have to take action, with the Interlocal Agreement not working.

Commissioner Brenneman stated that the rescission would remove or lessen the incentive with them considering a Resolution that their own legal council says (inaudible).

Commissioner Lauman said that the most important thing to him is the 4,000 residents in the doughnut area that have no representation and that he regards it as regulation without representation. He then said he feels it is a property rights issue with those living there being highly effected by what's happening by the City Council of Whitefish, and yet they have no say. He then said that he received a phone call from a concerned citizen who purchased an expensive piece of property that is in the critical ordinance area that is concerned that their property will become unbuildable. It was then noted that a resident was appointed to the Flathead County Planning Board that lives within the doughnut area whose appointment had to be rescinded, because he doesn't live in the county. Lauman then said that his hope in rescinding the resolution would be that it would bring the parties together; that they would put their feet under the table and put the total agenda on the top of the table and discuss it. He then noted that he has 100 or more letters and e-mails from residents who are protesting the doughnut area that need to be heard and represented. He further encouraged the Whitefish City Council and County Commissioners to refocus and represent the residents in the doughnut area.

Chairman Hall reported that Mayor Jensen has proposed a meeting at the O'Shaughnessy Center inviting doughnut residents to attend. He then added that the Commission is dedicated to protecting water quality and the character of Whitefish and is willing to sit with the elected body to discuss planning and zoning, but not under the current configuration. Again he said the resolution is not Commission driven, but public and resident driven and is an action that must be taken.

Commissioner Brenneman then commented that he agrees with Commissioner Lauman and that his only disagreement is with the method of rescinding the resolution. He then noted that the resolution is fatally flawed and does not do what they are hoping to accomplish; that nothing would be lost if it was delayed for a month, which was suggested by a resident this morning during public comment period. He then added that once attorneys get involved that they would no longer be talking to each other, and the best policy decision right now would be to say we are going to wait and see.

Chairman Hall stated that having sat through the process and having talked to hundreds that they represent that he wishes they didn't have to do this, but they have discovered and learned that currently the county residents are not being heard after spending thousands of dollars and that action must be taken.

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

RESOLUTION NO. 1783 B

WHEREAS prior to 2005, the Whitefish City Council approached the Flathead County Board of Commissioners with a proposal to acquire by agreement jurisdiction over planning and zoning in the two mile radius surrounding the City of Whitefish (the so-called "donut area");

WHEREAS the Whitefish City Council assured the Board of Commissioners that if its proposal was adopted, the Council would ensure that the interests of the residents holding property within the donut area would be protected and their viewpoints would be afforded utmost consideration in Whitefish City Council's decision process;

WHEREAS in good faith, and in reliance upon the Whitefish City Councils' representations, Flathead County entered into the Interlocal Agreement with the City of Whitefish on February 1, 2005, purporting to give the City of Whitefish, within the two-mile radius surrounding the City of Whitefish, the:

sole power to 1) establish or alter zoning designations; adopt, administer, enforce and amend planning and zoning regulations, 2) consider and approve subdivisions and adopt, administer, enforce and amend subdivision regulations, 3) consider and approved lakeshore permits and adopt, administer, enforce, and amend lakeshore regulations, and 4) consider and approve floodplain permits and adopt, administer, enforce and amend floodplain regulations;

WHEREAS with the enactment of the Critical Area Ordinance by the Whitefish City Council on March 4, 2008, many donut area residents are significantly impacted by enormous costs, regulatory burdens, vitiation of property rights, and potential loss of property values;

WHEREAS prior to enactment of the Critical Area Ordinance, these donut area residents, who are unable to vote in Whitefish City elections, voiced their concerns to the Whitefish City Council, who failed to act in good faith and in accordance with its assurances by failing to give consideration to their concerns;

WHEREAS informal efforts to encourage the Whitefish City Council to act upon its past assurances and to listen to the donut area residents have not been successful;

WHEREAS the Whitefish City Council has violated the spirit of the Interlocal Agreement;

WHEREAS the Whitefish City Council seeks to utilize the Interlocal Agreement to impose unfair, burdensome, and extreme measures in regulating the County residents within the donut area;

WHEREAS Article II, Section 3 of the Montana State Constitution provides that "all persons are born free and have certain inalienable rights. They include the right [of]... acquiring, possessing and protecting property";

WHEREAS Article II, Section 8 of the Montana State Constitution provides that "the public has the right to expect

governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law”;

WHEREAS Article II, Section 4 of the Montana State Constitution provides that, “no person shall be denied the equal protection of the laws”;

WHEREAS the over 7,000 Flathead County residents living in the donut area surrounding the City of Whitefish do not have representation on the Whitefish City Council which pursuant to the Interlocal Agreement has final authority over zoning and planning regulations and decisions within this area;

WHEREAS due to the Whitefish City Council’s actions and despite the Whitefish City Council’s assurances to the contrary, it appears that the purported delegation of legislative authority to the Whitefish City Council via the 2005 Interlocal Agreement has now had the effect of disenfranchising over 7,000 Flathead County residents, preventing them from fully enjoying and protecting their property, and imparting disparate treatment by effectively vitiating their right of representation on regulatory land use bodies but maintaining representation for other County residents;

WHEREAS due to the actions of the Whitefish City Council, the Interlocal Agreement has now been used to violate fundamental constitutional rights bestowed upon property owners owning property within the donut area surrounding the City of Whitefish;

WHEREAS it is highly likely that donut area residents or others will file lawsuits challenging the City of Whitefish’s unfortunate actions; and

WHEREAS donut residents may include Flathead County as a defendant in these lawsuits because of Flathead County’s consent to the Interlocal Agreement which the City of Whitefish is now utilizing to enforce the Critical Area Ordinance against donut residents, thereby exposing Flathead County to liability for the City of Whitefish’s errant acts;

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, Montana, that it rescinds its consent to the 2005 Interlocal Agreement with the City of Whitefish.

DATED this 13th 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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

- 12:00 p.m. Bigfork Steering Committee Public Forum @ Bethany Lutheran**
- 12:00 p.m. Rotary @ Hilton Garden Inn**
- 2:00 p.m. Commissioner Lauman AOA Board meeting @ The Summit**
- 7:00 p.m. Road Advisory Committee meeting @ Solid Waste District Conference Room**
- 7:30 p.m. Fair Board meeting @ Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 14, 2008.

FRIDAY, MARCH 14, 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.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 17, 2008.
