
MONDAY, MARCH 17, 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 18, 2008.

TUESDAY, MARCH 18, 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.

Charles Lapp, 3230 Columbia Falls Stage Road spoke about concerns he has with liberties the planning staff takes in regards to their reports and also their interpretation of what is determined by the Commission.

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

[9:30:51 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Atkinson reported on the progress of acquiring a new AOA building in which a grant for CDBG money will be applied for. He then reported on the units of service and home delivered meals for the month.

Discussion was also held relative to the new commuter routes.

PUBLIC HEARING: CREATION OF STILLWATER ESTATES WATER & SEWER DISTRICT

[10:00:22 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Tara Fugina, Ron Copher, Ben Donahue, James Weaver, Dorothy D. Weaver, Terry Rothacher, Jack Endresen, Myron Boulden, Jim Florman, Clerk Kile

County Attorney Jonathan Smith reviewed the sequence of events that lead up to the public hearing. He then noted that an election will be held for the creation of Stillwater Estates Water and Sewer District.

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition of the creation of Stillwater Estates Water & Sewer District.

Ben Donahue, 170 E. Bowman Drive spoke in favor of creating the water and sewer district. He then noted that several homeowners were approached at a homeowners meeting last May to investigate the possibility of accepting the water system from Stillwater Utilities, who agreed to turn the system over at no cost to the homeowners.

Jack Endresen, Stillwater Utilities stated that an agreement was made to give the water system to the homeowners at no cost.

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

Commissioner Lauman stated that he felt they were moving in the right direction.

Commissioner Lauman made a **motion** to approve Resolution #2128 that would create Stillwater Estates Water & Sewer District. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 2128

WHEREAS, the Board of Commissioners of Flathead County, Montana, received a petition, pursuant to Section 7-13-2204, M.C.A., signed by more than 10 % of the owners of all property within the proposed district, requesting the creation of a county water and/or sewer district to be known as the Stillwater Estates County Water and/or Sewer District;

WHEREAS, the Board of Commissioners of Flathead County, Montana, published notice, on March 3 and March 10, 2008, of a public hearing on the petition to create a county water and/or sewer district to be known as the Stillwater Estates County Water and/or Sewer District;

WHEREAS, after publication of said legal notice, the Board of Commissioners conducted the public hearing, on March 18, 2008, regarding the proposed creation of the Stillwater Estates County Water and/or Sewer District; and

WHEREAS, the Board of Commissioners considered, at said hearing, the petition and those appearing thereon, and considered the fact that 0 written protests were filed with the county clerk and recorder prior to said hearing, by or on behalf of owners of taxable property situated within the boundaries of the proposed district.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of Flathead County that the petition complies with the requirements of the provisions of parts 22 and 23 of Chapter 13, Title 7, M.C.A.

BE IT FURTHER RESOLVED that the boundaries of said proposed Stillwater Estates County Water and/or Sewer District are those set forth in said Petition and on Exhibit A hereto.

BE IT FURTHER RESOLVED that the election on the formation of the district shall be held by mail ballot and the election on the formation of the district and the election of the initial directors are hereby combined in one election and the notice of election shall include the names of the candidates for the five trustee positions.

BE IT FURTHER RESOLVED that the next regular election for the Stillwater Estates County Water and/or Sewer District shall be held in November of 2009.

BE IT FURTHER RESOLVED that two of the initial members of Board of Directors shall serve until the election and qualification of their successors at the regular election to be held in November, 2009, and three shall serve until the election and qualification of their successors at the regular election to be held in November, 2011; at their first meeting, the directors shall determine by lot which of them shall serve terms ending after the 2009 election and which shall serve terms ending after the 2011 election. Members of the board of directors elected in November, 2009, and thereafter will serve terms of four years.

Dated this 18th day of March, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

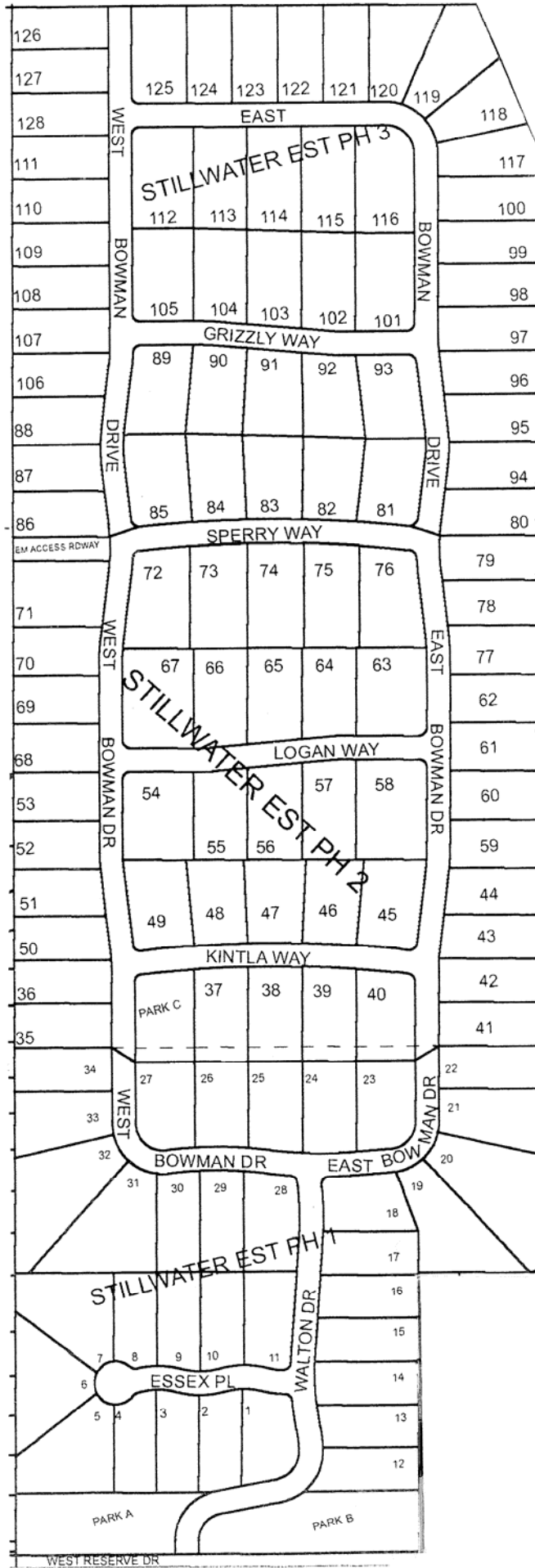
By: _____
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Exhibit "A"



PUBLIC HEARING: SETTING FORTH STANDARD HEARING PROCEDURES IN LAND USE RELATED PROCEEDINGS

[10:30:18 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Tara Fugina, Planning & Zoning Director Jeff Harris, Charles Lapp, Bruce Hayden, Erica Wirtala, Russ Crowder, B. J. Carlson, Clerk Kile

County Attorney Jonathan Smith reported the public hearing today is the result of a lawsuit where the county agreed they would come up with a standard operating procedure for public hearings for land uses. He then added that it is basically setting up on paper how they will conduct public hearings, so citizens will have a better idea what will happen when they attend a public hearing. Smith stated that it is fairly close to what is being done now.

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition.

Russ Crowder, representing American Dream Montana asked if the "Standard Procedures for Conducting Public Hearings in Land Use Related Proceedings" would apply to all boards or just the Commission.

Jonathan Smith explained that it would apply to just the County Commissioners.

Russ Crowder then commented they believe rebuttal by the applicant should be automatic and not up to the board. He then said that the burden of proof rests on the applicant in all land use matters in Flathead County. Crowder then recommended that under the Procedure for Public Hearings in proposed Resolution #2129 that letter (f) be changed to: Rebuttal by applicant and add (g) Board discussion and motion.

Charles Lapp, 3230 Columbia Falls Stage Road stated that he agreed with comments made by Russ Crowder in regards to the need for rebuttal changes. He then noted that it is important to have the rebuttal in there; not only for the applicant, but for staff if clarification is needed.

Discussion was held relative to allowing rebuttal.

Erica Wirtala, Sands Surveying stated that she submitted written comment to the Commission on February 29, 2008 in reference to public meetings. She then noted there seems to be a difference in holding a public hearing vs holding a public meeting when it comes to preliminary plats for both subsequent minors and majors. Wirtala then explained that she feels at a preliminary plat meeting that not letting the applicant speak is doing a great injustice to the applicant in that they need an opportunity to be able to clarify items in questions.

Jonathan Smith noted that the law doesn't allow the developer to speak at the meeting, as that would make it a public hearing. He then said court decisions have said the Commissioners can't consider any information other than what has been sent over by the Planning Board; they can't allow either the developer or the public to participate.

Erica Wirtala then said when you have a public hearing the applicant is not part of the public; that they are making their presentation along with the staff.

General discussion was held relative to Planning Board members and how votes are arrived at.

Erica Wirtala stated that what she would like to be able to do is make a presentation to the board after the Staff Report in regards to what the project entails. She then asked if it is up to the discretion of the board as to whether to hold a public hearing vs a public meeting for a subsequent minor or major subdivision.

Jonathan Smith explained that it would have to be in the regulations and would have to be done at every one.

B J Carlson stated that the rebuttal issue has been a difficult issue from both sides. She then said that she has sat in meetings where the applicant has had the privilege of rebuttal, but the public gets no rebuttal. The way it is stated in the proposed resolution, the board may allow rebuttal testimony by any agency or person participating in the hearing to address issues raised during the hearing seems to satisfy both side of any given situation. It was then noted that they have been back and forth on some of the procedures for public hearings and this is the compromise they have reached.

Jonathan Smith noted that the resolution is a MOU that they agreed upon in the lawsuit. He then said at Planning Board meetings they do have more stringent procedures in the hearings.

General discussion was held relative to the process.

Jonathan Smith said that after some experience with the process they can determine if it needs to be changed; if there are defencencies they can look at amending them.

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

Commissioner Lauman noted that he too has the same concerns expressed by Erica Wirtala.

Commissioner Lauman made a **motion** to adopt Resolution #2129 "Setting Forth Standard Hearing Procedures in Land Use Related Proceedings". Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

WHEREAS, the Board of County Commissioners of Flathead County (Board), Montana, entered into a Memorandum of Understanding (MOU) with North 93 Neighbors and Wolford Development Montana, LLC (Wolford) on February 13, 2007;

WHEREAS, in the MOU, the Board agreed to implement certain changes in its land use procedures to enhance and encourage meaningful public participation in government decisions;

WHEREAS, in satisfaction of a part of the MOU, the Board has confirmed in writing to North 93 Neighbors that it has agreed to continue to arrange training sessions and appropriate training for all public bodies in Flathead County that deal with planning, zoning and/or subdivision issues in order to educate the members of those bodies on substantive and procedural requirements of public participation laws and public meeting requirements;

WHEREAS, in satisfaction of a part of the MOU, the Board has increased its efforts to make documentation concerning land use issues (i.e. applications and supporting information, staff reports, hearing notices and minutes and final decisions) available to the public online, and pledges to continue to do so as the County's financial and staffing resources permit, with a goal of completing the process within five years; and

WHEREAS, the Board of County Commissioners of Flathead County, Montana, has determined it appropriate to consider the adoption of a standard procedure for conducting public hearings in order to encourage participation by the public in matters heard by the Board; to pledge to continue to encourage the public to submit written comments on land use matters; and to adopt a policy for incorporating public comments into land use decisions;

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 18th day of March, 2008, to consider adopting a standard procedure for conducting public hearings; a pledge to continue to encourage the submission of written public comments and a policy for incorporating public comments into land use decision making;

WHEREAS, notice of that hearing was published on March 3 and March 10, 2008;

WHEREAS, the Board of Commissioners received public comment on the proposals; and

WHEREAS, the Board of Commissioners considered the public comment it received on the proposals and summarized how that public comment was incorporated into its decision.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the following procedures and policies for conducting public hearings, submitting written comments, and incorporating public comments into land use decisions, each of which shall govern where such procedures and policies are not otherwise specified by law:

1. *Procedure for Public Hearings*

The Board will ensure that public hearings and meetings are handled fairly and that all parties are provided with a reasonable opportunity to participate as required by law. To that end, the Board implements the following procedures for public hearings.

- a. Introduction of the matter to be discussed.
- b. Report by staff.
- c. Presentation or comments by the applicant.
- d. Comments from public agencies.
- e. Comments by members of the public.
- f. Board discussion and motion.

Board members may ask questions of staff members, applicants, agency representatives or members of the public at any time. When appropriate to allow all interested parties to participate, the Chairperson may limit the time allowed for each person to provide testimony, but not less than three minutes per person. The Chairperson shall assure an orderly hearing and shall take necessary steps to maintain order and decorum of the hearing at all times. The Board shall have the flexibility to amend these procedures on a case by case basis to ensure an appropriate and reasonable opportunity for applicants and members of the public to participate in the decision being considered. For example, at the Board's discretion, the Board may allow rebuttal testimony by any agency or person participating in the hearing to address issues raised during the hearing. Also at the Board's discretion, when time limits are imposed, the Board may choose to allow representatives of larger organizations to "pool" the time of members present if one member is speaking on the organization's behalf.

2. *Submittal of Written Comments*

The Board will continue to encourage members of the public, through announcements and public notices of hearings, to submit written comments prior to public hearings on land use issues to enable review of such comments prior to the hearing.

3. *Incorporating Public Opinion into Land Use Decisions.*

In accordance with the principles announced by the court in *North 93 Neighbors v. Board of County Commissioners of Flathead County*, prior to making a land use decision, the Board shall summarize the relevant public comment received on a particular action and shall explain how such comment factors into the decision. The scope and format of such summarization and explanation may vary as appropriate for the type of decision and extent of public comment.

Dated this 18th 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

MEETING W/ LONG RANGE PLANNING TASK FORCE LAND USE COMMITTEE RE: RESPONSE TO TASKINGS

[11:00:23 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Myrtt Webb, Marcy Mahr, Eric Mulcahy, Clerk Kile

Myrtt Webb reported to the Commission the Land Use Committees' Long Range Planning Task Force Report in which they were asked to examine:

What the impact of the Wildland/ Urban Interface on county development is.
Who should be on a Rural Lands Board and what they would be expected to accomplish.
What should the architectural standards for the county be and where should they be applied.

Jeff Harris noted that water quality and wildland urban interface are the most pressing issues in Flathead County right now.

The report also included Rural Lands Board; Growth Policy, Focus on Agricultural/Timber Interests, Conversion of Rural Lands to Subdivisions, Members, Architectural Standards; Focus on Highlights, Maintain Mobility, Visual Considerations, Traffic Safety.

FINAL PLAT: LOST PRAIRIE CREST

[11:32:40 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Eric Mulcahy, Clerk Kile

Broadie reviewed the application received from Dave Tousey, Russell & Sharon Crowder and James & Ruth Hanney with technical assistance from Sands Surveying Inc. for final plat approval of Lost Prairie Crest Subdivision; a subdivision creating two residential lots located off Lower Lost Prairie Road. Preliminary plat approval was granted on August 18, 2004, subject to 8 conditions. A one year extension was granted.

Commissioner Lauman made a **motion** to approve final plat of Lost Prairie Crest. Chairman Hall **seconded** the motion. **Aye** – Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: AMENDMENT #1 TO NURSING POLICY

[11:35:28 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, HR Director Raeann Campbell, Clerk Kile

Commissioner Lauman made a **motion** to approve Amendment #1 to the Nursing Policy and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: AMENDMENT #6 TO HEALTH PLAN

[11:37:03 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, HR Director Raeann Campbell, Clerk Kile

Campbell reported the Health Plan Amendment is in regards to the second level appeal process.

Commissioner Lauman made a **motion** to approve Health Plan Amendment #6 and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: MDOT CONSTRUCTION AGREEMENT/ INTERSECTION OF WILLOW GLEN & CONRAD DRIVE

[11:38:02 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Public Works Director Dave Prunty, Clerk Kile

Prunty noted that after reviewing the agreement with County Attorney's Jonathan Smith and Peter Steele that everything is in order.

Commissioner Lauman made a **motion** to approve the MDOT document for signature for the intersection of Willow Glen and Conrad Drive. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONTINUATION OF TAKE ACTION: BALES CREEK SUBDIVISION

[11:42:43 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Chairman Hall stated as a matter of record preliminary plat approval for Bales Creek Subdivision expired on March 17, 2008 and is now a dead file; it will not go to final plat.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 19, 2008.

WEDNESDAY, MARCH 19, 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.

9:15 a.m. Commissioner Lauman to RSVP Board meeting @ Heritage Place
11:00 a.m. County Attorney meeting @ Co. Atty's Office
12:00 p.m. DUI Task Force meeting @ The Summit

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 20, 2008.

THURSDAY, MARCH 20, 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 Tutvedt, 2335 West Valley Drive stated that they met with the Planning Board and discussed "the more restrictive shall apply language" and also about the rest of 410, which is cleaning up language. He then said the Planning Board wilted to the pressure from the public last night at the Planning Board meeting, and tabled the decision until June. It was then stated if you take "the more restrictive shall apply" literally with the zoning documents, growth policy or the neighborhood plans you will stop all growth in Flathead County. Tutvedt then said that they need it off the table, because they cannot go in front of the Supreme Court and fit under the auxiliary to farming. It was then stated the Planning Board needs to understand the gravity of this situation.

Gary Krueger, 805 Church Drive said that there seems to be a lack of leadership with the Planning Board. The leadership in how they will do the growth policy, zoning and neighborhood plans is very important and the County Commissioners are the final say and we need you guys to get "the most restrictive shall apply" out of there, and if you don't get it out you will have to go back and re-look at the master plan, growth policy and neighborhood plans. He then said you need to step up and get this done or shut down the zoning department.

Charles Lapp, 3230 Columbia Falls Stage spoke in regards to the transportation study and commented that there are inconsistencies with traffic counts that need to be fixed. He then said the Kalispell plan is different than the County plan and they both need to be meshed together so the road improvements done will benefit everyone.

Tammi Fisher commented that under MCA statue the only way the Commission can move forward is if the Planning Board makes a decision on zoning regulations as far as amending them, which is what they were asked to do last night. She then

noted that her concern is if there is pressure to table an issue rather than come forward with a decision, whether its to approve or deny that it is a delay tactic; at this point they have been given an admonition by the Supreme Court to do something and they are handcuffed in fixing this, unless the Planning Board can move forward. The issue is now back in the District Court and the only way they can move forward is if they have the changes made. She then requested that the gravity of the situation be explained to the Planning Board.

Al Schellinger, Schellinger Construction Company explained that they can't move on until the language is changed; that they have been directed to do so. He then noted they have 3 major projects going which include Silver Brook that is over \$20 million dollars, Starling that is over \$7 million dollars and Glacier Park with prices that are escalating at over \$180 million dollars and they have been waiting for months to get the language changed, and for them to table it until June 11, 2008 is inexcusable. Schellinger then said the new Hwy 93 project will be bid soon and noted that this all has a direct impact on the valley.

George Culpepper, Northwest Montana Association of Realtors commented that the Flathead Business Journal shows that Chairman Hall has a building permit in Columbia Falls for his new home, and if anyone wants to question that they would have to look no further than the Business Journal. Culpepper then said that he has a copy of the Kalispell Transportation Plan, Whitefish Transportation Plan and Phase I of Flathead County's Transportation Study which combined together total \$174,235,000.00, which is a waste of tax payer's dollars with the government entities not working together. He also spoke about public transportation, impact fees in regards to affordable housing and traffic noise abatement.

Bob Warren, Schellinger Construction stated they have over 200 employees and spoke about the importance of getting the gravel issue solved.

George Schmidt, 1600 Hodgson Road stated that he too would like to get the gravel issue passed so they can move forward.

Kyle Schellinger, Schellinger Construction stated there are people whose lives and jobs are at stake and they have waited long enough to get an answer.

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

MEETING W/ PECCIA & ASSOCIATES RE: COMPREHENSIVE TRANSPORTATION PLAN

[10:08:09 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Peccia & Associates Jeff Key, George Culpepper, Charles Lapp, Clerk Kile

Harris explained that Peccia & Associates was hired by Flathead County to complete a transportation plan that will forecast future development. He then noted that the process includes a number of meeting that will be held.

Jeff Keys, Traffic Engineer with Peccia & Associates stated the purpose of the meeting today is to introduce them to the 12 month project that will help to get a blueprint in allowing the county to get a handle on transportation needs. It was noted by Keys that even though MDOT is not a funding partner in the project, they do provide a service that will be utilized in regards to the intricate traffic model that is a tool (based on assumptions) that allows them to look into the future. He then explained that this will involve a four step process that will include: inventorying the existing transportation system, analyzing the data, forecasting future development and then you would use the traffic model to evaluate the forecast.

Transportation Planning Process:

- Guidance on factors for "paved" versus "unpaved" roadways
- Criteria for rating which roads to maintain and in what order
- Provide support for county's "transportation impact fee" study currently underway
- Significant public outreach

Keys reported the project study area boundary does not include the entire county that their attempt is to capture the valley floor and the growing areas.

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

[10:37:37 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Laura Lisowski, Clerk Kile

Garza reported Cindy Dooley is working extensively on completing the 2007 audit. He then noted A-Z will need an additional week to process data and an audit report should be ready mid month. Garza then stated FTE spreadsheets were sent out for department head to reconcile and budget worksheets and budgets schedules will be sent out also.

Discussion also included the analysis of an economic impact statement.

CONSIDERATION OF PRINTING BIDS: SHERIFF'S OFFICE AND AOA

[11:00:37 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to award the print bid to Insty Prints for 15 sets of 500 business cards for \$350.17 for the Sheriff's Office. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to award the print bid to Kalispell Copy Center for 1,500 service registration cards for \$90.00 for AOA. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to award the print bid to Kalispell Copy Center for 3 sets of 1,000 business cards for \$74.00 for AOA. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to award the print bid to Thomas Printing for 15,000 #10 envelopes for \$485.00 and 2,500 #6 envelopes for \$208.00 for AOA. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: ESTABLISHMENT & DEFINITION OF DISTRICTS (GRAVEL) TEXT AMENDMENT/ FLATHEAD COUNTY ZONING REGULATIONS

[11:00:16 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Bruce Tutvedt, Angie Clark, Clerk Kile

Jonathan Smith explained that a legislative change was made in 2003 that said that all counties can prohibit gravel pits in residential zones as defined by the Board of Commission of each county. When the law took effect the zoning regulations were looked at and a change was made to the zoning regulations, by which they defined what residential zones in Flathead County are and where gravel pits and related operations can be prohibited. The definition included all AG zones. A committee was set up to see if changes could be made to help and it was decided to take out the AG40 and AG80 since they are not truly residential zones. Smith then stated the county can still condition pits anywhere in any zoning district and that it doesn't affect any neighborhood zones that aren't AG40 or AG80. Discussion also included clarifying whether it is required to get a state license before you get a county license.

Harris reported the Planning Board held a public hearing on December 19, 2007 and the Commission held a public hearing on January 28, 2008, which launched a 30 day comment period. He then clarified that the resolution has nothing to do with what happened at the Planning Board hearing and that it is a totally separate agenda.

Commissioner Lauman made a **motion** to approve Resolution #955GU for the Establishment & Definition of Districts Text Amendment. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 955 GU

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 20th day of March, 2008, concerning a proposal to change the text of the Flathead County Zoning Regulations;

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

WHEREAS, the Board of Commissioners reviewed the recommendation of Flathead County Planning Board regarding the proposed amendment;

WHEREAS, based upon that recommendation and the testimony of the public, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 955 GT dated March 20, 2008) to (i) amend Section 3.03.020 of the Flathead County Zoning Regulations to redefine what districts are "residential" for purposes of applying the zoning regulations to gravel operations, and clarify that AG-40 (Agricultural) and AG-80 (Agricultural) districts are not residential zones for those purposes and (ii) amend Section 4.10.010 of the Flathead County Zoning Regulations to remove the requirement that a Montana Department of Environmental Quality reclamation contract be executed prior to the issuance of a conditional use permit for gravel operations; and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on February 12 and February 19, 2008, and the Board of Commissioners did not receive written protests to the change from forty percent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Flathead County Zoning Regulations by to (i) amend Section 3.03.020 of the Flathead County Zoning Regulations to redefine what districts are "residential" for purposes of applying the zoning regulations to gravel operations, and clarify that AG-40 (Agricultural) and AG-80 (Agricultural) districts are not residential zones for those purposes and (ii) amend Section 4.10.010 of the Flathead County Zoning Regulations to remove the requirement that a Montana Department of Environmental Quality reclamation contract be executed prior to the issuance of a conditional use permit for gravel operations, with those sections to read as set forth on Exhibit A hereto.

DATED this 20th day of March, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Joseph D. Brenneman, Member

ATTEST
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

CONSIDERATION OF ADOPTION OF RESOLUTION: AMEND RESOLUTION ESTABLISHING BIGFORK WATERSHED ADVISORY COMMITTEE

11:12:48 AM

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Clerk Kile

Commissioner Lauman made a **motion** to adopt Resolution #2118A to amend the resolution that created the Bigfork Watershed Advisory Committee. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

RESOLUTION NO. 2118 A

WHEREAS, Flathead County has received grant support to initiate the Bigfork Stormwater Project, a preliminary engineering report designed to assess the current stormwater situation and provide remedies to correct the stormwater runoff of non-point source (NPS) pollution into Flathead Lake, clearly describing the present situation, analyzing alternatives, and proposing a specific course of action, from an engineering perspective;

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

WHEREAS, the Board of Commissioners has determined that an advisory committee would provide important assistance to the Board in overseeing the work related to the Bigfork Stormwater Project and adopted Resolution No. 2118 on December 18, 2007, creating the advisory committee; and

WHEREAS, the Board of County Commissioners has determined that Resolution No. 2118 should be amended.

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

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

2. The members of the Bigfork Stormwater Advisory Committee shall serve until such time as any one of them is replaced by the Board of Commissioners or the Bigfork Stormwater Project is completed.

3. The members of the Bigfork Stormwater Advisory Committee shall receive no salary or pay for their service on the Committee.

4. The members of the Bigfork Stormwater Advisory Committee shall be residents of Flathead County or Lake County. Three of the five members will reside, work or own property within the Bigfork Zoning District.

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

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

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

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

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

Dated this 20th 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. Commissioner Brenneman to Rotary @ Hilton Garden Inn
2:00 p.m. Commissioner Brenneman to Health Board meeting @ Earl Bennett Bldg.
7:00 p.m. Road Advisory Committee meeting @ Solid Waste District Conference Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 21, 2008. .

FRIDAY, MARCH 21, 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.

Commissioner Lauman to Mental Health Council & CDC meetings in Missoula

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 24, 2008.
