

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611(2) (b).

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## MONDAY, JANUARY 12, 2015

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Krueger and Mitchell, and Clerk Pierson 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 January 13, 2015.

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## TUESDAY, JANUARY 13, 2015

### [Audiofile](#)

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Krueger and Mitchell, and Clerk Pierson were present.

Chairperson Holmquist led the Pledge of Allegiance.

### **Chairperson Holmquist opened public comment on matters within the Commissions' Jurisdiction.**

Present for public comment: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Marcia Sheffels, Koel Abell, Rebecca Norton, Charlie Abell, Herb Peschel, Rick Blake, Bob Brown, Clerk Kile

Rebecca Norton, 530 Scott Avenue, Whitefish said she had concerns regarding the allegations made in the Flathead Beacon regarding Commissioner Mitchell procuring professional services and not paying for them. She stated she wanted to formally request that the county develop an ethics policy for the county, and would like the commission and staff along with all appointed and elected commission and county people be required to participate in it annually. If there is an actual question like this that makes it into the newspaper that it be discussed whether or not it was unethical.

Marcia Sheffels, 450 Parkway Drive, Whitefish presented to the commission a copy of "draft" minutes from the December 17, 2014 Flathead County Planning Board meeting, and asked them to please look at the highlighted areas. She stated they were very pleased that the Planning Board recognized the work that has gone in over the years with the Whitefish Lakeshore Regulations. She asked for commissioner support in using those regulations or partially incorporating them in an overall Flathead County Lakeshore Regulation policy.

Bob Brown, 333 Cougar Trail, Whitefish said when he was a member of the state senate that he was the sponsor and author of the original Whitefish Lakeshore Protection Regulations. He briefly described his involvement after a developer back in 1974 inadvertently did some things that affected the quality of the lake considerably. Locally a number of citizens drafted the original lakeshore protection act with the idea of keeping the regulations on the local level. That was around 40 years ago and as you know due to the donut controversy that the outcome of it would be that the lakeshore protection act would be affected by it. Now there is a feeling that what should happen is that we should make the lakeshore protection regulations uniform throughout the county. The regulations have been carefully promulgated and carefully monitored in Whitefish by a local selected committee for close to 40 years, and they have done by all accounts quite a good job. The other regulations that apply to other local lakes in the valley have generally been approved by local government authorities. If there is a benefit to making the lakeshore regulations uniform to all the lakes in the county, I would hope you would take careful consideration into what we have already done in Whitefish Lake and not throw them out.

Koel Abell, 355 Lost Coon Trail, Whitefish summarized a few of the not so main stream reasons why they should not end the Whitefish Lakeshore Protection Regulations that have been working and working well for the last 40 years.

- It took 101 days (14 weeks) from the time the commissioners asked Planning Director B. J. Grieve to ask the Planning Board for an opinion and cast their vote.
- You would split two lakes; Lost Coon and Whitefish Lake into significantly different regulations.
- The Blanchard Lake homeowner's years ago went to the county and asked for their lake to be subject to the Whitefish Lakeshore Regulations and not the counties.
- For better or for worse Whitefish has annexed the bottom of the Whitefish Lake from the low water mark. This means that any county resident on Whitefish Lake or Lost Coon Lake applying for a dock, buoy or any kind of object that is going to touch the bottom of the lake will have to apply not only in the county, but the city which would be a huge burden on the citizens.

Koel Abell further said I am sure that you can possibly foresee future litigation perhaps coming from this, and maybe even forcing the City of Whitefish to annex more if not the entire lake.

Charlie Abell, 5 Woodland Place, Whitefish said he was a member of the group that approached Senator Bob Brown regarding concerns pertaining to abuses around the lake back in 1975. Membership of the original committee and their work was summarized. He said there cannot be a blanket system that covers all issues on the lake.

Herb Peschel, 1404 W. Lakeshore Drive, Whitefish said they have worked well with the county in the past and hope to continue to work with them regarding the lakeshore regulations.

Rebecca Norton, 530 Scott Avenue, Whitefish asked for a continuation of the discussion on the agenda today regarding Whitefish. Very few people were aware this was going to happen today, and very few people were invited into the discussion. Even having held the public hearing at the Fairgrounds, only around 20 people showed up and gave comment. More public advertising is needed on what you are proposing.

**No one else rising to speak, Chairperson Holmquist closed the public comment period.**

**TUESDAY, JANUARY 13, 2015  
(Continued)**

**QUARTERLY MEETING W/ JACK EGGENSBERGER, SUPT. OF SCHOOLS**

**9:00:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Supt. of Schools Jack Eggenberger, Clerk Kile

Absent: Commissioner Gary Krueger

Eggenberger met with the commission and spoke about his first week on the job as newly elected Superintendent of Schools. Discussion was held relative to purchasing a vehicle for the Superintendent of Schools position.

**MONTHLY MEETING W/ TAMMY SKRAMOVSKY, HUMAN RESOURCE OFFICE**

**9:30:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, H.R. Director Tammy Skramovsky, Clerk Kile

Absent: Commissioner Gary Krueger

Skramovsky reviewed the following monthly report for December.

**WORK INDICATORS**

- 7 Job postings closed (10 positions)
- 187 Applications received
- 17 UI claim responses submitted
- 11 Employment verifications completed
- 1 Investigation conducted (+1 ongoing)
- 3 which included 3 interviews
- 1 Disciplinary Hearing

**PERSONNEL TRANSACTION LIST:**

- 7 Flathead County employment terminations
- 2 FECC employment terminations
- 6 exit meetings conducted
- 3 formal exit interviews conducted
- 16 Flathead County new hires
- 0 FECC new hires
- 7 new hire orientation sessions conducted
- 2 benefit only sessions for position changes

**HR TRANSMITTALS APPROVED:**

- 0 ***Job Descriptions***
- 3 ***Position Changes***
  - Grant Writer, Commissioners Office, increase FTE from 0.50 to 0.75
  - RN-Medicaid Case Mgr, Health MHIP, reduce overall FTE by 1.20
  - Registered Sanitarian, Health, increase FTE from 0.80 to 1.0
- 3 ***Position Replacements***
  - Registered Sanitarian, Health, replace K David, resigned
  - Detention Officer, Sheriff's Office, replace J Greskowiak, resigned
  - Detention Officer, Sheriff's Office, replace J Klotz, resigned

**FORM UPDATES**

- Employee Incident Report – in use
- Pre-employment reference questions – in use
- Employment application – updated and ready for print bid process
- Position Vacancy Announcement – in process of being revised

**WORK COMP**

- Charts for Plan Years 2009-current summarized
- Summary of incidents for current plan year

**HEALTH INSURANCE TRUST FUND**

- Reviewed Trust Fund balance for December 2014 at \$5.5 million
- Wellness Presentation – How is Stress Affecting your Health, presented by the Summit, December 15th

**TRAINING SESSIONS:**

*FMLA:*

- FECC Supervisors - December 4<sup>th</sup>

*Safety:*

- The Gift of Safety, December 16<sup>th</sup>, presented by Kirk Smith/Montana State Fund, Bre attended

*Coming up:*

- January 27<sup>th</sup> – Independent Contractors, presented by Dallas Cox, MT Dept. of Labor, and Kim Thomas, PayneWest Insurance

**UNION CONTRACTS:**

Dept.	Employees	Representative	Contract Start Date	Next End Date
Road	Truck Drivers/Teamsters	Teamsters Local 2	7/1/2012	6/30/2015
Solid Waste	Operators/Truck Drivers	Operating Engineers Local 400	7/1/2012	6/30/2015
FECC	911 Dispatchers	AFSCME Local 3032	7/1/2012	6/30/2015
SO	Non-Sworn	AFSCME Local 3364	1/1/2012	12/31/2015
SO	Sworn	AFSCME Local 3531	1/1/2012	12/31/2015
Road	Operators	Operating Engineers Local 400	7/1/2013	6/30/2016
Health	Health Dept. Employees	MPEA	7/1/2014	6/30/2016

**COMMUNICATIONS:**

Email – Wellness Presentation flyer, December 2<sup>nd</sup>

Email – Employee Appreciation Lunch reminder, December 3<sup>rd</sup>

Commissioner Mitchell made a **motion** to approve the H.R. Transmittal form for the month of December. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

**TUESDAY, JANUARY 13, 2015**  
**(Continued)**

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: BUDGET AMENDMENT 2014-2015**

**9:48:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Finance Director Sandy Carlson, Clerk Kile

Absent: Commissioner Gary Krueger

Commissioner Mitchell made a **motion** to authorize publication of the Notice of Public Hearing/ Budget Amendment 2014-2015. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

**NOTICE OF HEARING ON PROPOSED BUDGET AMENDMENT**

**NOTICE IS HEREBY GIVEN** that the Board of County Commissioners of Flathead County, Montana intends to amend the budget for the 2014-2015 fiscal year and that said budget amendment affects the following functions: general government; public safety; public works; public health; social and economic services; culture and recreation and solid waste. Details are open to public inspection in the Office of the Flathead County Clerk and Recorder, 800 South Main, Kalispell, Montana and also available on the county website at <http://flathead.mt.gov/finance/downloads.php>

The Board will meet on the 28<sup>th</sup> day of January, 2015 at 9:45 a.m. for the purpose of holding a hearing and consideration of the amendment to the original budget. Said meeting is to be held in the Commissioner Chambers, Third Floor, 800 South Main, Kalispell, Montana.

Any taxpayer or resident may appear at the hearing and will be heard for or against any part of the proposed budget amendment.

For further information, please contact Sandy Carlson, Finance Director, 800 South Main, Room 214, Kalispell, Montana 59901, Telephone (406) 758-5539.

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 13<sup>th</sup> day of January, 2015.

ATTEST:  
Debbie Pierson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Pamela J. Holmquist  
Pamela J. Holmquist, Chairman

Publish on January 16 and January 23, 2015.

**CONSIDERATION OF LAKESHORE PERMIT VARIANCE: LENON, FLV 14-13**

**9:50:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Planner Erik Mack, James Lenon, Peg Lenon, Clerk Kile

Absent: Commissioner Gary Krueger

Moorman reported the applicants are requesting a minor variance to allow for a reconfiguration of an existing legally non-conforming 'F' crib dock with a boat shelter into an 'h' dock with a boat shelter and shore station, and to build a fence within the LPZ at 6135 Highway 93 South on Flathead Lake. The proposed 'h' dock reconfiguration would extend lakeward of the mean annual high water mark. The variance pertains to the setback of the dock, shore station and the impervious cover.

General discussion was held relative to the variance and variance criteria.

Chairperson Holmquist made a **motion** to approve the variance for Lakeshore Permit Variance/ FLV 14-13. Commissioner Mitchell **seconded** the motion. Motion carried by quorum.

**CONSIDERATION OF LAKESHORE PERMIT: BRANDY LAND LTD., FLP 14-95**

**10:00:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Planner Erik Mack, Clerk Kile

Via Conference Call: Commissioner Gary Krueger

Moorman reported the applicant is proposing to complete work replacing an electrical conduit within the Lakeshore Protection Zone that was originally permitted under FLP 10-72. The applicant had applied for 3 lakeshore extensions for FLP 10-72 and was not eligible to apply for a fourth, so a new lakeshore construction permit was required to complete the work at 5379 Highway 93 South and an unnamed property on Flathead Lake.

Commissioner Mitchell made a **motion** to approve Lakeshore Permit / Brandy Land LTD, FLP 14-95. Chairperson Holmquist **seconded** the motion. Motion carried unanimously.

**CONSIDERATION OF LAKESHORE PERMIT: RAMBERG, FLP 14-94**

**10:04:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Planner Erik Mack, Clerk Kile

Via Conference Call: Commissioner Gary Krueger

Moorman reported the applicant is proposing to replace an existing permanent boat shelter within the Lake and Lakeshore Protection Zone at 553 Hughes Bay Road on Flathead Lake. Currently there is a walkway, a fixed dock, a shore station and the existing boat shelter to be replaced under this permit within the LPZ.

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Commissioner Mitchell made a **motion** to approve Lakeshore Permit / Ramberg, FLP 14-94. Chairperson Holmquist **seconded** the motion. Motion carried unanimously.

**CONSIDERATION OF FLATHEAD COUNTY PLANNING BOARD'S RECOMMENDATION: HOW TO PROCEED WITH LAKESHORE REGULATIONS (WHITEFISH LAKE & LOST COON LAKE) IN THE FORMER INTERLOCAL AGREEMENT AREA AROUND WHITEFISH**

**10:06:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Erik Mack, Deputy County Attorney Tara Fugina, David Taylor, Marcia Sheffels, Rick Blake, Herb Peschel, Bob Brown, Rebecca Norton, Ardis Larsen, Jeff Larsen, Clerk Kile

Via Conference Call: Commissioner Gary Krueger

Grieve presented a brief overview of the timeline of events involving the Lake and Lakeshore Protection Regulations with regard to the county getting portions of Whitefish Lake back into the county's jurisdiction after a Supreme Court Ruling in July, 2014. Per a request by the commission the Planning Board held a workshop regarding lake and lakeshore regulations for properties on Whitefish and Lost Coon Lakes on September 24, 2014 where they discussed and took public comment on options for the lake and lakeshore jurisdiction transition. On November 12, 2014 a public hearing was held to take additional public comment on the matter. On December 10, 2014 they met to consider forwarding a recommendation to the commission on how to proceed. Prior to the meeting staff found that some of the public comments received had not been forwarded to the Planning Board, therefore a special meeting was held on December 17, 2014, at which time they made a recommendation to the commission. The recommendation was then transmitted to the commission on December 30, 2014, and on January 5, 2015 the notice of this meeting today was posted on the Commissioners' agenda. On January 6, 2015 an additional item of discussion was added to the Planning Boards agenda for January 14, 2015, and whatever is decided here today will be presented back to the Planning Board for their consideration under "old business". The recommendation from the Planning Board is as follows:

*Amend the Flathead County Lake and Lakeshore Protection Regulations that cover approximately 57 lakes in Flathead County to include Whitefish and Lost Coon Lakes, (thereby eliminating separate Whitefish Area Lake and Lakeshore Protection Regulations) which Flathead County is currently administering for Whitefish and Lost Coon Lake. At some point in the future then take the entire document (applicable to now 59 lakes in Flathead County) and revise those regulations as prioritized by the Planning Board's annual work plan. The concept would be to take the best of both worlds and incorporate them into a single document. Because of the process, what the Planning Board and the Planning & Zoning office is seeking from the commission today is just your thoughts and guidance on the recommendation.*

Commissioner Mitchell asked what a rough timeline in completing this would be once they are given direction in how to proceed with transitioning the jurisdiction of the Lake and Lakeshore Regulations for Whitefish and Lost Coon Lakes.

Grieve pointed out if they are looking at Option #2 that the changes could be made through a text amendment to add to the current regulations jurisdiction over Whitefish and Lost Coon Lakes.

Commissioner Mitchell asked if the Planning Board would be looking at updating Flathead County Lakeshore Regulations to see what the differences are and to see if they are appropriate to put in.

Grieve noted at the Planning Boards request during deliberations that an analysis of the differences between the documents was done, and also an analysis was submitted by private landowners up in the Whitefish area, so that was all available to the Planning Board for their consideration. Their proposal was to get a text amendment done so that the Planning and Zoning office isn't administering two sets of regulations in the near term, and as planning resources are available in the future they will work on the document. The second part of the recommendation that was forwarded to you is to then review and revise the Flathead County Lake and Lakeshore Protection Regulations as prioritized by the Planning Boards annual work plan.

Commissioner Mitchell pointed out the Planning Board has recommended Option #2 with slight modified language. He questioned what the modified language is.

Grieve said the reason it states with modified language is because Option #2 originally stated:

*Amend these regulations to include Whitefish and Lost Coon Lakes and then revise and update this document in the next fiscal year.*

Grieve further pointed out if they commit to doing that in the next fiscal year that it may be overstretching the Planning and Zoning office. The slightly modified language is that Option #2 states in the next fiscal year. They don't want to commit to amending the document in the next fiscal year, but instead as time allows. The Planning Board at the beginning of each fiscal year sets the priorities of what their office should be working on to provide services to them. The work plan then becomes part of the budget approved by the commission.

Commissioner Mitchell asked if it would be pushing the envelope at the Planning and Zoning office to ask them to do this within the next year.

Grieve asked for clarification as to if he meant the first part of the recommendation (text amendment) or the second part.

Commissioner Mitchell stated the second part.

Grieve said if the political will is there to move forward on a large scale revision of Flathead County Lake and Lakeshore Protection Regulations in the next fiscal year, that I think we could do that. If the political will is there and if there is a resource constraint we would come to you when we are preparing the budget to ask for the resources to complete that.

Commissioner Mitchell said he met with Herb Peschel and Jim Stack who has given them an awful lot of the differences between the two documents. He pointed out that he struggles with the litigation that kept donut citizens in limbo for six-years, and said that we need to try to be more efficient than that. I wish this never would have gone to the Supreme Court, yet that is what the City of Whitefish wanted to do.

Chairperson Holmquist said Whitefish annexed the bottom of the lake as we all know happened. She asked as they have been issuing permits under Whitefish and Lost Coon, if any of them required permits from the county and city in order to process.

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**(Continued)**

Grieve said since the jurisdiction came back to the county that approximately 8-9 lakeshore permits have been issued on Whitefish Lake. How many of those then required a permit from Whitefish he stated he didn't know. Whitefish annexed the bottom of the lake from low water down. We have asked for a legal description of that boundary, which Whitefish was unable to provide.

Chairperson Holmquist said in looking through all the public comment and supporting documents, I was glad to see on Option #2 that the Planning Board would include Whitefish and Lost Coon Lakes on the list of lakes in the regulations, and also update and use some of those regulations to implement into the county regulations. I think there is very good material that can be used in our county regulations that definitely need upgraded. As far as creating a specific timeline in the next year, I think there are a lot of factors that play into that, and I don't want to hold a committee to a timeframe that may or may not work.

Commissioner Krueger said with the amendment to the Flathead County regulations to include the two lakes, I think administratively that is a very good deal and will allow us to have uniform permitting and uniform enforcement so we don't have errors made out there that could be a problem later on. The recommendation from the Planning Board is a good move. With the revisions that I believe are warranted, I do not want to put a timeframe on that. I believe that if we are going to do revisions to the regulations, the best thing we can do is have our best people working on it. What I hear Grieve telling us is if we overload his staff we are going to have someone new working on the regulations, and we already have very good people working. I think it is best to allow them the time it will take to revise or work with revisions with the Planning Board; my recommendation would be to take the advice of our Planning Board.

Chairperson Holmquist concurred with the recommendation to take the advice from our Planning Board and move this forward as resources will allow.

Grieve clarified that what he is hearing is that basically two out of three commissioners agree with the recommendation as written, and one agrees with the recommendation, but would like to see a little bit faster timeline.

Chairperson Holmquist made a **motion** to move forward with the Planning Boards recommendation of Option #2 with the slightly modified language. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

**CONSIDERATION OF FLATHEAD COUNTY PLANNING BOARD'S RECOMMENDATIONS: HOW TO PROCEED WITH LONG RANGE PLANNING & ZONING AROUND WHITEFISH**

**10:30:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Erik Mack, Deputy County Attorney Tara Fugina, David Taylor, Marcia Sheffels, Rick Blake, Herb Peschel, Bob Brown, Rebecca Norton, Ardis Larsen, Jeff Larsen, Clerk Kile

Via Conference Call: Commissioner Gary Krueger

Grieve reported the Board of Commissioners adopted the closest equivalent zoning we had, and put that into place on September 9, 2014 for zoning around Whitefish; that set up a one-year period within which you have interim zoning. Towards the end of the one-year period you can extend it for up to one, one-year period pursuant to a study being completed verifying the emergency that existed and what the actions are that are being taken to move forward. Soon after the interim zoning was implemented the commission on September 18, 2014 met with the Planning Director and asked that the Planning Board review the situation with Planning & Zoning around Whitefish and provide a recommendation back to them. This is based similar to the lakeshore situation. The Planning Board started off with workshops on October 1 and October 15, 2014. At the October 15, 2014 workshop it was determined they needed substantial public comment. The Planning and Zoning office was instructed to send postcards to all property owners located within the Whitefish City-County Master Plan area; that included more than just the former interlocal agreement area. It includes Whitefish city limits all the way out to the outside boundary of the 1996 Whitefish City-County Master Plan. The total post cards sent was 4,450 and the post cards said.

*If you have any feelings, thoughts, suggestion or comments on planning and zoning in this area, please comment in writing, e-mail or call. Please also try to attend two workshops that are scheduled for October 29 and October 30, 2014 at the county fairgrounds.*

Those two meetings were held and the Planning Board listened and collected public comment, and then on November 12, 2014 they decided to make the recommendation to the commission, and closed the public comment period for that recommendation. Just before the meeting on December 10, 2014 it came to their attention that comments submitted prior to the close of public comment had gone into the public record, but had not been forwarded to the Planning Board. The Planning Board took the additional comments on December 10, 2014 and scheduled a special meeting for December 17, 2014 and they then voted to recommend Option 1A-I. Grieve read the following recommendation from the Planning Board.

*The recommendation is to repeal the 1996 Whitefish City-County Master Plan, and possibly amend the Flathead County Growth Policy to add a future land use map limited to the former Interlocal Agreement area using the future land use map from the 2007 Whitefish Growth Policy as a starting point. The board's recommendation also includes revising text of the Flathead County Growth Policy as needed to ensure consistency with the future land use map. In case that isn't clear what that means is the previous part of the recommendation talking about using the future land use map from the 2007 Whitefish Growth Policy as a starting point ....the concept there is that the map is worked into the Flathead County Growth Policy....there needs to be an analysis of the rest of the growth policy to make sure nothing inconsistent is being introduced and creating a problem. Following amendments to the growth policy the Planning Board recommends considering replacement of the current interim zoning with county Part 2 zoning based on the amended Flathead County Growth Policy.*

Grieve further pointed out he met with each of them individually to review the many documents/maps referenced.

Commissioner Mitchell said this has been a long process with a number of meetings. I am reluctant and struggling to adopt the Whitefish Future Land Use Map from the 2007 Growth Policy. Maybe in my thoughts the Planning Board could do Part 2 zoning based on the Flathead Growth Policy that could be looked at as a better option. I guess I would ask my fellow commissioners if they would like to weigh in on this; is that something we could look at to help narrow up their scope of work. Is that an interest on their part....it is an interest on my part.

Commissioner Krueger asked Grieve to read the second part of the recommendation from the Planning Board.

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**(Continued)**

Grieve read the following:

*The Planning Boards recommendation is to repeal the 1996 Whitefish City–County Master Plan and possibly amend the Flathead County Growth Policy to add a future land use map limited to the former Interlocal Agreement area using the future land use map from the 2007 Whitefish Growth Policy as a starting point. The board's recommendation also includes revising text of the Flathead County Growth Policy as needed to ensure consistency with the future land use map. Following amendments to the growth policy the Planning Board recommends considering replacement of the current interim zoning with county Part 2 zoning based on the amended Flathead County Growth Policy.*

Commissioner Krueger said he agrees with Commissioner Mitchell in the part where they say possibly amend our Growth Policy. I think we could end up in a situation that takes a lot of time, and probably pushing us beyond the time-frame that they need to be on. I think that the jockeying that could go on and the amount of public comment and hearings that we would have to have if we were to do a wholesale change to our Growth Policy to incorporate that map, no matter what the starting point is, I think is difficult to do. I do concur with what I think Commissioner Mitchell was saying that he had concerns with the map. I think that the Planning Board probably should look at something there that could meet our duties, yet get us to a point where we need to be that the timeframe would allow.

Chairperson Holmquist said she agreed with her fellow commissioners in their assessments and the time-frame limitations. She also had heartburn over the map, so is glad that was brought up.

Grieve said what I am hearing then is that it sounds like you are all in agreement and are okay with the recommendation as written, other than the part that talks about using the Future Land Use Map from the 2007 Whitefish Growth Policy as a starting point. In other words you are okay with repeal of the 1996 Whitefish City-County Master Plan, and are okay with the end result being some type of Part 2 zoning similar to what's there now under interim and what was prior to that, but adopting the future land use map is problematic.

Commissioner Krueger said he would be worried about the time it would take to amend the Growth Policy to incorporate the map. I think that is where you end up with a good section of the public would like to have....might be on both sides of a certain section or area that we are trying to incorporate into our land use, and so that is where my concern is the timeframe to do the work on the growth policy doesn't allow us time to do the work on the zoning and Part 2 zoning.

Grieve said in terms of something for a motion it sounds to me like what would be best is to make some type of motion to send this back to the Planning Board for additional consideration of alternatives based on those concerns. In other words you are not just moving to accept this recommendation. What you are describing is a slightly different process. You could send this recommendation back to the Planning Board for additional deliberation, discussion and consideration and depending on what they discuss tomorrow night and whether or not they want to have another workshop on it etc., they can either send a revised recommendation back to you or can proceed based on that input. They have that authority to proceed under statute and make recommendations on planned amendments and zoning districts to you.

Commissioner Mitchell said I do agree with that and agree with you Commissioner Krueger relative to the timeframes.

Grieve suggested the following motion.

*Motion to send the Planning Boards recommendation regarding Planning and Zoning around Whitefish back to the Planning Board for additional consideration based on the commissions reluctance to use the future land use map from the 2007 Whitefish Growth Policy as a starting point.*

Commissioner Krueger asked if we could move to send this back to the Planning Board with our commissioner testimony attached to it, so that the Planning Board could look at or read everything we have said here so they can understand what each of them is talking about so they then could develop a plan.

Commissioner Krueger made the above motion stated by Grieve.

Commissioner Mitchell then read the following motion: to accept the Planning Boards recommendation to repeal the 1996 Whitefish County Master Plan and possibly amend the future growth policy .....

Chairperson Holmquist said that isn't what we are .....

Commissioner Mitchell said it is let me finish.....and possibly amend the Flathead County Growth Policy to add a future land use map limited to the Interlocal Agreement area using the future land use map from the 2000 Whitefish Growth Policy as a starting point. The board's recommendation also includes revising text of the Flathead County Growth Policy as needed to ensure consistency with the future land use map. The following amendments to the Growth Policy the Planning Board recommends considering replacement of the current interim zoning with county Part 2 zoning based on the amended Flathead County Growth Policy. And I also would like the minutes included in this meeting today that deal with the reluctance to accept the Whitefish Future Land Use Map from the 2007 Growth Policy that the three commissioners shared their reluctance to use.

Chairperson Holmquist asked if that was the intended motion.

Commissioner Krueger said he intended to make a motion to send the recommendation back to the Planning Board with the testimony attached, so that they may come back to us with how they would handle that future land use stuff and what not and then they would send another recommendation back to us.

Commissioner Mitchell clarified that we would do the Planning Boards recommendation all the way through, and then say please have attached comments from County Commissioners.

Commissioner Krueger said yes. Send it back to the Planning Board and they are recognizing that we do agree with a good portion of their recommendation, and that is why I want the minutes attached so they can look at what we are talking about where we are not 100 percent on their recommendation.

Chairperson Holmquist clarified the motion then does not include all the language that Commissioner Mitchell read earlier.

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Commissioner Krueger said he didn't feel it needed to, that it gets a little too wordy. We are just saying good job Planning Board. We agree with you yet are a little concerned about a timeline. When we attach the minutes it not only puts my concerns in there, but it also puts my fellow commissioners concerns in there before the Planning Board so they have the full picture of our concerns.

Grieve clarified the motion – based on what I am hearing from all three commissioners. Motion to move to send back to the Planning Board consideration of how to proceed with Planning and Zoning around Whitefish based on commissioner discussion today, and ask the Planning Board to have additional deliberation, and possibly additional workshops and come up with a revised recommendation more in tune with the concerns brought forward by the commission today.

Commissioner Krueger said the above motion is fine. Chairperson Holmquist **seconded** the motion.

Commissioner Krueger stated he wants to make sure the Planning Board has input from the three commissioners so they can get an idea of what our concerns are.

Grieve said based on that motion, I would take all the discussion, minutes and everything and report back to the Planning Board tomorrow night, and basically say the recommendation they liked it. Part 1 and Part 3....but the middle part they had reluctance on. The Planning Board can then throw out options during their discussion and schedule future workshops based on the motion on the table that is how I would take that back to the Planning Board.

Motion carried unanimously.

**MONTHLY MEETING W/ ELIZABETH BROOKS, FECC/ EMERGENCY PLANNER, NIKKI STEPHAN/ FIRE SERVICES AREA MANAGER, LINCOLN CHUTE**

**10:56:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney David Randall, FECC Director Elizabeth Brooks, Fire Services Area Manager Lincoln Chute, Sheriff Chuck Curry, Emergency Planner Nikki Stephan, Clerk Kile

Absent: Commissioner Gary Krueger

Brooks met with the commission and reviewed the following statistics and summarized activities at the 911 Center.

- December 2014 – Call Volume, 7,597 Administrative Calls & 2,633 - 911 Calls = Total 10,230
- SOP/SOG – Currently working on updating and changing areas of our SOP/SOG manual to make any necessary changes.
- FY16 Budget – Working on pulling together any numbers that may need to be added to the FY16 budget.
- I.T. – Working on recovering our recorder after we lost a server. Also has been working closely with our communications (radio) department on installing AVL's in radios for the Sheriff's Office.
- Communications (radio) Working with Columbia Falls Police Department on some of their ongoing radio issues
- Hiring – We are doing applicant testing now and hope to have offers of employment out soon. Out test is computer based and replicates dispatch work.

General discussion was held relative to Columbia Falls Police Department radio issues and failure of the 911 Special District election.

Stephan met with the commission and summarized the following activities at the Office of Emergency Services.

**OES Update**

- Reviewing files
- Networking
- LEPC
- Exercises
  - Avalanche –January 10
  - Ebola – January 30
- Tactical Interoperable Communications Plan (TICP)
  - Meeting on February 18
- Emergency Response Plan
- Emergency Management Software – Veoci and WebEOC

Chute met with the commission and spoke about the following items pertaining to the Fire Service Area.

- HazMat response calls
- Training
- Tactical communications on mountain sites for multi-discipline responders
- Updating Wildland Fire Annual Operating Plan
- Double Taxation FSA and Olney Fire District

**1<sup>ST</sup> READING OF ANIMAL CONTROL ORDINANCE #3**

**11:13:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney David Randall, City-County Health Dept. Director Joe Russell, Deputy Health Officer Hillary Hansen, Clerk Kile

Absent: Commissioner Gary Krueger

Randall said the County Attorney's Office was tasked with updating Animal Control Ordinance No. 3 pertaining to dog control within Flathead County. The current version of the Animal Control Ordinance had extended quite far beyond what we are currently authorized/ allowed to regulate. He pointed out input was received from the Animal Shelter and the Health Department, and as a result of their review certain provisions were removed such as kennel licensing and rabies requirements, and also rabies control along with dogs in heat provisions were removed. An updated schedule of fees will be adopted at the 2<sup>nd</sup> Reading of Animal Control Ordinance No. 3.

Chairperson Holmquist said for the record Animal Control Ordinance No. 3 has had its first reading. A motion was not made.

**TUESDAY, JANUARY 13, 2015**  
**(Continued)**

PROPOSED AMENDMENTS TO ORDINANCE NO. 3  
Animal Control

WHEREAS, the Board of Commissioners of Flathead County, Montana, is authorized, pursuant to Sections 7-5-102 through 7-5-107, and Sections 7-23-2108 and 7-23-2109, M.C.A., to adopt an ordinance to regulate, restrain and control dogs in Flathead County;

WHEREAS, the Board of Commissioners adopted Ordinance No. 3, on August 19, 1987; and

WHEREAS, the Board of Commissioners has determined the following amendments to the Animal Control Ordinance are needed.

NOW, THEREFORE, BE IT RESOLVED that, effective 30 days after the second and final adoption of the following amendments, the following amendments to Ordinance No. 3 shall be in force and effect in Flathead County. (deletions as ~~strike through~~, additions in *italics*)

**SECTION 1**  
**DEFINITIONS**

A. **"Abandonment"** means failure to redeem an impounded animal within 72 hours of incarceration, leaving an animal in any place where it may suffer injury, hunger or exposure or become a public charge or changing residence and failing to move an animal within 24 hours.

B. **"Animal"** means all vertebrates except human beings.

~~C. "Animal Control Center" means the Flathead County Animal Control Center Shelter located on 225 Cemetery Road, Kalispell, Montana.~~

~~C.-D "Bite" means any abrasion, scratch, puncture, laceration, bruise, tear, or piercing of the skin inflicted by the teeth of an animal.~~

~~D.-E "Collar" means a band, chain harness, or other suitable device worn on a dog to which a tag may be affixed. This instrument shall be substantial enough to endure the animal's activity without being lost or without inflicting pain to the animal.~~

~~E.-F "Dog" means any canine animal, of either sex (whether or not spayed or neutered) or any dingo, wolf, coyote, or cross that is being kept as a dog.~~

~~F. "Flathead County Animal Shelter" means the Flathead County Animal Shelter located on 225 Cemetery Road, Kalispell, Montana.~~

~~G.P "Animal Control Officer" Flathead County Enforcement Officer" means the any Flathead County Animal Control Officer or any Flathead County Law Enforcement Officer.~~

~~G. "Kennel" means any establishment where five (5) or more dogs over the age of four (4) months are kept.~~

~~H. "License" means a tag obtained from the Animal Shelter or participating veterinarian's office, which must be secured to a collar on the animal. Licenses shall not be transferable between animals. The term "tag" means "license".~~

~~I. "License year" means one (1) year from the date the license was issued.~~

~~I.-J "Owner" means every person who owns, harbors, or keeps a dog.~~

~~J.-L "Running at Large" means any dog which is off the premises of the owner and is not under the immediate and continued control of its owner or an authorized agent of the owner either by leash or voice and/or signal control; or by complete confinement within or restraint upon a vehicle. Dogs controlling or protecting livestock or in other related agricultural activities, are to be excluded from this definition.~~

~~K. "Rabies Vaccination" means an inoculation administered by a veterinarian with any rabies vaccine, the use of which is licensed by the United States Department of Agriculture.~~

~~N. "Veterinarian" means a doctor of veterinary medicine holding a valid license to practice his or her profession.~~

~~K.-M "Stray" means any dog which does not have a current valid license, or I.D. tag or rabies tag attached to it, or a micro-chip implant, and which is found off the property of the owner.~~

~~L.-O. "Vicious Dog" means any dog licensed or unlicensed, which bites or attempts to bite any human being without provocation and not in defense of person or property, or which harasses, chases, bites, or attempts to bite any other animal. Any dog, while running at large, which bites or attacks any person or animal shall be deemed to be a vicious dog.~~

~~P. "Animal Control Officer" Flathead County Enforcement Officer" means the any Flathead County Animal Control Officer or any Flathead County Law Enforcement Officer.~~

**SECTION 2**  
**ENFORCEMENT/ANIMAL CONTROL OFFICER**

~~The Animal Control Officer is hereby vested with the power and authority necessary to enforce the provisions of this Ordinance.~~

~~The Animal Control Any Flathead County Enforcement Officer is authorized and empowered to apprehend and impound any dog found in violation of this Ordinance. It shall be unlawful and punishable under the penalty provisions of Section 42 9 of this Ordinance for any person to knowingly or intentionally interfere with any Flathead County animal control officer in the lawful discharge of their duties as herein prescribed.~~

~~The Sheriff of Flathead County is authorized to enforce the provisions of this Ordinance.~~

**SECTION 3**  
**DOG LICENSING**

A. **License.** It shall be unlawful for any person to keep, harbor, or maintain any dog over ~~four (4)~~ *five (5)* months of age in Flathead County, unless ~~such the dog has attached to its neck a substantial collar on which is fastened a license tag issued by the authority of Flathead County or a municipal corporation for the purpose of identifying the dog and designating the owner. is duly licensed or deemed exempt as herein provided.~~ Licenses shall be issued by the Flathead County Animal ~~Shelter. Control Center, or obtained at a participating veterinarian's office.~~

~~Before a dog license is issued, the owner of such dog must present a certificate from a veterinarian stating that such dog has received a rabies vaccination. The certificate must show that the rabies vaccination is current. Licenses shall not be issued to any person under eighteen (18) years of age unless a parent or guardian signs the application as co-owner.~~

~~If after a license is purchased, during the license period the dog is sold, or title to said dog is otherwise transferred to a new owner, such new owner may apply to the Flathead County Animal Shelter Control Center for a transfer of such the dog's tag and license. The fee for such transfer shall be one dollar (\$1.00). Upon such receipt of such a transfer fee set forth in the Schedule of Fees, a new tag shall be issued.~~

~~The license issued shall be valid for the entire life of the dog without requiring renewal. No refund shall be made on any dog license.~~

B. **Tags.** ~~The Flathead County Animal Control Center Shelter~~ shall issue to the owner a tag imprinted with the license number. Such tag shall be worn on a collar. It shall be lawful to remove the collar only when the dog is under the immediate control of its owner or authorized agent.

In the event any tag is lost or destroyed, a duplicate may be obtained from the Flathead County Animal ~~Control Center Shelter~~ upon submission of such proof as may be required and upon payment ~~as set forth in the Schedule of Fees. of the sum of one dollar (\$1.00).~~

It shall be unlawful for any owner or any other person to use a tag on any dog other than the one for which it was issued.



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(Continued)**

**C. Exemptions**

1. Any dog whose owner is a non-resident of Flathead County and who is temporarily within said County for thirty (30) days or less.
2. Any dog brought into Flathead County for the sole purpose of participating in a dog show or dog contest.
3. Dogs used as eyes for the blind or ears for the deaf *or any other dog registered or certified as a service dog.*
4. Any government-owned police service dog. ~~including search and rescue dogs is exempt from this Ordinance.~~

D. **License Fees.** License fees shall be in accordance with a Schedule of Fees adopted by the Flathead County Commissioners and shall be available at the Flathead County Animal ~~Control Center Shelter~~ and the ~~Commissioners' Office Flathead City-County Health Department.~~

E. **Failure to License a Dog.** Failure to license a dog in violation of this Ordinance shall constitute a misdemeanor. Any person violating any of the provisions of this section of this Ordinance, shall, upon conviction of the first offense be fined not more than thirty five dollars (\$35.00), and upon conviction of a second offense relating to the same dog be assessed a fine of not more than one hundred dollars (\$100.00). Conviction of three or more offenses shall be punished by a fine not exceeding two hundred fifty dollars (\$250.00).

1. A citation or complaint issued for a third or subsequent offense shall require a mandatory appearance of the Owner before the Justice of the Peace.

F. **"City Dog Licenses-effect of":** Any current dog license tag issued annually by an incorporated city or town within Flathead County, Montana, pursuant to an Ordinance which substantially complies with this Ordinance and which provides for the wearing of the license tag upon the collar of the dog and the keeping of a record which established the identity of the person who owns, keeps or harbors the dog constitutes compliance with the licensing provision of the Ordinance.

**SECTION 4  
DOGS RUNNING AT LARGE**

A. It shall be unlawful for any owner of a dog to allow it to Run at Large within Flathead County. ~~The above shall not prevent the owner or another person from having a dog on a public street, alley, or any public place within Flathead County if the dog is then and there controlled by such person by a chain or leash of not more than six (6) feet in length tied to the dog and held by such person.~~ All dogs ~~found licensed or unlicensed~~ Running at Large ~~without a valid current dog license tag properly issued under these Ordinances may~~ shall be impounded.

~~B. **Dogs in Heat.** Every person having under his control any female dog in heat (i.e., in the oestral period) shall confine such a dog in a house, garage or other enclosed area. The female shall be confined in such a manner that said female cannot come into contact with a male dog except for planned breeding. Such a female dog not so confined is a public nuisance, and the owner or other person in control of such a dog is guilty of a misdemeanor. The Animal Control Officer or any Deputy may immediately abate such nuisance by impounding such dog.~~

B. Any person violating any of the provisions of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00).

Nothing in this section shall be interpreted so as to restrict or prohibit the activities of dogs while being used as sled dogs, while hunting under control of their owner or while herding livestock.

**Section 5  
IMPOUNDMENT**

A. ~~The following are subject to impoundment:~~ ~~a~~Any dog *in violation* of this Ordinance, ~~any dog sick or injured without a located owner, or found to be abandoned, quarantined, or a stray, is subject to impoundment.~~

- ~~1. Any dog being kept or maintained contrary to the provisions of this Ordinance.~~
- ~~2. Any dog running at large contrary to the provisions of this Ordinance.~~
- ~~3. Any dog which is required to be licensed by this Ordinance and is not licensed. A dog not wearing a current Flathead County tag shall be presumed to be unlicensed for the purposes of this Ordinance unless said dog falls under the provisions of Section 3, Parts C and F of this Ordinance.~~
- ~~4. Any sick or injured dog whose owner cannot be located.~~
- ~~5. Any abandoned dog.~~
- ~~6. Any dog held for quarantine.~~
- ~~7. Any stray dog.~~
- ~~8. Any vicious dog found in violation of Section 7 of this Ordinance.~~

B. **Pursuit of Dog:** ~~The Animal Control Officer, or any Deputy Sheriff~~ *Any Flathead County Enforcement Officer of this County,* is hereby empowered and authorized to enter upon private property, including the premises of the dog's owner, in order to apprehend any *vicious or non-viscous* dog which is Running at Large. ~~in order to apprehend said dog.~~ This Section does not ~~however,~~ authorize the Officer ~~or Deputy Sheriff~~ to enter any private residence.

~~C. If such impounded dog has a license, the Flathead County Animal Control Center shall notify the owner of said dog, within one (1) business day, by telephone or personal notice, that the dog has been impounded and where it may be redeemed.~~

~~If, after 72 hours, an unlicensed dog is not claimed by its owner and the appropriate fees paid, the dog may be sold to a private individual upon payment of the necessary fees and compliance with the licensing regulations or it may be destroyed by the Flathead County Animal Control Center.~~

~~If, after 96 hours, any impounded licensed dog is not claimed by its owner and the appropriate fees paid, the dog may be sold to a private individual upon payment of the necessary fees and compliance with the licensing regulations or it may be destroyed by the Flathead County Animal Control Center.~~

C.D. **Impoundment Fees and Board.** An initial impoundment fee shall be charged for each dog and a board fee shall be charged for each day a dog is in the custody of the ~~Flathead County Animal Shelter Control Center~~ *or a Flathead Law Enforcement* ~~the Animal Control Officer as set forth in the Schedule of Fees.~~ The refusal or failure of the owner of a dog to pay the impoundment fee and board fee after notification shall be deemed an abandonment of the dog by the owner. All *necessary* veterinary bills or professional service bills incurred during the impoundment shall be paid by the owner in addition to the impoundment fee and *boarding fee.* These fees apply to each animal impounded.

**SECTION 6  
RABIES CONTROL**

It shall be the duty of every person or owner keeping, harboring, or maintaining any dog (except a coyote or purebred wolf) over four (4) months of age to provide effective rabies vaccination for such dog. ~~This provision shall not apply to:~~

- ~~A. Licensed veterinarians.~~
- ~~B. Grooming parlors.~~

Any person shall have the authority to order the owner of any dog showing symptoms of rabies or any dog which has bitten any person so as to cause an abrasion of the skin or any dog that has been bitten by or exposed to any animal suspected to have been infected with rabies to deliver such dog to the Flathead County Animal Control Center for quarantine for a period not to exceed fifteen (15) days. ~~Such dog at the option of the owner may be quarantined under the supervision of a licensed veterinarian except as specified below:~~

~~1. In the case of an unvaccinated dog which is known to have been bitten by a laboratory confirmed rabid animal, said bitten dog must be immediately destroyed.~~

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(Continued)**

~~2. In the case of a vaccinated dog which is known to have been bitten by a laboratory confirmed rabid animal, said dog shall be revaccinated within 24 hours and quarantined for a period of thirty (30) days following revaccination. Said dog shall be destroyed if the owner does not comply with the provisions of this section.~~

~~It shall be unlawful and punishable by imprisonment in the Flathead County Jail not to exceed six months or by a fine not to exceed five hundred dollars (\$500.00) or both, for any person to refuse or fail to quarantine any dog as required by this Ordinance or to remove any dog quarantined under Section 6 of this Ordinance from the place of quarantine without written permission from the Flathead County Animal Warden or Flathead County Animal Control.~~

~~After the quarantine period, if the Flathead County Animal Control determines that the dog is free of rabies, the owner may reclaim the dog upon payment of the boarding and impoundment fees and any licensing fees.~~

~~If any dog under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders and direction of the Flathead County Animal Control and/or licensed veterinarian.~~

**SECTION 7 6  
VICIOUS DOG**

It shall be unlawful for any person to keep, harbor, or maintain any vicious dog in Flathead County.

If any vicious dog is found to be a vicious dog under this Section by a Flathead County Enforcement Officer, Flathead County may regulate, restrain, control, kill, or quarantine any vicious dog consistent with this Section, whether such dog is licensed or unlicensed. ~~running at large or any dog appears to be mad or dangerous to the public, and it appears to the Animal Control Officer that it is necessary to kill such a dog in order to protect the public from the dog, the Animal Control Officer is hereby authorized to kill the dog.~~

If any vicious dog, including but not limited to vicious dogs, bites a person living in Flathead County, such dog bite shall immediately be reported to the Flathead County Animal Control Center Shelter, or the Flathead County Sheriff's Office, or other appropriate local law enforcement agency. Any Animal Control Officer may issue a written order requiring the owner of such dog to surrender the dog to the Flathead County Animal Control Center or, at the owner's expense, to a licensed veterinarian. Such order may be served by the Animal Control Officer on the owner. If the owner cannot be found at his place of residence, the order may be served by leaving it with a person at the residence or by placing it in a prominent place at the main entrance of such residence. It is unlawful for any person to refuse or neglect to surrender any dog, within twenty four (24) hours after the service of such order, and any Animal Control Officer shall seize and impound such dog at either the Flathead County Animal Control Center or a licensed veterinarian's office, at the owner's expense. In the event the owner is unknown or the dog is running at large, the Officer shall seize and impound the dog without notice. If the vicious dog is running at large and the officer is unable to seize and impound such dog, the dog may be killed by any law enforcement or animal control officer of this County without notice. All dogs impounded under this Section shall be quarantined for the period and under the same conditions as stated in Section 6.

Any owner who keeps, harbors or maintains a vicious dog in violation of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars (\$500.00). It is the legislative purpose to impose absolute liability, as described in Section 45-2-104 M.C.A., for the conduct described in this Section. In addition, the Justice of the Peace or District Judge may order that the vicious dog be destroyed.

**SECTION 8 7  
BARKING OR HOWLING DOGS**

It is unlawful for any person to own, keep, harbor or maintain any dog, which unreasonably annoys or disturbs any person by undue barking or howling. This Section shall not apply to a dog owned, kept, or harbored as part of the business of a licensed veterinarian, animal boarding facility, or agricultural or livestock operation.

**SECTION 9  
KENNELS**

~~Owner's or operator's of a kennel shall complete a "Kennel Application Form" at the time of application for a kennel license. The form shall be provided by the Director.~~

~~The Director or the Director's agents shall have the authority to enter upon the premises in which a kennel is located, for the purpose of inspection for compliance with all state and county laws. The inspection of kennel facilities will be performed during regular business hours but on an unscheduled basis.~~

~~Section 10  
DIRECTOR~~

~~The County Commissioners shall appoint a Director for the Animal Shelter. The Director shall administer the shelter on a daily basis and shall be responsible for budget, personnel and formation of policy. The Director shall report directly to the Board of County Commissioners and shall serve at their pleasure and under their direction.~~

**SECTION 11 8  
ANIMAL CONTROL CENTER SHELTER FEES AND CHARGES**

All fees charged by the Flathead County Animal Control Center Shelter shall be in accordance with a Schedule of Fees adopted by the Flathead County Commissioners and shall be available at the Flathead County Animal Shelter, Control Center, Treasurer's Office and the Commissioners' Office.

**SECTION 12 9  
VIOLATION**

Unless otherwise stated herein, any person violating any part of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or six (6) months in the County jail, or both. ~~, unless otherwise specified in this Ordinance.~~

All fines collected under this Ordinance shall be paid into the County Treasury and shall be used to pay fees, salaries, costs or expenses for the enforcement of this Ordinance.

**SECTION 13 10  
SEVERABILITY**

If any provisions of this Ordinance is held to be invalid, such invalidity shall not effect other provisions which can be given effect without the invalid provisions. To this end provisions of this Ordinance are to be severable.

**SCHEDULE OF FEES**

Fees associated with this Ordinance will be documented under separate Resolution to be attached to this Ordinance.

License Fees:

Spayed or Neutered	\$ 5.00
Unaltered	10.00
Transfer Fee	1.00
Duplicate Tag Fee	1.00
Annual Kennel Registration Fee	50.00

Impoundment Fee	Licensed	Unlicensed
First Offense	\$ 10.00	\$ 20.00
Non-Neutered	\$ 20.00	\$ 30.00
Repeat Offense*	Double (\$20 or \$40)	Double (\$40.00 or \$60.00)
*During same calendar year		
<del>After hours (5pm to 7am) impound - double the impound fee.</del>		

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(Continued)**

Daily Boarding Fee \_\_\_\_\_ \$10.00 per day

Adoption Fees

Spayed or Altered Dogs \_\_\_\_\_ \$ 20.00  
Unaltered Dogs \_\_\_\_\_ \$ 45.00  
(Spay deposit of \$20.00 included)

Spayed or Altered Cats \_\_\_\_\_ \$ 10.00  
Unaltered Cats \_\_\_\_\_ \$ 25.00  
(Spay deposit of \$10.00 included)

Euthanasia Fee \_\_\_\_\_ \$ 10.00

Fines:

Dogs Running at Large:

First Offense \_\_\_\_\_ \$ 35.00  
Second Offense \_\_\_\_\_ \$100.00  
Third and Subsequent Offense \_\_\_\_\_ \$250.00\*  
\*Personal Appearance before  
Justice of the Peace

No License:

First Offense \_\_\_\_\_ \$ 35.00  
Second Offense \_\_\_\_\_ \$100.00  
Third and Subsequent Offense \_\_\_\_\_ \$250.00\*  
\*Personal Appearance before  
Justice of the Peace

No Rabies Vaccination \_\_\_\_\_ \$ 20.00

Dogs in Heat \_\_\_\_\_ \$ 35.00

FEES ADOPTED: ~~December 14, 1989~~  
EFFECTIVE DATE OF FEES: ~~January 14, 1990~~

BE IT FURTHER RESOLVED that following passage of the foregoing amendments on second reading, Ordinance No. 3 shall be updated to include those amendments.

DATED this 13<sup>th</sup> day of January, 2015.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Pamela J. Holmquist  
Pamela J. Holmquist, Chairman

ATTEST:  
Debbie Pierson,  
Clerk and Recorder

By/s/Diana Kile  
Diana Kile, Deputy

**CONSIDERATION OF CIP AMENDMENT: HEALTH DEPARTMENT**

**11:18:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, City-County Health Dept. Director Joe Russell, Deputy Health Officer Hillary Hansen, Clerk Kile

Absent: Commissioner Gary Krueger

Russell summarized the following CIP project requests as follows.

- The Animal Shelter addition was budgeted in the County CIP for \$90,000. The bid accepted for the construction was \$134,000 and three change orders were approved for \$11,500. The Animal Shelter building total construction cost is \$145,500. Architectural fees are predicted to be approximately \$10,000. The amount of \$155,000 should be reflected in the County CIP.
- The third floor remodel of the Earl Bennett Building to accommodate the first cohort of medical residents has been completed. This first phase of remodel was well in advance of a planned remodel in FY 2017. The cost of this remodel was \$80,121 plus \$18,000 for Architectural and Engineering fees. The total cost for this project is \$98,121 and should be reflected in the FY 2015 Health Department CIP budget.
- The Health Department incurred costs associated with upgrading the Wi-Fi in the Earl Bennett building due to problems associated with band width. The cost associated with this project in FY 2015 was \$2,187 and should be reflected in the Health Department CIP.
- The Health Department CIP includes a vehicle purchase for \$30,000. We request to purchase the additional vehicle for \$30,000 to be utilized solely by the Medicaid Health Improvement Program (MHIP). The Honda being used by the program now will be put back in the Health Department pool primarily to accommodate increased workload in the case management programs associated with our public health nursing.

Commissioner Mitchell made a **motion** to accept the CIP Amendment presented/ Health Department. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: SMP MOU EXPANSION GRANT 6/01/14 THRU 5/31/15 (EDUCATE MEDICARE BENEFICIARIES) AOA**

**11:26:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Absent: Commissioner Gary Krueger

Commissioner Mitchell made a **motion** to accept the SMP MOU expansion grant for \$7,137. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

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**(Continued)**

**DOCUMENT FOR SIGNATURE: SMP MOU EXPANSION GRANT 9/30/14 THRU 9/29/15 (IMPROVE VOLUNTEER MANAGEMENT) AOA**

**11:27:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Clerk Kile

Absent: Commissioner Gary Krueger

Commissioner Mitchell made a **motion** to accept the SMP MOU expansion grant for \$2,677. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

**MEETING W/ DAN BRIEN, SANDS SURVEYING RE: POSSIBLE VACATION OF CHAUTAUQUA TERRACE AMENDED PLAT OF LOTS 2 AND 3**

**11:28:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Dan Brien, Katherine Thompson, Tyler Thompson, Clerk Kile

Absent: Commissioner Gary Krueger

Dan Brien, representing Katherine and Tyler Thompson explained his clients are requesting the vacation of a Sands Surveying Amended Plat of Lots 2 and 3, Chautauqua Terrace and to reinstall the original 1968 Chautauqua Terrace plat for Lots 2 and 3. He pointed out pursuant to statute the commission has the authority to grant the vacation.

Chairperson Holmquist stated the commission would seek legal advice.

**DOCUMENT FOR SIGNATURE: NOTICE OF INTENT TO DEVELOP PUBLIC LAND CONTRARY TO LOCAL ZONING/ MAINTENANCE BUILDING**

**11:34:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Planning & Zoning Director B. J. Grieve, Clerk Kile

Absent: Commissioner Gary Krueger

Grieve noted pursuant to MCA that whenever an agency proposes to use public land contrary to local zoning regulations a public hearing shall be held. The local Board of Adjustment as provided in this chapter shall hold a hearing within 30 days of the date the agency gives notice to the board of its intent to develop land contrary to local zoning. The board shall have no power to deny the proposed use, but shall act only to allow a public forum for comment on the proposed use. Grieve stated the county is proposing to place a maintenance building on the parcel.

Chairperson Holmquist made a **motion** to approve the document for signature/ Notice of Intent to develop public land contrary to local zoning - maintenance building. Commissioner Mitchell **seconded** the motion. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: NOTICE OF INTENT TO DEVELOP PUBLIC LAND CONTRARY TO LOCAL ZONING/ SOUTH CAMPUS BUILDING**

**11:39:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Planning & Zoning Director B. J. Grieve, Clerk Kile

Absent: Commissioner Gary Krueger

Commissioner Mitchell made a **motion** to approve the document for signature/ Notice of Intent to develop public land contrary to local zoning – South Campus building. Chairperson Holmquist **seconded** the motion. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 14, 2015.

\*\*\*\*\*

**WEDNESDAY, JANUARY 14, 2015**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Krueger and Mitchell, and Clerk Pierson were present.

**11:00 a.m. County Attorney meeting @ Co. Atty's Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 15, 2015.

\*\*\*\*\*

**THURSDAY, JANUARY 15, 2015**

[Audiofile](#)

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Krueger and Mitchell, and Clerk Pierson were present.

**THURSDAY, JANUARY 15, 2015**  
**(Continued)**

Chairperson Holmquist led the Pledge of Allegiance.

**Chairperson Holmquist opened public comment on matters within the Commissions' Jurisdiction. No one rising to speak, Chairperson Holmquist closed the public comment period.**

**OPEN BIDS: LIQUID ASPHALT, CRS2, WARM MIX, TIRES, PROPANE, GAS & DIESEL/ ROAD DEPARTMENT**

**9:30:00 AM**

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Fleet & Shop Supervisor Corey Pilsch, Clerk Kile

Bids for tires were received from Les Schwab, Tire Rama, and Eisinger Motors with bid bonds enclosed.

Commissioner Krueger made a **motion** to take the tire bids under consideration. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

One single bid for warm mix was received from MeadWestVaco Specialty Chemicals with a bid bond enclosed.

Commissioner Krueger made a **motion** to take the warm mix additive under consideration. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

Bids for liquid asphalt were received from Idaho Asphalt and Calumet Montana Refining with bid bonds enclosed.

Commissioner Krueger made a **motion** to take the liquid asphalt bids under consideration. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

Bids for CRS-2 and asphalt were received from Idaho Asphalt and Calumet Montana Refining with bid bonds enclosed.

Commissioner Krueger made a **motion** to take the chip oil bids under consideration. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

**11:30 a.m. Commissioner Holmquist: Health Board special work session re: South Campus Bldg.**  
**1:00 p.m. Commissioner Holmquist: Health Board meeting @ EBB**  
**6:30 p.m. Commissioner Krueger: 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 January 16, 2015.

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**FRIDAY, JANUARY 16, 2015**

**Audiofile**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Krueger and Mitchell, and Clerk Pierson were present.

Chairperson Holmquist led the Pledge of Allegiance.

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

**COMMISSIONERS WORKSHOP RE: SOUTH CAMPUS -- BID AWARD REVIEW & DISCUSSION OF POTENTIAL COST SAVING CHANGES**

**9:00:00 AM**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson Holmquist, Commissioner Krueger and Mitchell, and Clerk Pierson were present.

Chairperson Holmquist led the Pledge of Allegiance.

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

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, AOA Director Lisa Sheppard, Planning & Zoning Director B. J. Grieve, Weed/Parks/Maintenance Director Jed Fisher, City-County Health Dept. Director Joe Russell, Information Technology Director Vicki Saxby, John Isles, David Koel, Shane Jacobs, Zach Diede, Dewey Swank, Sherry Haegele, Rosainne Taylor, Jim Pearson, Nadine Eckert, Terry Schutt, C. Lund, Gerry Nichols-Pagel, Edward Ek, Rich Baars, Chuck Wilhoit, Barbara Abbott, Grant Kerley, Dick Reedquist, Alice Reedquist, C. Wiggum, Khit Harding, Phil Bolstad, Clerk DeReu

David Koel with CTA Engineering presented a power point presentation of the South Campus building.

Dewey Swank explained on any project they encourage their clients to hire a geotechnical engineer to do an analysis of the soils the building will be sitting on. The contractor works with the geotechnical engineer in concert with the structural engineer to develop a structural system appropriate for the soil conditions.

Zach Diede, Construction Engineer on the project explained the foundation system and the geotechnical work performed. He pointed out after speaking with the geotechnical engineer that to not use the micropiles would be detrimental to the overall quality and long term performance of the building.

**FRIDAY, JANUARY 16, 2015  
(Continued)**

Commissioner Mitchell stated the reason for the meeting today was to challenge the contractor and engineer for cost savings, and asked that they look into options for an alternative foundation system. He said he was not in favor of the skybridge, yet if footings need to be put in now he was not opposed to that.

Grant Kerley said CTA has spent a lot of time ensuring that the design meets today's needs as well as the future need. Their first goal was to try to look at items that don't impact design or function of the building. The list put together basically identifies some better ways to do things, or maybe something's that were not needed, changing of materials and things like that to reduce costs without the effect of the appearance, feel, or function of the building.

The following value analysis was summarized and proposed cost savings were discussed.

Flathead County South Campus  
Value Analysis  
1/15/2015

<b>Site</b>		
Trash Enclosure - Change Material	-15,000	
Metal posts and Siding in place of Brick		
Seating Wall - Reduce Size and Material Type	-17,000	
40' Long - Straight No radius. 16" Colored Concrete in place of Brick		
Screen Fence - Change Material		
Vinyl fence in place of trex composite	-2,900	
Landscaping - Planting and Irrigation	-10,000	
Reduce Planting Sizes & Count ; Change Irrigation Materials		
Building Foundation	-40,000	-100,000
Mass Footings in place of micropiles		
<b>Building Exterior</b>		
Metal Siding - Change Details	-20,000	
Delete mitered corners and alum. Extrusions		
Canopy Design	-20,000	
Change East and West Canopies to smaller open trellis structure		
Roofing Details		
Change Fascia Trim and		
Delete Skylight	-15,000	
<b>Building Interior</b>		
Review Tile Quantity and Spec	-15,000	
Wall Coverings - Reduce Quantity	-4,000	
Window Coverings - Change Manufacturer and Type	-10,000	
Elevator - Change Type	-8,000	
Hydraulic - Thyssen Krupp		
Elevator - Delete Battery Backup if the Generator remains	-5,000	
Check Capacity of Generator		
<b>Mechanical</b>		
Clean Agent Fire System for IT Future IT Room	-23,000	
Delete Self-Clean Feature on Kitchen Hoods	-3,200	
Change Hood Stainless to Standard type 430	-2,700	
Change Cooling Equipment	-41,900	
Delete Chiller and add DX cooling		
<b>Electrical</b>		
Delete Backup Generator and Transfer Switch	-43,000	
Delete NETA Acceptance Testing	-12,000	
Delete Panel 11 and feeders	-2,000	
Delete Panel IT and Feeders	-1,500	
Use MC Cable where practical	-7,000	
Delete 3 Floor Boxes in Conference Room 211	-1,000	
Delete Lutron Graphic Eye Lighting in Conf. Room	-6,000	
Delete Dimming Light Ballasts in Conf. Room	-500	
Change Fixture Type A3I to A3	-3,000	
<b>Total</b>	<b>-328,700</b>	
 Remove Provisions for 3rd Floor	 -250,000	

General discussion continued regarding potential cost savings with Health Department Director Joe Russell, AOA Director Lisa Sheppard, I.T. Director Vicki Saxby, and Weed/Parks/Maintenance Director Jed Fisher.

Dick Reedquist, 244 Arbour Drive East, Kalispell, representing the Kalispell Senior Center spoke about concerns pertaining to the flooring in the new center and urged the commission to continue their plans with a wooden floor in the exercise/ dance area.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 19, 2015.

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