

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

MONDAY, MAY 4, 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.

QUARTERLY INVESTMENT REPORT W/ ADELE KRANTZ, TREASURER

9:15:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Treasurer Adele Krantz, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Clerk Kile

Krantz reviewed the following quarterly investment report.

Quarterly Report Notes

- STIP Rate - .014% Average for March 2015
- Operating Acct Stats - \$37043.83 (Interest Earned for Q) - \$6141.67 (Service Charge for Q) = \$30902.16 (Net Interest Earned) – Interest Rate .25%
- Last Quarter Top Investment Rate – 1.90 – 3.5% step up 3/30/2020 DA Davidson & 1.50% CD Matures 10/29/18 LPL Financial

Current County Projects

- 2nd Installment Real Estate Taxes due 5/31/15
- As of 3/31/15 \$1.3 M delinquent Real Estate Taxes
- Mobile home taxes will be late for downloads
- As of 3/31/15 \$139 K delinquent Personal Property Taxes

BUDGET REVIEW: TREASURER'S OFFICE

9:20:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Treasurer Adele Krantz, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Clerk Kile

Krantz briefly reviewed revenue and expenditures for the Treasurer's Office.

AUTHORIZE SPECIAL DEPUTY COUNTY ATTORNEY FOR PROSECUTION OF INSURANCE FRAUD CASES

9:30:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, County Attorney Office Administrator Vicki Eggum, Clerk Kile

Eggum reported the Attorney General will prosecute two local insurance fraud cases on behalf of Flathead County.

Commissioner Krueger made a **motion** to approve the resolutions to authorize Special Deputy County Attorney for prosecution of insurance fraud cases. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: REQUEST FOR DECLARATION OF SURPLUS PROPERTY/ HEALTH DEPARTMENT AND INFORMATION TECHNOLOGY

9:33:00 AM

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

Chairperson Holmquist read into the record the surplus items for the Information Technology Department are obsolete and broken items.

Commissioner Krueger made a **motion** to approve the document for signature/ surplus property - I.T. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

Chairperson Holmquist read into the record the surplus item for the Health Department is a broken copier.

Commissioner Krueger made a **motion** to approve the document for signature/ surplus property – Health Department. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: ALLIGARE, LLC/ CONTRACT FOR 2015 CHEMICALS, WEED DEPARTMENT

9:34:00 AM

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

Chairperson Holmquist read into the record the Alligare, LLC contract is for Transline and Tordon in the amount of \$19,080.00.

MONDAY, MAY 4, 2015
(Continued)

Commissioner Mitchell made a **motion** to award the bid to Alligare for chemicals for the Weed Department. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: WILBUR-ELLIS/ CONTRACT FOR 2015 CHEMICALS, WEED DEPARTMENT

9:35:00 AM

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

Chairperson Holmquist read into the record the Wilbur Ellis contract for chemicals totals \$18,540.

Commissioner Mitchell made a **motion** to approve the chemical bid to Wilbur Ellis in the amount of \$18,540. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: ANIMAL SHELTER OPERATORY ADDITION

9:36:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Clerk Kile

Commissioner Krueger made a **motion** to authorize publication of Call for Bids – Animal Shelter Operatory Addition. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

CALL FOR BIDS

Sealed bids will be received until **10:00 o'clock a.m. on May 26, 2015**, by the Clerk and Records Office, Flathead County, Kalispell, Montana at the Flathead County Courthouse, Commissioners Office, Kalispell, Montana for the **General Contract** for the **Flathead County Animal Shelter Operatory Addition**. At **10:00 o'clock a.m. on May 26, 2015** the bids will be publicly opened and read aloud.

All bids must be sealed in a manila envelope. The sealed envelope containing the bid must be plainly marked "**Bid for the Flathead County Animal Shelter Operatory Addition**", Kalispell, Montana, and contain the name of the Contractor.

Bids shall be submitted on the form provided with the Contract Documents. Contractors may secure an electronic copy of the documents by contacting Solus Architecture via email Khuff@Solus-MT.com or by phone at 406-890-9342. Drawings will be available on May 8, 2015. Those wishing to be placed on the **Plan Holders List** must indicate so and provide contact information. Drawings will be placed in exchanges. No printed drawing sets are available.

A prebid walkthrough will occur on site at 11:00 o'clock a.m. on May 18, 2015

A bid guarantee of ten percent (10%) of the total basic bid shall be submitted with each bid and shall be in the form of lawful moneys of the United States, a cashier's check, bank draft or bid bond payable to Flathead County, or a satisfactory Bid Bond executed by an acceptable surety. Said surety shall be guaranteed that the bidder will enter into the subcontract and furnish good and sufficient bonds within ten (10) days of the award, said check or moneys are to be forfeited to the said public authority as provided by Montana Law.

No bidder may withdraw his bid for at least thirty (30) days after the scheduled time for receipt of bids.

A Performance Bond and separate Labor and Material Payment Bond, each in the amount of 100% of the contract sum will be required of the successful Contractor.

Each Contractor will be required to have a certificate of registration from the Employment Relations Division of the Montana Department of Labor and Industry in the proper classification and be in full compliance with SB 354.

Montana Code Annotated. Title 18, Chapter 1 provides that contracts for construction, repair, maintenance, or providing services to or for the State government or its subdivisions will be awarded to the lowest responsible bidder. However the preference given to resident bidders of this state must be equal to the preference given in the other state or country and must further pay the prevailing wage rates to workers performing labor on the contract if the contract exceeds \$25,000.00. Prevailing wage rates are determined by the Commissioner of Labor as provided in 18-2-401 and 18-2-402 Montana Code Annotated. The contractor is required to keep wage records to substantiate that prevailing wages have in fact been paid. Contractors are also reminded that one percent (1%) of each payment due will be withheld for the required Montana Contractors Tax. (Section 37-71-204, 15-50-205 and 15-50-206 of Montana Code Annotated)

The Contractor is to furnish bonds insuring the payment of wages and fringe benefits as required by 39-3-703 MCA and 18-2-201 MCA.

The Board of Commissioners, Flathead County, the Owner, reserve the right to reject any or all bids, to waive informalities, to consider or not consider any qualifications.

Dated this 4th day of May, 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 May 8 and May 15, 2015.

**MONDAY, MAY 4, 2015
(Continued)**

CONSIDERATION OF H.R. TRANSMITTAL: TRAVEL EXPENSES FOR PLANNING & ZONING DIRECTOR INTERVIEWS

9:37:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Human Resource Director Tammy Skramovsky, Clerk Kile

Skramovsky reported the request pertains to travel expenses for candidate interviews scheduled for May 18, 2015 for the Planning Director position.

Commissioner Krueger made a **motion** to approve the H.R. Transmittal – travel expenses for Planning & Zoning Director interviews. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

BUDGET REVIEW: PLANNING & ZONING OFFICE

9:45:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planning & Zoning Office Coordinator Mary Fisher, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Clerk Kile

Grieve reviewed their proposed fee revenue and summarized goals and objectives. He noted a sidebar request is for an additional .50 FTE for the Planning & Zoning Code Compliance Officer.

BUDGET REVIEW: FAIRGROUNDS

10:00:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Fairground Operations Manager Mark Campbell, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Butch Woolard, Clerk Kile

Campbell presented a brief overview of their program description, preliminary budget and workload indicators. He summarized their proposed CIP expenditures.

BUDGET REVIEW: COUNTY ATTORNEY'S OFFICE

10:27:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, County Attorney Ed Corrigan, Deputy County Attorney Tara Fugina, County Attorney Office Administrator Vicki Eggum, Deputy County Attorney Alison Howard, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Clerk Kile

Corrigan reviewed budget expenditures and noted their side bar requests include \$115,000 for the remodel project and another for \$85,000 to improve efficiencies in their office by purchasing a case management system.

BUDGET REVIEW: CLERK & RECORDER'S OFFICE

10:35:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Clerk & Recorder Debbie Pierson, Election & Recording Manager Monica Eisenzimer, Records Management Coordinator Janet Clark, Plat Room Supervisor Vicki Gallo, Clerk Kile

Pierson presented a brief overview of the duties of the Clerk and Recorder's Office and reviewed the recording revenue. The Plat Room, Election Department and Records Preservation expenditures were summarized along with their proposed CIP projects.

General discussion was held relative to fire suppression in the Records Preservation facility.

OPEN BIDS: 2015 DUST COST SHARE PROGRAM

11:00:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Public Works Director Dave Prunty, Clerk Kile

Bids were received with bid bonds enclosed from W.E. Dust Control and Lyman Dust Control Services.

W. E. Dust Control	Base Bid #1	\$215,321.02	Base Bid #2	\$131,742.56
Lyman Dust Control	Base Bid #1	\$222,967.71	Base Bid #2	\$136,421.13

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

PUBLIC HEARING: FIRE SERVICE AREA ACCESSIBLE PROPERTIES

11:00:00 AM

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

Fugina reported the resolution will clarify two different signed versions of a resolution to make clear the properties to be assessed.

**MONDAY, MAY 4, 2015
(Continued)**

Chairperson Holmquist opened the public hearing to anyone wishing to speak regarding the Fire Service Area properties. No one rising to speak, Chairperson Holmquist closed the public hearing.

Commissioner Krueger made a **motion** to adopt Resolution 1550E. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

RESOLUTION NO. 1550 E

WHEREAS, the Board of Commissioners created the Flathead County Fire Service Area under the provisions of Section 7-33-2401, M.C.A.;

WHEREAS, the Board of Commissioners passed a Resolution of Intent to add properties to the Fire Service Area to include lots leased to private individuals and/or on which private improvements are constructed on lands administered now or in the future by the United States Federal Government or the State of Montana (Resolution No. 1550 D, dated April 2, 2015);

WHEREAS, the Board of Commissioners conducted a public hearing, after publication of legal notice, to receive protests and comments relating to the amendment on May 4, 2015, and has considered the protests and the public comment; and

WHEREAS, the Board of Commissioners has concluded that this addition of properties to the Flathead Fire Service Area should be adopted.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby adopts the following definition of properties comprising the Flathead County Fire Service Area, effective as of July 3, 2015:

All property in Flathead County, excepting the following:

Any land that lies within the Cities of Columbia Falls, Kalispell, and Whitefish;

Any land that lies within any National Forest, State Forest, National Park, Fire District, or Fire Service Area; and

Lands administered now or in the future by the United States Federal Government or the State of Montana with the exception of lots leased to private individuals and/or on which private improvements are constructed.

Dated this 4th day of May, 2015.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Debbie Pierson, Clerk

By/s/Gary D. Krueger
Gary Krueger, Member

By/s/Diana Kile
Diana Kile, Deputy

By/s/Philip B. Mitchell
Philip Mitchell, Member

MONTHLY MEETING W/ DAVE PRUNTY, ROAD DEPARTMENT

11:10:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Prunty summarized the following Road and Bridge Department monthly report.

Operations

- ✓ Grading of the gravel road network is proceeding. Valley roads are receiving multiple grading's and pulling of ditches and rebuilding the roads crown are very important. Some citizens become upset when we pull ditches and we try to explain to them the process.
- ✓ Hauling of crushed aggregate (with bentonite) is occurring to multiple roads in the county.
- ✓ Many roads in the Dust Cost Share program will receive a lift of this material before deployment of the mag chloride.
- ✓ Miscellaneous work tasks such as ROW clearing, culvert work and hand patching also occurred throughout the month.
- ✓ The annual cleaning of the Bigfork storm water system will occur in early May.
- ✓ Annual sweeping of the winter sanding material is completed in the valley floor and nearing completion in the higher elevation areas.

KM Ranch Road Rehabilitation Project

- ✓ ROW clearing has been completed and stump removal is ongoing for this project.
- ✓ Sub base grading is ongoing along with some drainage improvements.
- ✓ In some areas we are reducing the width of the road to 22 feet to 24 feet. There are areas that exceeded 26 feet in width. This causes issues with maintenance and maintaining the roads crown.
- ✓ So far citizen inquires and statements have been mostly positive for the project.
- ✓ Nelcon is producing the three inch minus and ¾ inch crush. Hauling will begin on May 6.

Columbia Falls Stage Road Relocation Project

- ✓ Jackola Engineering has finalized the design plans and Peccia and Associates have completed the easement documents.
- ✓ David Randall in the County Attorney Office is preparing the buy/sell document for the easement.
- ✓ Plan set and buy/sell will be delivered to owners immediately thereafter.
- ✓ Documents will be forwarded to owners in Arizona after review/approval from their son (Steve Evans).
- ✓ Cost of the easement is \$11,000 via the appraisal performed by Gene Lard.
- ✓ Assuming no issues construction is planned for this summer.

Dust Cost Share Program

- ✓ The bids from contractors for this years' program were due on May 1.
- ✓ Bids were opened today and W.E. Dust Control was the low bidder.
- ✓ Contracting will begin shortly thereafter and usually takes about two weeks.
- ✓ Letters will be sent out to the citizens informing them of the amount of money for their half and when it is due.
- ✓ There are 46 miles of roads applied for plus 28.1 miles through the RAC program. This totals 74.1 miles and will be our largest amount of treated roadway in the programs history.
- ✓ With SRS funding unknown from RAC the \$52K awarded to us for dust abatement this summer may not occur. Roads include Ashley Lake, Blankenship and North Fork.
- ✓ Staff has been in contact with Flathead National Forest and they have not been able to provide any info yet if funding is secured through SRS. They said they didn't know if Obama had signed the bill.

Trumble Creek Road Milling Project

- ✓ Utilizing direct haul by MDT contractor to Trumble Creek Road between Wishart and Hodgson Road.
- ✓ Estimated cost of \$71,500 including wages, equipment and materials.
- ✓ Our pit operations will require some form of dust suppression on this gravel portion of Trumble Creek Road.

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

TUESDAY, MAY 5, 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.

David Taylor, Planning Director with the City of Whitefish representing the City of Whitefish stated he wanted to make a comment about an agenda item today regarding the Shaw Zone Change. He noted he previously provided a letter to the Planning Board regarding the Shaw zone change. We do feel this rezone is not compatible with the 2007 Whitefish Growth Policy; the area is designated as rural and important farmland, which has a 20 acre minimum. Also the 1996 Whitefish City County Master Plan that you still have adopted as part of your growth policy also calls that important farmland and designates it as 20 acres. We felt like the Planning Board didn't adequately address the inconsistencies with the 1996 City County Master Plan. Under MCA 76-2-203 there is criteria for counties doing zoning adjacent to municipalities. One that it needs to be compatible with adjacent urban growth and the other it has to be compatible with the zoning ordinances of nearby municipalities. We felt like this particular rezone does not meet that criteria.

Mayre Flowers, representing Citizens for a Better Flathead, 35-4th Street West said an individual has contacted her numerous times and apparently has contacted the commission as well regarding the Shaw Zone Change.

Chairperson Holmquist pointed out the Public Hearing was closed on April 20, 2015.

Flowers said she understands the Public Hearing was closed, however; state law recognizes that until the final decision is made the decision makers need to recognize concerns of individuals. This individual apparently had tried to contact the commission earlier and had not heard back from them and is out of state today, so wanted his letter read into the record.

She read the following letter from Chris Hagen submitted prior to May 5, 2015 in opposition to the proposed rezone.

Prior to the scheduled hearing on Tuesday May 5th, 2015, I am submitting my comments for public record in opposition to the proposed rezone at 4435 Highway 40 West of 62 acres from SAG-10 to SAG-5. For nearly ten years, my wife and I have owned a Monterra Unit next to the land proposed for rezoning.

It was disappointing (and frankly stressful) to read a recent article in the Whitefish Pilot about the potential rezoning of the land near the Monterra (*H. Desch, "Developer eyes open land near Monterra." Whitefish Pilot, April 21, 2015*). As a result of reading this article, I sent several emails to the Planning Departments in Whitefish (David Taylor) and Flathead (Erik Mack, B.J. Grieve) as well as the Flathead County Commissioners (Phil Mitchell, Gary Krueger, Pam Holmquist). I was able to speak with the planning offices to understand the process. While Erik described the process he did not mention anything was approved by the planning board on February 11, 2015. I have not heard back from any of the three Flathead County Commissioners that I contacted.

I am strongly against this rezone proposition for several important reasons.

1) Proposal goes against Whitefish planning strategy – as noted by comments submitted by David Taylor on February 11, 2015, this rezone proposal goes against the current planning of Whitefish and "is not compatible with the urban growth policy of the adjacent municipality." Rezoning this land, against the strong comments submitted by Whitefish Planning, creates a bad moral and legal precedence between the two jurisdictions. Coordination of regional planning efforts should trump any direction that enables planning to follow individual jurisdictions and policies not benefiting the entire region.

2) Property will emulate adjacent developments – if you want to project how this property will evolve one need not look any further than the nearby developments. The Lakes, Monterras, and Deer Creek all provided a mechanism for "flipping" properties for quick profits until the market crash in 2008. Subsequent to this crash, these properties have essentially become rental units rather than communities. In some cases the units operate as hotels even with legal policy prohibiting stays of less than 30 days. At the time of this letter all of these properties mentioned have listings for short-term or vacation rentals. With the continued emergence and growth of "pay as you stay" opportunities (see airbnb) this trend will only increase – particularly near resort towns. Regardless of the final density, the rezoned property will likely follow one of these paths thus becoming much more "down market" than however originally intended or planned.

3) Reduction of farmlands in the area is a troubling trend where additional capacity is not needed – currently the land is zoned for "rural" and actively farmed. Continued reduction of this land designation hurts the community and cannot be reversed. Additionally, based on the developments listed above there is no needed capacity in this area for additional houses or high-density alternatives. Rezoning enables development profits, "flipping", and renters to make profit but hurts the broader community, existing businesses, and homeowners.

4) Rezoning hurts individual investments made based on the current zoning – as a proxy example, my wife and I bought our unit primarily because of how this land was currently zoned. Turning this property into a zone that is not consistent with its current "rural" zone is hurtful to the residents who made prior investments based on this land designation. We enjoy the land and views of a peaceful farm – and made a large investment (to us anyway) because of this land and zoning. The families that made an investment in their little piece of Montana will be hurt while encouraging profiteering from development and real estate speculation.

5) Continued erosion of scenic and natural corridors into Whitefish and intersection of Highway 40/93 – the current proposal continues to create odd and cluttered arteries into the Whitefish area and the intersection of Highway 40/93. Whitefish is the flagship resort town of the state and needs to be protected. At the current pace, we will have developments all the way to Kalispell and the airport in short-order. We are well on our way to becoming Summit County, CO.

6) Negative impact on Wildlife – the land in question is home to many different species of wildlife that will be impacted if this land is rezoned. This wildlife includes bald eagles, exotic mountain birds, deer, and red foxes. These animals are either nesters or regular visitors to the land. In fact, in the summer, you can actually set your watches to the fox and deer schedule. Rezoning would hurt this ecosystem – and again the surrounding community that enjoys these wildlife neighbors. I am not looking forward to explaining to my daughters where our "pet deer" went.

Again, we are intensely opposed to this rezone for many reasons that are important to me and the broader Flathead community. Approving this zoning request will have a negative impact on the region and set policy and precedence that cannot be reversed.

We are submitting these comments of record prior to the commissioners' final decision on the issue. Please ensure these comments are made part of the public record in any hearing or discussion on this matter. While I am sending a copy to the Flathead County Commissioners, please provide printed copies of this email directly to them prior to the Tuesday May 5th, 2015 session or any other discussions on this topic. We can be reached for additional discussion at the above email.

Thank you for your time and consideration.

Chairperson Holmquist clarified again the Public Hearing was closed on April 20 and they cannot consider anything after that. The Public Hearing was closed and it doesn't become part of the record I don't believe.

Flowers said that individual was very concerned that his comments be heard. He did not hear back from them after a number of efforts.

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(Continued)**

Commissioner Mitchell said the letter you just read said you were supposed to hand us a copy, which I have. He asked if she had a copy to give to them.

Flowers said your office was supposed to provide it to you that is what he is referring to in his comments that I read.

Commissioner Krueger acknowledged that he had received the letter; read it, and gave it the proper amount of consideration.

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

BUDGET REVIEW: SUPERINTENDENT OF SCHOOLS

9:15:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Superintendent of Schools Jack Eggersperger, Clerk Kile

Eggersperger briefly reviewed performance measure workload indicators and their goals and objectives. Their revenue and budget was summarized.

BUDGET REVIEW: WEED & PARKS DEPARTMENT

9:30:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Weed/Parks/Maintenance Director Jed Fisher, Maintenance Operations Lead Mike Hovila, Weed & Parks Office Assistant Michele Haarr, Weed & Parks Office Administrator Hailey Hoff, Weed & Parks Supervisor Gordy Jewett, Clerk Kile

Fisher reviewed proposed changes in staff, reviewed their revenue, summarized the Weed & Parks Department preliminary budget and reviewed their CIP. General discussion was held relative to lease of the Conrad Complex for outdoor sports.

BUDGET REVIEW: MAINTENANCE DEPARTMENT

9:50:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Weed/Parks/Maintenance Director Jed Fisher, Maintenance Operations Lead Mike Hovila, Clerk Kile

Fisher briefly spoke about relocation of the Maintenance Department, summarized their sidebar/CIP requests and reviewed their preliminary budget.

BUDGET REVIEW: HUMAN RESOURCE OFFICE

10:00:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Human Resource Director Tammy Skramovsky, Clerk Kile

Skramovsky briefly reviewed their preliminary budget and summarized performance measure workload indicators for the Human Resource Department.

BUDGET REVIEW: DISTRICT COURT

10:15:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Judge Albright, Judge Ortley, Judge Allison, District Court Office Administrator Marcy Hall, Clerk Kile

Hall reviewed their sidebar request pertaining to court room conversions and purchase of video conferencing equipment. She briefly summarized their preliminary budget.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: SHAW ZONE CHANGE/ S.E. RURAL WHITEFISH ZONING DISTRICT

10:35:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Erik Mack, Eric Mulcahy, Clerk Kile

Grieve: The public hearing was held on April 20, 2015 and after the close of the public hearing you postponed/abled for additional consideration and discussion. The agenda item is now back on your agenda for that additional discussion and consideration. You have in front of you a copy of Resolution 1201K that references findings of fact as adopted by the Flathead County Planning Board. You also should have the addendum from the Flathead County Planning Board that provides the findings of fact. After your discussion and consideration if you decide to make any amendments to those findings of fact here today based on the public hearing, and based on your comments. I have a copy of 1201K which simply modifies the version you have in front of you to state that the findings of fact as adopted by the Planning Board and as modified by the commissioners. If you choose to elect them as they came from the board you are fine with Resolution 1201K in front of you; if you make any changes to them I have another version that would incorporate those by reference.

TUESDAY, MAY 5, 2015
(Continued)

Chairperson Holmquist: The commissioners held a public hearing on April 20, 2015 which was closed that day. We did receive some comments and I want to speak to those. One of the Whitefish councilmen reiterated his support for the comments submitted by the City of Whitefish at the regular Planning Board meeting. I believe that the Planning Board did consider everything that was presented to them through their process. Basically, I wanted to speak to the public hearing before the commission where a letter/comment was sent in by Citizens for a Better Flathead. One of those MCA's was 76-2-203 – Criteria and guidelines for zoning regulations. That one I looked up and actually under No. 2 it says: In the adoption of zoning regulations the Board of County Commissioners shall consider various things....reasonable lighting, motorized transportation, urban growth, character, conserving the value of buildings. Under No. 3 under zoning regulations it says: That zoning must be as nearly as possible made compatible with zoning ordinance and nearby municipalities. I see this zone change as just a natural progression of growth beyond the city limits. So I think that would be my comment on that. There was another MCA brought up; MCA 76-1-102 that says: The purpose of zoning that talks about encouraging local units of government to improve the health, safety, convenience and welfare of their citizens. I believe that when it comes to that when the development does happen I believe we have a process in place, which I believe in that will provide oversight when that development does happen. Next one was MCA 76-1-601 – Growth Policy contents. I think that the letter Citizens for a Better Flathead provided kind of took No. 3 out of context. No. 3 says: A Growth Policy must include...and then it talks about various things, but if you go up to MCA 76-1-601 No. 2 - it says the extent to which a Growth Policy addresses the elements listed in Sub-Section 3 is at the full discretion of the governing body. In other words we have full discretion to consider each of those as we go forward. So I would end in saying, I believe the Planning Board did a very thorough job and am in support of the Shaw Zone Change at this time. It did come with a unanimous vote of approval from the Planning Board, and I would agree with them on that.

Commissioner Mitchell: I just want to make a public comment that I tried to look at both the Whitefish Growth Policy, Whitefish City County Master Plan, Flathead County Growth Policy, zoning regulations and maps (both) and the staff report along with findings of fact. These documents especially the first four don't always agree with each other – they are guidelines. I want you to know that I have tried to review all of the documents and comments and have had a separate meeting with B.J. on this. Within the findings of fact that we did receive Page 15 (2) Whitefish City-County Master Plan that says: According to the Master Plan relying on only one component will not always give a clear picture of the broad community concepts or the spirit of the plan. Therefore, this report contains discussion on compliance with both the map and the text of the Master Plan. Part of the reason I am reading this has to do with Citizens for a Better Flathead/ Mayre Flowers discussing the map, but not necessarily the text and I think they both need to be taken into context – one is not more important than the other. The other one of finding of fact No. 4 on Page 19 that says: The proposed zoning map amendment appears to comply with the text of the Whitefish City-County Master Plan, because it would allow for additional low density housing, lots could be divided in a way that there is a buildable area outside the sensitive area, the property is located adjacent to a higher density residential area within the City of Whitefish, is located adjacent to county zones that allow for 2.5 and 10 acre minimum lot sizes, and 5 acre lots can be serviced by individual septic systems and wells. I did read through the Whitefish Growth Policy and on Page 68 – it talks about what a rule area is, and I just want that put into my comments; although I don't think it applies here.

Grieve: May I ask a clarifying question. You just said – you were referencing the Whitefish City County Growth Policy and said that it references/designates the subject property as rural on their future land use map. You said you don't think it applies here. Can you

Commissioner Mitchell: On page 68 – RuralIt says open lands with decidedly rural character, including farmland, pasture lands, timber harvesting and management areas, and forest lands generally fall under this designation. Agricultural and timber management are generally allowed, but residential densities are extremely low. This designation includes "important farmlands" as defined by National Resources Conservation Service criteria. Zoning is mainly WA-10 and WA-20. We are dealing with an SAG-10 to an SAG-5. I'm not sure how that applies to this as it is a different zoning. This isn't what I consider rural farmland with 20 acres or more, which is what I read through one of these documents.

Grieve: So if I am hearing you correctly then what you are saying is that designation of the future land use map that they have of rural, when you read that rural definition then you are thinking that the proposed zone change from SAG-10 to SAG-5 is not necessarily out of conformance with that rural designation. So in other words because it says zoning is mainly WA-10 or WA-20 and you are thinking that it is still rural you said it is farmland. Is that....I want to make sure.

Commissioner Mitchell: What I am saying is that next to this what I am trying to do is talk about also within this picture you have transition areas between like Monterra and SAG-20; part of that might include some rural areas, but you also have to have a transition area in between. So, I am trying to figure out how this rule area applies to the transition area; rule area to me generally would apply to more 10 – 20 acres or more and not a SAG area which is suburban agriculture. As I read through some of these documents they all don't speak to things the same way; so I did struggle with this one. I read over the differences between SAG-5 and SAG-10 and with the SAG-10 there are 17 permitted uses and on SAG-5 there are 13 permitted uses. Under Conditional Use Permits there are 27 for SAG-5 so there are a few differences and the only big differences I see here is on item No. 16, Item 5 – Dairy products processing and ranch employee housing are gone from SAG-10 to SAG-5. Otherwise there are more Conditional Uses for SAG-5 which maybe would protect that area better.

Under MCA 76-1-605 (2) (a) states: A growth policy is not a regulatory document and does not confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law. (b) a governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.

My understanding is and B.J. you can help me with this transitional zoning. We are trying to go from....you have Monterra on one side which must have been a PUD maybe.

Grieve: It is in the plan designated as resort residential and goes back to the 96 plan.

Commissioner Mitchell: You have a home and development that is...I don't know how many houses per acre and then you have right now SAG-10, SAG-10 all around it on the south side and you've got 2.5 south of Highway 40 so on two sides of this property you have SAG -10 or above and two sides are definitely less; 2.5 and the resort. I think there is a happy medium as you do transition of property where I think SAG-10 or SAG-5; I don't think it really matters that much. We need a transition area between the two and I think that fits that criteria. Probably last the hardest thing for me to do is that I am one of the few county commissioners who have dealt with.....

TUESDAY, MAY 5, 2015
(Continued)

Grieve: Do you feel that the proposed zoning SAG-5 is not rural, or do you feel that SAG-5 is still maintaining a rural character because it is going from SAG-10 to SAG-5. The permitted uses are largely similar and the minimum lot size simply changes to 5.

Commissioner Mitchell: I do but I think it is a smaller transition. There is a transition between the resort next door (Monterra) that changes to 5 and the next one out is 10 and further out to the east you go back to 20's.

Grieve: What I am hearing then is if you do still feel that the SAG-10 to SAG-5 is still a rural character, then the designation in the Whitefish City-County Growth Policy currently which is rural for this area you would feel that SAG-5 is still a rural character.

Commissioner Mitchell: The struggle I have with this, and I have some dear friends that are involved with this. Is this going to be...can you take care of farmland that is rural areas as 5 acre or 10 acre parcels. The smaller you make it the more you are going to have less of a rural feel. That is a struggle I have with this today. It is still considered a rural area. My frustration is we received a letter from the resort next door from a private party that owns a condo, and they want the farmland left the way it is with the deer and whatever and they are in an area that is definitely between whether you make it SAG-5, SAG-10 or 20 there is a huge difference and there is really not a transition area. I was involved with this deeply before I became a county commissioner and my goal had always been to go through an interlocal agreement with the county; we did come up with one and worked very hard on it with Mr. Dupont and that was turned down by the City of Whitefish. I was on the council at the time and fought it all along and fought it going to the Supreme Court. At the end of the day the Supreme Court made the final decision and it went back to county jurisdiction, and I am very sorry it happened that way. We now have to deal with what we can in taking care of the property in the best way we can. I wish the City of Whitefish would have chosen to work together.

Commissioner Krueger: I was not present for the public hearing, yet I did review the hearing. As a governing body with zone change applications we have to look at a variety of different information. We review the staff reports and staff does a very good job of reviewing the criteria on the ground. We have our different growth policies, the 96 Whitefish City-County Master Plan, and some of these things are snap shots in time; zoning maps are snap shots in time and some of the text that is done often times has the ability to live beyond that snap shot in time where it says make consideration for these. I believe that as a member of the governing body we have to also look at the site and recognize what is happening in the community, because some of these documents that we have are very old and things are happening that are new. We are looking at one that is 20 years old, so when I weigh those things against each other I have to give different weight to different documents as to what is actually happening on the ground. I do believe that this zone application generally conforms to the rural character that is asked for. Generally conforms to what's happening on the ground out there and generally conforms to the text. Therefore, I will support this zone change application.

Grieve: Based on what I have heard today from the discussion from all three commissioners, I think that finding of fact No. 12 as forwarded to you by the Planning Board and as originally drafted by staff and then forwarded to you by the Planning Board. Based on what I am hearing finding of fact No. 12 should be slightly modified. Right now it states:

The proposal does not appear to be compatible with urban growth in the vicinity of Whitefish because the property is located within the City of Whitefish Growth Policy Future Land Use Map and the proposed SAG-5 zone would allow for a 5 acre minimum lot size and the "rural" designation calls for 15 acre minimum lots, the City of Whitefish has submitted comments regarding this request.

Grieve: Given the definition of the rural designation that Commissioner Mitchell referenced that talks about rural – that designation is open lands with decidedly rural character, including farmlands, pasture lands, timber harvesting, and management areas and forest lands that generally fall under this designation. It goes on to say that zoning is mainly WA-10 and WA-20. Neither of those two zoning designations existed under Whitefish; it was a WA-15. From what I am hearing it sounds to me from Chairperson Holmquist talking about this being logical progression for this area; Commissioner Mitchell saying this is still a rural area and Commissioner Krueger saying it conforms to a rural character that per statute that you have given as county commissioners consideration to the compatibility of that urban growth, and in fact find it to be generally compatible with that rural designation in the Whitefish City County Growth Policy. Is that correct ?

The commission said absolutely.

Grieve: If that is the case I think finding of fact No. 12 should be modified, as right now it states the proposal does not appear to be compatible with urban growth in the vicinity of Whitefish.

Commissioner Mitchell: Asked what it should be changed to.

Grieve: Based on what you have stated in your discussion I would say something along the lines of. The proposed zoning does appear to be generally compatible with urban growth in the vicinity of cities and towns because the Whitefish City County Growth Policy designates this land as rural and after consideration of the description of the rural land use designation the commissioners feel that SAG-5 zoning complies with that designation in this area at this time.

Commissioner Mitchell: The only thing I would like to add to that is you said the Whitefish policy future land use map and text. Do you want to say text in there also ?

Grieve: We are talking about two different documents here. The document referenced in finding of fact No. 3 that references the importance of discussion of both the text and maps that Commissioner Krueger referenced in the county's 1996 Whitefish City-County Master Plan. The document we are referencing in finding of fact No. 12...and I believe because of discussion by the commission about the plan, the text and the map I think finding of fact No. 3 and No. 4 are okay. It says it doesn't comply with the map, but the finding of fact says that it does comply with the text and you discussed why you think the two of those are different. Finding of Fact No. 12 would be modified to reference the Whitefish City-County Growth Policy because in that document based on the public testimony you heard at the public hearing and the record it clearly references David Taylor's comments as well as citizen comments for the criteria for compatible urban growth in the vicinity of cities and towns. Which is why finding of fact No. 12, I think is the one that needs to be modified based on the discussion I heard today.

Mack: Clarified Finding of Fact No. 12 - The proposed zoning appears to be generally compatible with urban growth in the vicinity of cities and towns because the Whitefish City County Growth Policy designates the land use as rural, and after consideration of the description of the rural designation the commissioners feel it complies with the plan at this location at this time.

TUESDAY, MAY 5, 2015
(Continued)

Grieve: The reason I feel it is important to say at this location at this time is because you talked about this transition area and the fact that it is sandwiched between R-2.5 and Monterra, which is city and condo's so has a higher density and at this time because of again that progression that you discussed. Place and time is a critical component of what makes this unique and makes that Finding of Fact relevant to your discussion. The only other thing I wanted to mention is there was one other public comment that none of you addressed that I would like to bring to your attention. I am sure you read it, but I would like to mention it. That is the comment that came in regarding the City of Whitefish's infill policy and the fact that they feel that a zone change from SAG-10 to SAG-5 in this area does not comply with their infill policy. If I may provide some comment on that. We double checked that infill policy and what it states according to their 2007 Whitefish City-County Growth Policy is that the City of Whitefish shall give priority to infill development over growth policy amendments that would redesignate land to urban or suburban. We feel that in consideration of this public comment because obviously we were here and talked about it afterwards and then reviewing that actual policy statement; what is being proposed is a zone change – this is not a plan amendment. We are not re-designating any land within their growth policy. So there is a little bit of a technical correlation there. This is not technically a growth policy amendment; furthermore, this is not a re-designation of any land even through zoning from anything to urban or suburban. This is going from suburban agriculture to suburban agriculture. The only difference is the density. Therefore, I don't think we are in violation of that infill policy or found to be substantially non-conforming or even having not given consideration to compatibility with their plan because of the actual language of that infill policy.

Chairperson Holmquist: I would agree with that.

Commissioner Mitchell: I would agree too. Just on a side note there is a group looking into the infill policy of Whitefish right now in how it is being done and we don't feel it is being done correctly. I don't have results of that as of yet. There are only 108 lots for sale in Whitefish.

Grieve: Do you have any interest in adopting of Finding of Fact regarding that or do you think that discussion of it on the record and you're

Chairperson Holmquist: I think the discussion is on record on that one, but I do like your idea on the Finding of Fact No. 12.

Grieve: Everybody understands the revised Finding of Fact No. 12.

The commission unanimously agreed.

Commissioner Krueger made a **motion** to adopt the Finding of Fact as amended today (Finding of Fact No. 12). Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

Finding of Fact No. 12) The proposed zoning appears to be generally compatible with urban growth in the vicinity of cities and towns because the Whitefish City County Growth Policy designates the land as rural and after consideration of the description of the rural designation the commissioners feel it complies with the plan at this location at this time.

Commissioner Mitchell made a **motion** to adopt Resolution 1201K. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

Commissioner Krueger made a **motion** to authorize publication of the Notice of Passage of Resolution of Intent to adopt the South East Rural Whitefish Zoning District. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

RESOLUTION NO. 1201 K

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 20th day of April, 2015, concerning a proposal by Evan Shaw to change the zoning designation on 62.48 acres from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural) in the S.E. Rural Whitefish Zoning District;

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on April 23 and April 30, 2015;

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing and taking additional time to consider all public comment; and

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the S.E. Rural Whitefish Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and as modified by the Commissioners on this date after consideration and discussion of public and agency comments received at the April 20, 2015 public hearing, and, in accordance with Section 76-2-205(4), M.C.A., adopts this resolution of intention to change 62.48 acres from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural) in the S.E. Rural Whitefish Zoning District, that area being described as Parcel B of Certificate of Survey No. 16099, located and being in the Southeast Quarter of Section 8, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana and being located at 4435 Highway 40 West, Whitefish, Montana.

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

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

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

DATED this 5th day of May, 2015.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By/s/Gary D. Krueger
Gary D. Krueger, Member

By/s/Philip B. Mitchell
Philip B. Mitchell, Member

ATTEST:
Debbie Pierson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

**TUESDAY, MAY 5, 2015
(Continued)**

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
SOUTHEAST RURAL WHITEFISH ZONING DISTRICT**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 1201 K) on May 5, 2015, to change the zoning designation on 62.48 acres from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural) in the S.E. Rural Whitefish Zoning District.

The boundaries of the area proposed to be amended from SAG-10 to SAG-5, being described as Parcel B of Certificate of Survey No. 16099, located and being in the Southeast Quarter of Section 8, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana.

The property is located at 4435 Highway 40 West, Whitefish, Montana.

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, and providing for estate type residential development, by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: http://flathead.mt.gov/planning_zoning/downloads.php. Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

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

DATED this 5th day of May, 2015.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Debbie Pierson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on May 9 and May 16, 2015.

BUDGET REVIEW: 4-H OFFICE AND MSU EXTENSION OFFICE

11:06:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, MSU Agricultural Extension Agent Pat McGlynn, 4-H Youth Agent Tammy Walker, Clerk Kile

Walker briefly reviewed their workload indicators, performance measures, and goals and objectives.

BUDGET REVIEW: SOLID WASTE DISTRICT & JUNK VEHICLE

11:15:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Public Works Director Dave Prunty, Solid Waste Operations Office Manager Carol Norwood, Clerk Kile

Prunty summarized revenue for the Solid Waste District and briefly spoke about their preliminary budget by individual cost centers. The junk vehicle program was briefly summarized.

BUDGET REVIEW: CLERK OF COURT

11:56:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Clerk of Court Peg Allison, Clerk Kile

Allison briefly summarized the Clerk of Courts budget which she noted doesn't change much from year to year. She reviewed an increase to the budget due to remodel in the Justice Center when the County Attorney's office moves into the remodeled jail; reviewed the need for travel and registration expenses due to Flathead County being chosen by the Supreme Court as the first pilot site for new software; reviewed the need to make the front counter station more ergonomically correct for staff.

MEETING W/ PEG ALLISON, CLERK OF COURT RE: HB0366

12:01:00 PM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Clerk of Court Peg Allison, Clerk Kile

Allison reported she would not be attending the County Compensation Board meeting; therefore, wanted to bring to their attention new legislation with HB0366. The request is a formal request to the commission to include the Clerk of Court position in the \$2,000 additional salary provision as Flathead County has seen fit to do the additional \$2,000 provision for all of the other elected officials that it has been provided for in law up to this point of time.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 6, 2015.

WEDNESDAY, MAY 6, 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.

BUDGET REVIEW: ROAD & BRIDGE DEPARTMENT

9:00:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Public Works Director Dave Prunty, Road Department Office Manager Patti Vernarsky, Clerk Kile

Prunty summarized their revenue and preliminary budget by individual cost centers associated with the Road and Bridge Department. He then reviewed their CIP projects.

BUDGET REVIEW: HEALTH DEPARTMENT

9:40:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, City-County Health Department Director Joe Russell, Deputy Health Officer Hillary Hanson, Clerk Kile

Russell summarized the preliminary budgets for various Health Department programs. The sidebar requests pertaining to additional FTE in the Community Health Program were reviewed.

BUDGET REVIEW: INFORMATION TECHNOLOGY DEPARTMENT & GIS OFFICE

10:13:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Information Technology Director Vicki Saxby, Information Technology Technical Operations Supervisor Jae Carnsew, GIS Program Director Mindy Cochran, Clerk Kile

Saxby reviewed goals and objectives for the Information Technology Department along with their performance measure workload indicators. Their preliminary budget was briefly reviewed and CIP expenditures were summarized.

Cochran reviewed primary goals and objectives for the GIS Department along with their performance measure workload indicators. Their preliminary budget was briefly reviewed and CIP expenditures were summarized.

DOCUMENT FOR SIGNATURE: QUITCLAIM DEED/ IMPROVEMENT 406 (GLACIER BIBLE CAMP) TO MONTANA DISTRICT COUNCIL OF THE ASSEMBLIES OF GOD

10:37:00 AM

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

Chairperson Holmquist stated the quitclaim deed pertains to a small building at Glacier Bible Camp.

Commissioner Krueger recused himself from voting due to conflicts with a family member.

Chairperson Holmquist made a **motion** to approve the quitclaim deed for Glacier Bible Camp. Commissioner Mitchell **seconded** the motion. Motion carried by quorum.

Recorded as document # 2015 0000 8758

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #16-07-5-01-015-0

10:38:00 AM

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

Commissioner Krueger made a **motion** to approve the document for signature/ DPHHS Contract. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

AWARD BID: 2015 DUST COST SHARE PROGRAM

10:39:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Commissioner Mitchell made a **motion** to award the 2015 Dust Cost Share Program bid to W.E. Dust Control. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

WEDNESDAY, MAY 6, 2015
(Continued)

DOCUMENT FOR SIGNATURE: NOTICE OF AWARD/ SWAN RIVER ROAD CTEP PATH

10:41:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Planner Rachel Ezell, Kelly Semenza, Clerk Kile

Ezell reported six bids were opened on April 14, 2015 and the apparent low bidder was Sandry Construction, Inc. On April 30, 2015 MDT issued concurrence that Flathead County could issue Notice of Award to Sandry Construction, Inc. in the amount of \$201,031.00 for the base bid. The base bid is only being awarded since the base bid plus the added alternate is more than we have to allocate to the trail.

Commissioner Krueger made a **motion** to award the Swan River Road CTEP bid to Sandry Construction, Inc. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

CONSIDERATION OF H.R. TRANSMITTALS: JOB DESCRIPTION – LANDFILL EQUIPMENT OPERATOR/ TRUCK DRIVER, SOLID WASTE; JOB DESCRIPTION – PLANNING BOARD SECRETARY, PLANNING & ZONING OFFICE

10:44:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Human Resource Director Tammy Skramovsky, Public Works Director Dave Prunty, Clerk Kile

Skramovsky reported the Landfill Equipment Operator/ Truck Driver position is a job description update.

Commissioner Krueger made a **motion** to approve the H.R. Transmittal - Landfill Equipment Operator/Truck Driver at Solid Waste. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

Skramovsky reported the Planning Board Secretary is a job description update.

Commissioner Krueger made a **motion** to approve the H.R. Transmittal - Planning Board Secretary, Planning & Zoning Office. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

AUTHORIZE MIKE PENCE AS SIGNATORY: POKORNY & KELLER PROPERTY DOCUMENTS

10:46:00 AM

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

Commissioner Krueger made a **motion** to authorize Mike Pence as signatory for Pokorny and Keller properties. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

11:00 a.m. County Attorney meeting @ Co. Atty's Office
1:30 p.m. Commissioner Krueger: LEPC meeting @ OES
3:00 p.m. Commissioner Mitchell: FCEDA Board meeting

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 7, 2015.

THURSDAY, MAY 7, 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.

BUDGET REVIEW: COMMISSIONERS' OFFICE

9:00:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Clerk Kile

Pence summarized the Commissioners' office budget. General discussion was held relative to workload indicators, performance measures, goals and objectives, and various budgets falling under the guidance of the commission.

CONSIDERATION OF LAKESHORE PERMIT EXTENSION: JONES, FLP 13-43

9:48:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Clerk Kile

Moorman reported FLP 13-43 was granted by the commission on June 5, 2013 to place rip rap entirely on private property located off East Village Drive on Echo Lake. The permit was valid for one year and was set to expire on June 5, 2014. An extension request was submitted on May 14, 2014 requesting a one year extension which was approved on May 27, 2014. On April 16, 2015 the applicant requested a second extension request and if approved the permit would now expire on June 5, 2016.

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Commissioner Krueger made a **motion** to approve Lakeshore Permit Extension, FLP 13-43 to June 5, 2016. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

CONSIDERATION OF LAKE & LAKESHORE CONSTRUCTION PERMIT: DUGAN, FLP 15-05

9:50:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Clerk Kile

Moorman: Jolene Dugan submitted a Lake and Lakeshore Construction Permit to resize and rearrange portions of existing riprap within the Lakeshore Protection Zone of Flathead Lake at 482 Holt Drive. Currently there is a bridge (being constructed under FLP 11-02) and the existing riprap (placed under FLP 05-30 and FLP 05-31). The applicant submitted documentation from a hydrologist that the existing riprap on Dockstader Island is inadequately sized to effectively mitigate erosion from the lake water level fluctuation resulting from Kerr Dam, and from the wave action experienced onsite. Therefore, the applicant is proposing to bring in a backhoe with a hydraulic rock crusher attachment in order to resize portions of the existing riprap. The applicant is proposing that resizing a portion of the riprap within a ¾ inch to 10 inch range and rearranging the existing riprap will allow the riprap to better interlock and increase its ability to withstand erosion. No additional material will be brought in for the project, the rearranged riprap will be backed by filter fabric, and riprap will not be extended out lakeward beyond its current location.

Commissioner Mitchell: How can the applicant say that reducing the rock to ¾ to 10 inch range will help with stand erosion? I disagree with that comment because I think the larger the rock is the less erosion there will be with that part of the lake. I would say ¾ to 4 inch rock right now would come and go as it feels like it with the lake; this is not a calm lake. I drive it all the time to go to Polson. Some of those waves around Yellow Bay are 2 and 3 feet tall. Going down to that small of a rock will cause erosion. I am struggling with this and I think a rock crusher will have a significant impact on water quality and possibly diminish the water quality because of the size of the material. When you rock crush there are also fines.

Moorman: Silts, fines and sand created could in fact have a significant impact through materially diminishing water quality. If you feel that it does have a significant impact you have the right to approve, deny, conditionally approve, or request that it be reviewed by the Planning Board under significant impact.

Commissioner Mitchell: I am leaning towards sending this back to the Planning Board for significant impact as a major variance because of the things I just mentioned.

Moorman: It wouldn't be required to be a major variance it would just be a significant impact.

Chairperson Holmquist: I would agree that it does have a significant impact I believe and sending it over to the Planning Board for additional review is proper for this application.

Commissioner Krueger: I actually have a little bit difference of opinion. I think the application is wholly inadequate and don't think it describes the method that may be used here. It doesn't describe the size of the backhoe; the backhoe could be innocuous as a 1 ½ ton mini excavator to a rubber tired backhoe to an 80 ton excavator. The rock crushing equipment is not described what it is. Is it a jackhammer --- it sounds like it would be a jackhammer on a backhoe and rock crushing equipment hooked on a backhoe probably isn't a rock crusher so I don't see what that is exactly. I think the permit is so vague and within the permit I see a permit for something with the Army Corp of Engineers for minor dredging. I read that type of stuff and the things they talk about in there and it sounds like that is different from what they are asking for from Flathead County. I do believe that this activity they are proposing quite possibly will diminish water quality. I don't think they describe fueling of the equipment. Will the equipment always be carried back to shore to be fueled. With that equipment running 1,700 feet of shoreline is that the entire shore.

Moorman: Yes.

Commissioner Krueger: I would think the differences would be that there would be a difference on the leeward side of the island compared to the wayward side of the island. You also have to have a discussion on how you plan to mitigate anything that could happen during crushing operations with a hydraulic excavator; you could rupture a hose and what would be done to diminish those impacts to the environment. I believe that something that could be that big of an activity could quite honestly create a large public nuisance. If it isn't finished within the first year and they ask for extensions, those could be a public nuisance and we need to know that so that the public nuisance part of that can be taken care of. I do believe what they are asking for will significantly alter the characteristics of that shoreline. The shoreline is a fairly natural place and I don't know that this is the best way to alter that. My opinion is that this permit is wholly inadequate and as far as sending it back to the Planning Board for review, I don't feel it needs to go back there that it needs to be flatly denied for those reasons.

Commissioner Krueger made a **motion** to deny Lakeshore Permit FLP 15-05. Commissioner Mitchell **seconded** the motion.

Commissioner Mitchell: I think most of your comments are good Commissioner Krueger, but I will say it does say to bring in a backhoe on a hydraulic crusher, so it does say the size of equipment.

Commissioner Krueger: We are assuming the backhoe – a rubber tired backhoe. The experience I have I am guessing it was a jackhammer, but I don't know that and quite a bit of stuff could fall under that category. You could have an 80 ton backhoe/excavator that has a huge jackhammer on it and creates a big impact.

Commissioner Mitchell: The other thing I struggle with is if this helps you in Condition 11 and 12: it says only a minimum amount of riprap necessary, which could be taken a lot of different ways. What you consider minimum and I consider minimum could be taken a lot of different way.

Motion carried unanimously.

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(Continued)

CONSIDERATION OF LAKE & LAKESHORE CONSTRUCTION PERMIT: MONTANA DNRC, FLP 15-33

9:59:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Clerk Kile

Moorman reported Lake and Lakeshore Construction Permit FLP 15-33 is for property located at 1800 Echo Cabin Loop on Echo Lake. There is approximately 500 feet of shoreline on Echo Lake where the applicant is proposing to place fill within the Lakeshore Protection Zone. Currently within the Lakeshore Protection Zone on the property there is a public concrete boat ramp and a floating dock. The applicant is proposing to place approximately 10 cubic yards of 4 inch clean washed brown shale approximately six inches deep along 50 feet of the existing boat ramp. The fill is being requested to fill in an eroded section of beach which has created a drop off on one edge of the boat ramp.

Commissioner Mitchell made a **motion** to approve Lake and Lakeshore Construction Permit FLP 15-33. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

CONSIDERATION OF LAKE & LAKESHORE CONSTRUCTION PERMIT: PINE, FLP 15-34

10:00:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Clerk Kile

Moorman reported Lake and Lakeshore Construction Permit FLP 15-34 is for property located at 585 Conrad Point Road in Lakeside. There is approximately 150 feet of shoreline on Flathead Lake where the applicant is proposing to construct a stone patio, wooden boardwalk and wooden retaining wall within the Lakeshore Protection Zone. Currently within the LPZ on the property there is a fixed 'F' dock and adjacent wooden boardwalk. The proposed stone patio would be approximately 32 feet and 16 feet wide bordering the western property line and beginning immediately landward of the proposed wooden boardwalk and terminating at the stone retaining wall outside of the LPZ. The proposed wooden boardwalk would measure 32 feet long and 5 feet in width and would be located at the western property line in conjunction with the proposed patio. The wooden retaining wall would follow the contour of the proposed boardwalk, located landward of the mean annual high water line and would measure 32 feet in length and 4 feet in height. There would be approximately 18 feet of undisturbed shoreline between the existing boardwalk and the proposed patio, boardwalk, and retaining wall. The project is within the impervious cover allowance for the property.

Commissioner Krueger made a **motion** to approve Lake and Lakeshore Construction Permit FLP 15-34. Commissioner Mitchell **seconded** the motion. Motion carried unanimously.

CONSIDERATION OF LAKE & LAKESHORE PERMIT VARIANCE: GANSER, FLV 15-04

10:02:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Clerk Kile

Moorman: Lakeshore Variance Permit FLV 15-04 for Neil and Jean Ganser is to allow a dock that exceeds 60 feet in length for property located at 353 Breezy Point Avenue in Somers. Also with the request there is a desire to shift the dock to make it more parallel and add a shore station; shifting the dock out and adding the shore station is not part of the variance, even if the variance is denied we intend on approving that as a standard administrative permit. The applicant would like to make the dock 80 feet instead of 60 feet. In the review we found that although it appears to meet the policy criteria for the most part it did not appear to be an unusual circumstance whereby an undue hardship exists. Reasonable alternatives did appear to be available. The applicant stated the reasoning for extending the dock beyond 60 feet has to do with the fact that he would like a place to park the boat outside of the shore station so he wouldn't always have to utilize the shore station and didn't want to encroach on the other side if he was temporarily parking the boat because that is their swim area. There were also safety concerns surrounding the proximity of the rock to the dock that was cited as being part of his request for the variance; however, those concerns could be alleviated without extending the dock. Shifting the dock is a permitted activity so that would mitigate the safety concern. An additional reason the applicant stated he would like to extend the dock beyond the 60' was for water skiing due to the proximity of the dock to the rocks and the length of the rock outcropping he was concerned that boats wouldn't be able to get too close to the dock, and skiers would have to be dropped off further away from the dock. As a way to mitigate that it would appear (if you reviewed your pictures) that there is a buoy at the end of that rock cropping already. He essentially does not need the variance to demonstrate where the end of that rock outcropping is because the buoy is a reasonable alternative that is existing and falls within the regulations.

Commissioner Mitchell: If we don't approve this variance do they give us another permit to do everything but the 20 feet.

Moorman: The other two activities; the shore station and reconfiguring the dock are administrative so they would be handled in the Planning & Zoning office and would not come before the commission. If the variance is denied as it doesn't appear that an unusual circumstance exists and there are reasonable alternatives he would still be granted a permit to shift the dock and put in a shore station; he just wouldn't be able to extend the dock.

Commissioner Mitchell: Do you usually grant extensions beyond 60 feet very often.

Commissioner Krueger: I have the same question, as I am more in favor of allowing the variance; it is very site specific. By looking at the pictures you recognize that I believe the dock is out there 80 feet (i am guessing) because of navigation. However, that area has an island further out that is low part of the time, so I suspect that navigation in that area is somewhat impaired anyway.

Chairperson Holmquist: I am of a mind not to approve as I think it does extend out too far.

Commissioner Mitchell: When you water ski you don't bring your boat in that close to the dock for dropping off skiers. I don't see that as an issue. I don't want to set precedence or is this site specific.

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Moorman: In the past I have seen variances specifically surrounding docks approved. Generally for safety concerns or for a lack of being able to have access to the shoreline I have seen them approved largely for safety concerns if the applicants ability to access his riparian use of the property is hindered, which is a standard policy criteria for docks. In this case it would appear that the variance would be necessary to mitigate the safety concerns. The fact that the dock and shore station are existing I don't know if that would be necessary either. It does like Commissioner Krueger was saying appear that it meets the other policy criteria. For instance navigation probably wouldn't be hindered because the rock out cropping jets almost as far as the proposed dock.

Grieve: Because this is a minor variance it could meet all the policy criteria but the fact of the matter is that it just doesn't comply with the regulations. The challenge we have with this is that when it was presented to us by the applicant in reviewing it – we were saying could you do this – or could you do this and it would work. He replied that he could yet he wanted the dock to be longer so he wouldn't have to drop people off quite so far from the edge of the dock and they have to swim 20 feet further. So we came back under Section 5.1 the minor variance criteria regarding what are the unusual circumstances here where strict enforcement of the 60 foot would result in an undue hardship. There are times when applicants come in and they have boulders under water and because of boulders and a limited area of which they can put the dock they allow them to put it out another 20 feet to get past the boulders. Then you have that safety hazard with the boats or people swimming. Other things we have dealt with – that is one that comes to mind about this issue. This one we just couldn't find any basis to say there was a hardship --- then when it came to does a reasonable alternative exist. Yes, it was part of the rest of the permit to just shift the dock and then we will adverse impact on the lake or lakeshore in terms of the policy criteria – maybe not. Again we were just looking at – there are a lot of situations that come in and they meet all the policy criteria with 120 foot dock, but we just have to say it is 60 foot. That is where our thinking was.

Chairperson Holmquist: I agree, alternatives do exist.

Commissioner Krueger: I would be fine in giving a variance here. I look at where that dock is at with it practically being in a bay of its own. Another option they could ask is that the rock be removed. We have allowed people to remove rocks and I think that would be more detrimental to the area, and I think policy wise if they came with that request we would probably have to look at it very seriously to allow them to increase their dock by 20 feet and get it out into a little clearer water for better navigation for them. As a skier it was always more fun to land right on the dock. I think they could have a safety factor for themselves, and I think that there is looking at the aerial photos of this that they could position the dock to where they could actually put the dock from their property out further than that just by repositioning the dock. They could make it stick out into the lake further than that, and I don't believe a variance causes a real issue here.

Moorman: If you approve this today we will re-write the permit to include the variance.

Commissioner Krueger made a **motion** to approve variance FLV 15-04. Commissioner Mitchell **seconded** the motion.

Commissioner Mitchell: Are we allowed to say we are approving this because of the peninsula of rock on the left side of the dock so someone can't come in and say you approved this variance. The only reason I am considering approving this is because of the rock outcrop.

Moorman: You could point out that this is an extenuating circumstance in your minutes if you are worried about setting precedence.

Grieve: From a procedural point of view a motion to approve has been made and seconded and you could certainly amend the motion to simply cite again these three criteria regarding the unusual circumstances, and what we have heard from the record of the discussion from Commissioner Krueger and Commissioner Mitchell are that the unusual circumstances are that the pile of rocks adjacent to the dock is in fact an unusual circumstance that may cause an undue hardship, and that the alternatives that exist that were put in the outline by staff you don't determine to be reasonable, so therefore those two criteria are met. If the majority of the commission chooses to approve that would be the basis by which the minor variance can be granted.

Chairperson Holmquist: The rock outcropping could be mitigated by moving the dock.

Grieve: It could be by shifting the dock.

Commissioner Mitchell: If we could amend this to meet one of the criteria Grieve just spoke about with the unusual circumstance; I just don't want someone else to bring a permit to me and ask for the same thing in the shoreline without the outcropping. This is a tough one for me as I am not sure I can justify this because it is movable. How many feet of property do they have in the front.

Moorman: They have 189 feet of shoreline, but a chunk of that is consumed by the rock outcropping.

Commissioner Krueger: Do we have to amend the motion if we have in the record this is approved because of the unusual circumstance of the rock outcropping.

Grieve: I would say at this point just to not get overly complicated that it is abundantly clear from the audio which constitutes the public record that two of the three commissioners have addressed the positioning of the rocks, the outcropping of the rocks and concerns regarding that being an unusual circumstance. At this point a motion to approve with a second – and again for the record will cover our basis. These are the minor variance criteria. Section 5.1 (a) 1 of the Lake and Lakeshore Regulations.

Chairperson Holmquist noted a motion is on the floor to approve the variance and called for a vote.

Aye – Krueger and Mitchell. **Opposed** – Holmquist. Motion carried by quorum.

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BUDGET REVIEW: LIBRARY

10:17:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Library Director Kim Crowley, Assistant Library Director Connie Behe, Library Office Administrator Teri Dugan, Albert Logan, Clerk Kile

Crowley noted currently the Library is funded at \$19.63 per capita which is well below the state and national average. The request for an increase is to just over \$20 per capita. The CIP projects were briefly spoke about with the Library in Bigfork to be built totally from Library Foundation funding over the next two years at \$2.2 million. There was brief discussion pertaining to a sidebar request for an additional \$37,000 in their budget for processing of material.

General discussion was held relative to funding of the Bigfork Library and whether the Library Foundation had a secure funding source in place.

BUDGET REVIEW: AOA

10:31:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, AOA Director Lisa Sheppard, AOA Office Administrator Kathy Kallis, Clerk Kile

Sheppard presented an informational data sheet to the commission regarding their funding sources and summarized individual cost center expenses. Their CIP requests were reviewed along with a sidebar request to purchase cameras for Eagle Transit buses.

****Due to a clerical error this meeting was not recorded.*

BUDGET REVIEW: JUSTICE COURT

11:02:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Judge Mark Sullivan, Justice Court Office Administrator Kimberly Dumon, Clerk Kile

Dumon reported the only change to their budget this year pertains to how substitute judges are paid, and for remodeling the Justice Center 2nd floor next year.

BUDGET REVIEW: FINANCE DEPARTMENT

11:06:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Clerk Kile

Carlson briefly reviewed the improvements made in the office and summarized their workload indicators.

BUDGET REVIEW: SHERIFF'S OFFICE

11:20:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Sheriff Chuck Curry, Undersheriff Dave Leib, Sheriff Office Administrator Karen Moore, Clerk Kile

Curry spoke about their preliminary budget and noted it is status quo from last year. He briefly reviewed their grant funding.

BUDGET REVIEW: OES

11:30:00 AM

Present: Chairperson Pamela Holmquist, Commissioner Gary Krueger, Commissioner Philip Mitchell, Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Amy Dexter, Finance Technician Tamara Helmstetler, Fire Services Area Manager Lincoln Chute, Sheriff Chuck Curry, Undersheriff Dave Leib, Emergency Planner Nikki Stephan, Sheriff Office Administrator Karen Moore, OES Administrative Financial Support Specialist Juanita Nelson, Clerk Kile

Staff reviewed their budgets for the 911 Center, OES, EMS and the Fire Service Area. The CIP funding for the Fire Service Area was summarized.

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

FRIDAY, MAY 8, 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 May 11, 2015.
