
MONDAY, SEPTEMBER 1, 2008

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

COUNTY OFFICES CLOSED – LABOR DAY

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 2, 2008.

TUESDAY, SEPTEMBER 2, 2008

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

Commissioner Brenneman PT opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Commissioner Brenneman PT closed the public comment period.

COS REVIEW: BROWN

[9:05:24 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman (via conference call)

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Planner Dianna Broadie, Joe Kauffman, Clerk Kile

Broadie reviewed the Brown family transfer proposal which is to transfer a 6.33 acre parcel into 2 tracts located near Kila on the south side of Hwy. 2.

Commissioner Brenneman PT made a **motion** to deny the request. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

COS REVIEW: BYARS

[9:10:41 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman (via conference call)

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Planner Dianna Broadie, Joe Kauffman, Cliff Byars, Rhonda Byars, Adam Pray, Clerk Kile

Broadie reviewed the Byars family transfer proposal to split a 28.301 acre lot into two tracts located at the end of Smoke Ridge Road near Kila on the north side of Hwy. 2.

Commissioner Brenneman questioned the intent of the transfer.

Cliff Byars explained his intent and noted it was partially due to financial hardships encountered.

Commissioner Brenneman PT made a **motion** to approve the family transfer request. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

OPEN BIDS: KILA BIKE PATH

[9:30:38 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman (via conference call)

Members absent:

Chairman Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Chuck Pisk, Jason Campbell, Dan Chilcote, Ryan Mitchell, Steve Settle, Kurtis Paulson

Bids received with bid bonds enclosed from:

Nelcon	\$197,770.00
Goose Bay	\$241,945.60
Schellinger Construction Co., Inc.	\$217,897.50
Knife River	\$144,760.00

Sandry Construction	\$247,741.00
L. H. C. Incorporated	\$169,769.92
Settle Contracting, Inc.	\$179,763.00

Commissioner Lauman made a **motion** to take the Kila Bike path bids under advisement. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

OPEN BIDS: BUS/ EAGLE TRANSIT

[9:41:09 AM](#)

Members present:
 Commissioner Joseph D. Brenneman PT
 Commissioner Dale W. Lauman (via conference call)
 Members absent:
 Chairman Gary D. Hall
 Others present:
 AOA Director Jim Atkinson, Clerk Kile

Bids received with bid bonds enclosed from:

Harlow Bus Sales Inc.	\$140,337.00
Davey Coach Inc.	\$112,345.00

Commissioner Lauman made a **motion** to take the Eagle Transit bids under advisement. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

BOARD APPOINTMENT: LAKESIDE COMMUNITY COUNCIL

[10:01:31 AM](#)

Members present:
 Commissioner Joseph D. Brenneman PT
 Commissioner Dale W. Lauman (via conference call)
 Members absent:
 Chairman Gary D. Hall
 Others present:
 Assistant Mike Pence, Planning & Zoning Office Administrator Mary Sevier, Clerk Kile

Commissioner Lauman made a **motion** to delay consideration until all Commissioners are present. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF SURPLUS PROPERTY: LAKESIDE BOULEVARD

[10:22:53 AM](#)

Members present:
 Commissioner Joseph D. Brenneman PT
 Commissioner Dale W. Lauman (via conference call)
 Members absent:
 Chairman Gary D. Hall
 Others present:
 Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Deputy County Attorney Tara Fugina, Clerk Kile

Smith noted the applicant has withdrawn their request.

QUARTERLY MEETING W/ BIGFORK STORMWATER ADVISORY COMMITTEE

[10:42:38 AM](#)

Members present:
 Commissioner Joseph D. Brenneman PT
 Commissioner Dale W. Lauman (via conference call)
 Members absent:
 Chairman Gary D. Hall
 Others present:
 Assistant Mike Pence, Grant Writer Debbie Pierson, Sue Hanson, Clerk Kile

Hanson presented the following report to the Commission from the Bigfork Stormwater Advisory Committee:

Since we last met on June 9, 2008, the committee and interested citizens have studied the Draft Preliminary Engineering Report submitted by Morrison-Maierle. There were concerns that the Draft PER did not fully cover all areas within the defined district and that more copies of the PER needed to be available to agencies our efforts affect. Deb Pierson provided 4 additional copies of the PER, which were given to the Flathead County Road Department, Bigfork Public Schools and the Bigfork Water & Sewer District. Buxton is addressing all comments submitted for the Draft PER. Deadline for comments is September 15, 2008.

Of interest to our project is the stormwater mitigation being done by the Bigfork Schools in conjunction with the construction at the Elementary School. Superintendent Russ Kinzer is enthusiastically supportive of the Stormwater project and has plans to add additional mitigation in the future.

Draft PER copies are also available to the public at the Bigfork Public Library and the UPS Store in Bigfork and the Executive Summary is posted on the BSC website Stormwater page. Hanson has met with Bill Buxton of M-M to identify areas not sufficiently covered in the Draft PER. Buxton is anxious to update the Draft PER. One reason the Draft PER was not complete was lack of time to meet the deadline for application for TSEP grants in May.

The committee is scheduled to meet with Montana legislators this fall to garner their support for the TSEP grant needed for continuing the project. Paul Rana is meeting with Senators Baucus and Tester this month in Washington DC to engage their support for possible federal grants.

Education and Outreach efforts this summer include Public Service Ads, updating the pamphlet, a Stormwater Page on the Bigfork Steering Committee website and articles printed in the Bigfork Eagle and Lakeshore Country Journal. We plan stenciling of storm drains this fall, Booth at Tamarack Time! and sponsoring the Flathead Lakers and Flathead Conservation District "Living by Waters" workshop on September 27, 2008. The Conservation District and Lakers were both enthusiastic about tailoring their presentation to specific stormwater issues in Bigfork. We will also do a presentation at Bigfork Schools and civic organizations this fall.

Mike Koopal is in the process of putting together the Sample Analysis Plan to begin next spring. He hopes to train at least one assistant in the Bigfork area to take samples.

We experienced another flooding rain event the weekend of July 4th. Because sewer lines are not pressurized, stormwater is sucked into those lines and effectively overpowers the plant. They were able to pump a large amount into a storage tank, but even working 24 hours a day for 3 days, some untreated water overflowed into Flathead Lake. The Bigfork Eagle printed an article about the incident and mentioned the Bigfork Stormwater Project efforts in the text. While this is unfortunate, such an incident serves to bring public attention to stormwater issues.

DOCUMENT FOR SIGNATURE: TERMINATION OF DNRC PLANNING GRANT/ BIGFORK

[10:04:52 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman (via conference call)

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Commissioner Lauman made a **motion** to approve the grant termination agreement. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

FINAL PLAT: SPUR WING, PHASE I

[10:57:32 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman (via conference call)

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Planner Alex Hogle, Charles Lapp, Ardis Larsen, Shelby Nash-Hunter, Clerk Kile

Hogle presented final plat FFP 08-35; a request submitted by Lapp Limited Partnership with technical assistance from Larsen Engineering and Surveying for final plat approval of Spur Wing, a subdivision creating 32 residential lots located north of Blacktail Road and southeast on Grayling Road. The original preliminary plat approval was for 70 residential lots and a phasing plan was not approved. In June 2008 the applicant's representative submitted a request for a three-phase phasing plan which was reviewed and approved by Flathead County Planning and Zoning. Preliminary plat approval was granted on December 12, 2005, subject to 21 conditions. The subdivision plat has been found to be in compliance and staff recommends approval.

Commissioner Lauman made a **motion** to approve final plat of Spur Wing, Phase I. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

MONTHLY MEETING W/ DAVID PRUNTY & GUY FOY ROAD DEPT.

[11:05:01 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Public Works Director David Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Clerk Kile

Discussion was held relative to the results of a survey letter sent to McMannamy Draw road residents in regards to road improvements. Prunty then reported work will start next week on the Holt Stage asphalt milling project that is part of the action plan with DEQ and that 190 citations have been written so far this year by the Dust Deputy. Discussion also included maintenance costs for the North Fork road, budget concerns and the upcoming meeting with the Commissioners and the Road Advisory Committee.

PUBLIC HEARING: SHUPERT & THORNBERRY ZONE CHANGE/ BLANCHARD LAKE ZONING DISTRICT

[11:36:30 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Deputy County Attorney Jonathan Smith, Deputy County Attorney Tara Fugina, Joseph Shupert, R. S. Shupert, Erica Wirtala, Amy Williams, Wendi Rice, Esther Thornberry, Ron Thornberry, John Klassen, Clerk Kile

Due to a lack of quorum this meeting was re-scheduled to September 30 at 10:30 a.m. with concurrence from the applicant.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 3, 2008.

WEDNESDAY, SEPTEMBER 3, 2008

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

Commissioner Brenneman PT opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Commissioner Brenneman PT closed the public comment period.

PUBLIC HEARING: CUFFE ZONE CHANGE/ S.E. RURAL WHITEFISH ZONING DISTRICT

[9:03:04 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Gary D. Hall

Commissioner Dale W. Lauman

Others present:

Deputy County Attorney Jonathan Smith, Erica Wirtala, Lanette Cuffe, Clerk Kile

Due to a lack of quorum this meeting was re-scheduled to September 17 at 9:00 a.m. with concurrence from the applicant.

FINAL PLAT: BLACKMER LANE ESTATES

[9:47:06 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT

Commissioner Dale W. Lauman (via conference call)

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Planning & Zoning Director B J Grieve, Planner Bailey Iott, Joe Kauffman, Clerk Kile

Iott presented final plat FFP 08-37 for Blackmer Lane Estates; a subdivision creating 5 residential lots located east of Hwy 206 on the south side of Blackmer Lane. Preliminary plat approval was granted on November 26, 2007, subject to 25 conditions. The application is in substantial compliance with all preliminary plat conditions and staff recommends approval.

Commissioner Lauman made a **motion** to approve final plat of Blackmer Lane Estates. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

MEETING W/ JAMES STEELE & ROB MC DONALD ET AL/ CONFEDERATED SALISH & KOOTENAI TRIBES RE: MONTANA RESERVED WATER RIGHTS COMPACT COMMISSION

[10:01:22 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT

Members absent:

Chairman Gary D. Hall

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, James Steele, Rob McDonald, Mark Spratt, Verdell Jackson, Guy Foy, Dave Prunty, Clerk Kile

James Steele, Tribal Council Chairman for the Confederated Salish & Kootenai Tribes on Flathead Reservation explained that negotiations have been in the process for the past 5-6 years with the State in working on an interim agreement on Tribal Water Rights; the deadline is drawing near and they feel it would be in their best interest to ask the legislature for an extension on the sunset compact commission and are asking for support from Flathead County. He then noted the official position of the State is that they are opposed to an extension of the sunset of the compact commission.

Commissioner Brenneman PT made a verbal commitment in support and stated that he would bring the matter to the attention of Chairman Hall and Commissioner Lauman, and if they also are in agreement a letter of support would be sent from all 3 Commissioners. He then noted if information comes to light whereas he questions his decision he would contact him personally.

Verdell Jackson stated he and Mark Spratt are members of the Clark Fork Task Force and in their last meeting discussion was held relative to the sunset and they also feel it is a good idea; with the reasons for extending it far out numbering the reasons for not extending it. He then added from the floor of the Senate he did support it and will be talking to other legislators in the valley to get their point of view. Jackson then stated that he feels the possibility of contracting water out of Hungry Horse Dam could have a huge positive impact on both Flathead County and the Tribe.

MEETING W/ PECCIA & ASSOCIATES RE: FIELD SURVEYING SERVICES

10:45:00 AM

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner Dale W. Lauman (via conference call)

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Public Works Director David Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Ryan Mitchell, Jason Smith, Clerk Kile

Prunty reported the recommendation from Paula Robinson, Clerk & Recorder and the Road Department is to look at Peccia & Associates for the field surveyor contract.

Commissioner Lauman made a **motion** to enter into negotiations regarding field surveying services. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Ryan Mitchell summarized their fees and services.

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 September 4, 2008.

THURSDAY, SEPTEMBER 4, 2008

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

8:30 a.m. AOA Tab meeting @ Eagle Transit

9:30 a.m. Commissioner Brenneman: Mt. Dept. of Environmental Quality "Total Maximum Daily Load" meeting @ Hampton Inn

12:00 p.m. Commissioner Brenneman: Rotary @ Hilton Garden Inn

3:00 p.m. Whitefish County Donut Transition Team meeting @ Earl Bennett Bldg.

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

FRIDAY, SEPTEMBER 5, 2008

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

9:00 a.m. Commissioner Brenneman: Meeting w/ Chas Cartwright, GNP Superintendent @ Glacier Nat'l Park

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