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## MONDAY, JULY 20, 2009

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

### NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 21, 2009.

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## TUESDAY, JULY 21, 2009

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

### Chairman Lauman opened public comment on matters within the Commissions' Jurisdiction.

Russ Crowder, Representing American Dream Montana spoke about additional concerns in regards to proposed illegal mailing lists obtained by the Planning and Zoning Office that County Attorney Ed Corrigan addressed on December 29, 2008, which he feels were not fully investigated. After reviewing the history of the events leading up to the proposed mailing list distribution he read a letter from Rick Breckenridge. The letter from Rick Breckenridge states that he personally spoke to the GIS employees who created the mailing list in question. Crowder then asked that this allegation be included in the investigation presently being conducted.

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

### AUCTION AT JUSTICE CENTER: ABANDONED EASEMENT RIGHT-OF-WAY IN COLUMBIA FALLS

[8:30:43 AM](#)

Present:

Deputy County Attorney Peter Steele, Deb Boreson, Cindy Houk, Clerk Kile

Boreson read the Notice of Sale for property located in Columbia Falls and stated bidding would start at 90% of the appraised value of the property; appraised value is \$4,500.00. One interested party attended the auction with no bidding received for the property.

### MONTHLY MEETING W/ JIM ATKINSON, AOA

[9:33:11 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Atkinson reported bus ridership for April/ May/ June 2009 totaled 64,598 compared to 51,915 in April/ May/ June 2008; 24% of the riders are seniors, 35% are disabled and 41% are the general public. He then reported RSVP held their annual American State Picnic and Golf Tournament fund raisers last month. Discussion was then held relative to the Gateway Community Center in which Atkinson explained several options he is looking at in obtaining the monies needed to move forward with the relocation. Atkinson then explained a commitment was needed from the commission if he was to move forward with a CDBG Grant in which a verbal commitment was made.

### QUARTERLY MEETING W/ MIKE MEEHAN, SHERIFF

[10:00:14 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Sheriff Mike Meehan, Clerk Kile

Discussion was held relative to the sprinkler system in the Justice Center with the annual system test showing some corroded solenoids. Chairman Lauman expressed concern noted from a citizen in regards to a shooting range on Blacktail Road.

MONDAY, JULY 20, 2009  
(Continued)

**AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: ALLEN, ET AL, V. LAKESIDE NEIGHBORHOOD PLAN COMMITTEE & COUNTY**

[10:30:52 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Deputy County Attorney Peter Steele, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Dupont made a **motion** to authorize the County Attorney's Office to accept service. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: NADEAU, ET AL, V. MONTANA DEPT. OF FISH, WILDLIFE & PARKS & FLATHEAD COUNTY**

[10:31:00 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Deputy County Attorney Peter Steele, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Dupont made a **motion** to authorize the County Attorney's Office to accept service. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: EMPLOYMENT & LABOR RELATIONS LEGAL SERVICES**

[10:32:53 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Director of OES Mark Peck, Clerk Kile

Commissioner Dupont made a **motion** to approve the contract for legal services with Mike Dahl as needed and authorized Mike Pence to sign the contract. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**CONSIDERATION OF HR TRANSMITTAL: DISPATCHER II/ SHERIFF'S OFFICE**

[10:35:52 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Deputy County Attorney Peter Steele, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Dupont made a **motion** to approve the HR Transmittal. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**FINAL PLAT: WEAVER SUBDIVISION**

[10:46:40 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Deputy County Attorney Tara Fugina, Planner Alex Hogle, Ardis Larsen, Clerk Kile

Hogle entered into record Final Plat FFP 09-12, Weaver Subdivision; an application submitted by Weaver Acres, LLC with technical assistance from Larsen Engineering for an 11 lot residential subdivision located on the corner of Yoeman Hall Road and Lauman Road northwest of Lake Blaine. Preliminary plat approval was granted on March 12, 2007, subject to 20 conditions which have been addressed. Staff recommends approval.

Commissioner Dupont made a **motion** to approve Final Plat for Weaver Subdivision. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

MONDAY, JULY 20, 2009  
(Continued)

**FINAL PLAT: TIMBER BAY TOWNHOUSES**

[11:00:14 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planner Dianna Broadie, Bryan Long, Paul McElroy, Clerk Kile

Broadie entered into record Final Plat FPP 09-17, Timber Bay Townhouses; an application submitted by Montana Build Construction, LLP with technical assistance from Bryan Long, P.E. for an 8 lot residential subdivision located between Terrace Hill Road and Commerce Street in Bigfork. Preliminary plat approval was granted on December 15, 2008, subject to 19 conditions which have been addressed. Staff recommends approval.

Commissioner Dupont made a **motion** to approve Final Plat for Timber Bay Townhouses. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**COS REVIEW: HARDY**

[11:15:40 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planner Dianna Broadie, Joe Kauffman, James Hardy, Terry Hardy, Clerk Kile

Broadie reviewed the proposal to divide a 10 acre parcel located between Swan Ridge Road and Pine Bench Road into the following:

Parcel A	5 acres to be retained by Terry Hardy
Parcel B	5 acres to be transferred to James D. Hardy (Spouse)

James Hardy stated his daughter lives in Helena and he would like to be able to help her out in building a home.

Commissioner Dupont asked the applicant if he had any intentions of selling the property.

James Hardy stated that he did not.

Commissioner Dupont made a **motion** to approve the family transfer. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: ROAD CLOSURE PERMITS/ BIGFORK CHAMBER OF COMMERCE**

[11:30:02 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

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

Foy explained the road closure permit was for the annual Festival of Arts in Bigfork.

Commissioner Dupont made a **motion** to approve the road closure permit and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD NAME APPEAL/ HOOTENANNY WAY**

[11:33:52 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to authorize the publication of the Notice of Public Hearing and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

MONDAY, JULY 20, 2009  
(Continued)

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **HOOTENANNY WAY**.

**Road generally running southerly and then westerly off Two Mile Drive and located in the W½SW¼ of Section 11, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **11<sup>th</sup> day of August, 2009, at 10:15 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **HOOTENANNY WAY**.

This notice shall be mailed to each landowner who has access off of the proposed **HOOTENANNY WAY**, who has an address assignment on the proposed **HOOTENANNY WAY** or who owns property along the proposed **HOOTENANNY WAY**.

Dated this 21<sup>st</sup> day of July, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish on July 25 and August 1, 2009.

**DOCUMENT FOR SIGNATURE: EMPLOYMENT AGREEMENT/ J. RADAR**

[11:35:21 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Pence explained the agreement is a continuation of a previous agreement to complete work on the payroll system.

Commissioner Dupont made a **motion** to approve the document for signature and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**8:30 a.m. Weed & Parks Special Board meeting @ Weed & Parks Office re: Boat Launch Use**  
**1:30 p.m. Commissioner Lauman: Audit Committee meeting @ Commissioners' Meeting Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 22, 2009.

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**WEDNESDAY, JULY 22, 2009**

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

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 23, 2009.

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## THURSDAY, JULY 23, 2009

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

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

### **PUBLIC HEARING: RSID #147 MENNONITE CHURCH ROAD**

[10:00:53 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Public Works Director Dave Prunty, Manager Road & Bridge Dept. Guy Foy, Finance Technician Laura Lisowski, Terry Richmond, Greg Lukasik, Rich Lapp, Mike Corbett, Larry Veigel, Donna Veigel, Noel Gorton, Tom Gorton, Darrell Weidauer, Ruth Weidauer, Sam Leighty, Sandy Leighty, Danna Cresap, LeRoy Stevens, Terry Schutt, Terry Leighty, Melinda Crawford, Carolyn Crawford, Diana Leighty, Greg Gehrkins, Randy Wolff, Bill Hunger, Lew Stringer, Clerk Kile

Tara Fugina reported the Public Hearing today to create RSID #147: Mennonite Church Road is only for a portion of the paving costs; the county has agreed to accept some of the costs as well. She then stated the Resolution of Intent was adopted on June 16, 2009, at which time a Notice of Resolution of Intent was sent to the property owners. The Public Hearing being held today is the first commissioner meeting held since the Notice of Resolution of Intent was sent out with the protest deadline ending at 5:00 o'clock p.m. on July 22, 2009. She then reported the protest percentages.

14 protests received which represented 16 lots/ tracts/ parcels in the proposed district

15.4% of the total cost of the improvements  
16.9% of the total number of owners of property within the district subject to the assessment in the district  
20.4% of the total taxable value of the property within the district subject to the assessment in the district

Fugina then stated just to see what the percentages were on the properties that had "Waivers of Protests" included on them she calculated them also, in order to give the commission a more accurate picture of the total protests within the district.

21 protests received which represented 24 lots/ tracts/ parcels in the proposed district

23.1% of the total cost of the improvements  
24.7% of the total number of owners of property within the district subject to the assessment in the district  
30.4% of the total taxable value of the property within the district subject to the assessment in the district

It was then stated all these numbers fall well under the 50 percent required by law. It was noted for the record an additional letter was received from someone within the district that stated they were not protesting the RSID, but feel it is unfair. Additional letters were also received protesting the amount that will be considered at a later stage when the amount of the RSID is set, and the resolution to levy the assessment is considered by the commission. She then clarified the Public Hearing is to protest the RSID not the amount.

Noel Gorton stated she spoke to May Nan Ellingson who told her if you did not protest now that you would lose your right to protest; that it had to be done now.

Fugina stated at this point it is difficult to protest the amount when we don't have an amount to protest. She then explained another notice will be mailed out with consideration for a protest period for the amount.

Discussion continued with the audience in regards to protests and amounts with no introduction of names.

LeRoy Stevens asked for a paving timeline and questioned when the amount of the RSID would be determined.

Fugina explained they are looking at getting the bond issue on the commissioner's schedule sometime next week, and then depending upon how fast we can move the bids through the internal county process, the bond issue will be out for approximately three weeks.

Terry Richmond said they would take the bids under advisement today and if everything looks okay a recommendation of awards will be done, and they will begin to do all the base work, culvert work and prep work, which they will try to complete in August and then possibly pave the end of August or first of September. If the protests for paving result in them not being able to award asphalt all the gravel work will be done and that is where it will end.

Mike Corbett commented this is taking up valuable time when people want to talk about protests they have.

**Chairman Lauman opened the public hearing to anyone wishing to speak in favor or opposition of RSID 147.**

Mike Corbett, 3565 Fox Den Trail summarized past commissioner meetings held in regards to waiver language on plats and the method by which this RSID is put together. He questioned whether the waiver language on the plats would stand up in court as a waiver. Corbett went on to say in his letter of protest he stated he feels the north half of Creston Road and Church Road should be included in the district. He then read MCA 7-12-2108:

**Extension of proposed district:** Whenever a contemplated work or improvement, in the opinion of the board of county commissioners, is of more than local or ordinary public benefit the board may make the expense of such work chargeable upon the lots and lands fronting upon such proposed improvement and upon other lots and lands not fronting on the improvement and which the board shall declare, in its resolution of intention, to be the property benefited by said work.

THURSDAY, JULY 23, 2009  
(Continued)

Corbett further said the size of this district has been crafted even from the initial one that included Creston Road to where with protests they couldn't get 50 percent protests; that the whole system is set-up to be a no win situation, which he finds distasteful. He then said there are two miles of developable frontage land on Mennonite Church Road with a potential for over 200 homes that will use the road that they paid for and they won't have to pay a penny. He then stated road maintenance and dust control are the responsibility of the county and paving he believes is also. When the developers couldn't afford to pave the commissioners allowed them off the hook and put the burden on the property owners. How it went from 1500 feet to two miles of road he doesn't understand, but it is a through road and everyone can use it. Corbett concluded with saying the neighbors are afraid to protest in fear of being put on the back burner again and added that he wants the road paved, but doesn't want the burden the county should be shouldering.

LeRoy Stevens, 1617 Fox Tail Drive echoed Mr. Corbett's comment and then stated that they as property owners should not be paying for it. Stevens went on to say that for \$250.00 a year or 67¢ a day he encouraged the commission to pass the RSID today and start paving tomorrow; that he is more than willing and happy to pay for it.

Terry Schutt, 305 Bald Rock Road stated he lives on a gravel road and doesn't want to have to go through the same process with his road and doesn't appreciate the extortion going on. He then said he pays his taxes and part of the taxes he pays is for road maintenance. Schutt concluded with saying that he hoped they would vote against the RSID.

Sandy Leighty, 512 Mennonite Church Road said the RSID will be an added burden to them and that it is totally unfair. She then stated she is against it with there being a lot of handicapped people and limited income people there. Leighty then went on to say her property taxes will go up 500 to 600 percent because of the RSID; another piece of property they own in the Cayuse Prairie District would have gone up 800 percent, which is outrageous and they cannot afford it. She then said they have paid for every single road in this county to be paved and feels it is only right that the county pave this road.

Greg Gehrkins, 1209 Fox Tail Drive commented that he doesn't agree that he should have to pay for paving the road; although it does need to be paved. He then said he believes if it goes through that any other new home that goes in should have the same privilege to pay for it.

Carolyn Crawford, 689 Mennonite Church Road said she is for paving the road because of the dust and traffic, but is against the RSID. She went on to say that they are the only ones in the county that have been set-up to pay for paving their road. Crawford stated she recently read in the newspaper the county is paving Grayling Road and there is no RSID there, why? Where is the equality? She then added she has lived here all her life and many other county roads have been paved with county money and she now feels victimized with the waiver of protests.

Darrell Weidauer, 355 Sunny Dene Lane commented he owns two lots in Fox Hill Estates which he bought to protect his view. He then stated he agrees the road is terrible and should be paved and something does need done. He went on to say that it is mainly an issue of fairness with the people that live there now that will be paying for this for the next 20 years, and when developments come on line that are paying nothing they will suffer as a matter of principal. Weidauer said Bachelor Grade will be paved in the future and people will be turning over in their graves with the issue of fairness; the county will have paved a road coming in one way and a through way road which is a by-pass in essence will be pushed down the throat of everyone that happens to have the unfortunate circumstance of living on the road. Legal issues were then discussed in regards to the appropriateness of the RSID. He also questioned if Creston Road was thrown in as a teaser so they could back off and make it look good by bringing the cost down. Weidauer then applauded the county and asked that the road be done, but that they consider the real difficulty in regards to the basis of principal and in some cases the financial aspects.

Bill Hunger, 615 Mennonite Church Road commented he was then gentleman that wrote the article published in the Daily Inter Lake. He then stated from the very beginning no one has really addressed fairness but rather the unfairness of making the residents of a through road pay for paving it. Hunger then spoke about the various traffic uses from business's that use the road that won't be paying to use it and went on to say it is also a collector road that will collect all the traffic from the new bridge and carry it eastward, all the traffic off Foothills Road down Bachelor Grade and all the traffic off Creston Hatchery Road. He then asked that consideration be made when they have to write a check every year.

Rich Lapp, 440 Creston Road reiterated that this is a through road and that it is not fair to make property owners pay for paving a road that everyone will be using. He then questioned the recycled pavement used on Holt Stage that the property owners didn't pay for and stated that he feels the county should shoulder the cost of paving Mennonite Church Road.

Randy Wolfe, 1313 Fox Tail Drive stated he supports the RSID. He further stated the county and the formation of the development should have taken paving the road into consideration, and the developer should have had greater responsibility. Wolfe said when he purchased the property that the documents he read he understood at some point in time he would probably be called upon to pay a tax increment. He went on to say in this case it will benefit the area with the road being absolutely deplorable from a safety and health aspect. Concern in regards to Fox Hill, Phase 3 being withdrawn was then discussed.

Fugina said they have not heard anything in regards to it being withdrawn.

Mike Corbett stated that it is his understanding the developers met with the commissioners and have said they are not going to plat Phase 3 which has a line item of \$93,000 to reduce the cost of the RSID, which will increase the overall cost to them.

Randy Wolfe questioned if Phase 3 was in the total numbers at this point.

Mike Corbett said once this road goes through they may then choose to final plat it and put it in without paying any money.

**THURSDAY, JULY 23, 2009**  
**(Continued)**

Noel Gorton, 578 Creston Road commented from the inception of Fox Hill Subdivision the County Commissioners did have the ability to require the developers to pay for 50 feet of paving per lot; Phase 1 and Phase 2 would have totaled 3,300 feet and Phase 3 is 1,056 feet, and out of the total the 104 residents would be looking at 4,356 feet would be paved. The County Commissioners at that time could have requested cash and put the money aside until the county had more funds or subdivisions to pave Mennonite Church Road, instead condition 10 was added that the potential purchasers of lots would be required to sign a waiver of protest stating they wouldn't protest forming a district. Gorton went on to say there are provisions for late comer's agreements in our Subdivision Regulations that can be transferred over into an RSID: Major Subdivisions 4.4.28: Late Comers Agreements. MCA 7-12-2102 (2) says the Board of County Commissioners may order and create a special improvement district upon receipt of a petition to create a special improvement district that contains the consent of all the owners of property to be included in the district. She then said she wondered why Creston Road residents were taken out and stated she feels they will be double taxed with paying their portion of taxes to the County Road Department in addition to paying the RSID tax and asked that fairness and legality be considered.

Mike Corbett commented he was confused by the protest count given and asked if the waivers would stand up in court.

Tom Gorton, 578 Creston Road asked if Phase 3 was pulled out of the equation if the 104 land owners would pick up the tab for paving the additional 1,056 feet. He then said because he owns a piece of agricultural land on Mennonite Church Road and his residence is on Creston Road that he will have to pay for Mennonite Church Road and Creston if an additional RSID is done there also. Gorton said the impacts right now are from Pheasant Dale, Fox Hill Estates and Blaine Creek Estates which have not been required to put down one inch of pavement, and now the long term residents are being asked to. He then finished with saying money isn't the issue it's the principal.

Bill Hunger commented the road is a straight two mile stretch with the potential to become a raceway and spoke about safety concerns.

Greg Gehrkens commented it is much harder to stop a vehicle on gravel vs pavement.

Dave Prunty clarified that Grayling Road is a project they are working on with a developer that is reimbursing the county for paving. He explained the county will be rebuilding the gravel portion of the roadway and the citizens that live in Troutbeck Rise Subdivision up above Grayling Road will be committing \$15,000 towards the gravel.

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

Commissioner Dupont stated this is Commissioner Brenneman's district and that he would be uncomfortable making a decision without him present.

Chairman Lauman agreed and said it would be unfair to make a decision without Commissioner Brenneman present.

Commissioner Dupont made a **motion** to continue until Commissioner Brenneman is present and took the resolution under advisement. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**OPEN BIDS: RSID #147/ MENNONITE CHURCH ROAD**

11:04:04 AM

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Public Works Director Dave Prunty, Manager Road & Bridge Dept. Guy Foy, Finance Technician Laura Lisowski, Terry Richmond, Greg Lukasik, Rich Lapp, Mike Corbett, Larry Veigel, Donna Veigel, Noel Gorton, Tom Gorton, Darrell Weidauer, Ruth Weidauer, Sam Leighty, Sandy Leighty, Danna Cresap, LeRoy Stevens, Terry Schutt, Terry Leighty, Melinda Crawford, Carolyn Crawford, Diana Leighty, Greg Gehrkens, Randy Wolff, Bill Hunger, Lew Stringer, Clerk Kile

Richmond said there are 4 major bid components which include:

- Schedule 1: Administrative costs which includes bonds, performance and insurance
- Schedule 2: Gravel work and culverts
- Schedule 2A: Involves an alternative base course work using a synthetic geo-grid reinforcing material
- Schedule 3: Hot mix and asphalt

	<u>SCH - 1</u>	<u>SCH - 2</u>	<u>SCH - 2A</u>	<u>SCH - 3</u>
Bids received with bid bonds enclosed in the amount of 10% from:				
Knife River	\$ 32,500.00	\$ 272,650.00	\$ 350,490.00	\$ 301,105.00
LHC	\$ 44,820.00	\$ 260,576.18	\$ 319,112.54	\$ 324,763.25
Schellinger Construction	\$ 33,000.00	\$ 264,721.00	\$ 308,026.00	\$ 316,467.50

Commissioner Dupont made a **motion** to refer the bids to Morrison & Maierle for advisement. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

THURSDAY, JULY 23, 2009  
(Continued)

**MEETING W/ ADELE KRANTZ, TREASURER RE: CANCEL DELINQUENT PERSONAL PROPERTY TAXES**

11:15:22 AM

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Treasurer Adele Krantz, Deputy County Attorney Jonathan Smith, Clerk Kile

Krantz reviewed the cancellation of personal property taxes that were five years old or older.

Commissioner Dupont made a **motion** to approve Resolution 2216 to cancel delinquent personal property taxes. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

RESOLUTION NO. 2216

**WHEREAS**, Section 15-16-119, M.C.A., requires that the County Treasurer attempt to collect personal property taxes by issuance of writs of execution to the Sheriff's Department to seize and sell personal property which taxes are delinquent;

**WHEREAS**, Section 15-24-202, M.C.A., requires payment of personal property taxes for mobile homes that are not attached to real property and said taxes, if not paid, can be collected pursuant to the terms of Section 15-16-119, M.C.A.;

**WHEREAS**, the Treasurer has issued writs and the Sheriff has attempted to collect the taxes on the list attached hereto as Exhibit A but has been unable to locate property to seize and sell in order to collect those taxes; and

**WHEREAS**, Section 15-16-701, M.C.A., requires that the County Treasurer present to the commissioners a list of delinquent personal property taxes that are five years or more delinquent to make corrections and for cancellation by the Commissioners within 30 days.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the list of personal property taxes shown as due on Exhibit A hereto are hereby declared to be uncollectible and the Treasurer is directed to cancel said taxes.

Dated this 23<sup>rd</sup> day of July, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By \_\_\_\_\_  
Joseph D. Brenneman, Member

By/s/James R. Dupont  
James R. Dupont, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

THURSDAY, JULY 23, 2009  
(Continued)

EXHIBIT A 2009 CANCELLATION OF TAXES 5 YEARS OLD & OLDER PERSONAL PROPERTY 15-16-701 COMMISSIONERS RESOLUTION: DIRECTS DOR TO INACTIVATE ACCOUNTS & TREASURER'S OFFICE TO CANCEL TAXES						FLATHEAD COUNTY TREASURER ADELE KRANTZ
ASSESSOR #	BUSINESS PERS PROP	TAX YRS	TAX AMT	CANCEL AMT	EXPLANATION	
P202909	GIBSON PLUMBING	2003 & 2004	\$703.32	\$703.32	Void-Uncollectible	
<b>TOTALS BUSINESS PERS PROP</b>			\$703.32	<b>\$703.32</b>	TOTAL TO CANCEL	
ASSESSOR #	MOBILE HOME PERS PROP	TAX YRS	TAX AMT	CANCEL AMT	EXPLANATION	
T124220	BENSON, CASSANDRE D & RUSSEL J	2003, 04, 05 & 2006	\$815.47	\$815.47	Uncollectible - Can't Locate Mobile	
T170520	HALL,LAVON c/o STARLA ROBINSON	2003,04,05,06,07 & 08	\$795.79	\$0.00	Filed a lien on real estate	
T171500	LAMB, CLAYTON	2003,04,05,06,07,08	\$1,620.34	\$1,620.34	Uncollectible - Deceased	
T202590	NORTON, ROMONA L	2001,02,03,04,05,06,07,08	\$2,156.25	\$0.00	Filed a lien on real estate	
T237575	LITTLEFIELD,FRANK & PAM C/OMORRISON- LUKENBILL	2003,04,05,06,07,08	\$1,425.83	\$0.00	Sheriff Collecting	
T260450	ARNDT, HOWARD & DEE L	2002,03,04,05,06,07,08	\$1,388.83	\$0.00	Filed a lien on real estate	
T275800	BRUNI, TINA	2003,04,05,06,07,08	\$1,008.31	\$0.00	Sheriff Collecting	
T300058	HALL,LAVON c/o STARLA ROBINSON	2003,04,05,06,07,08	\$643.62	\$0.00	Filed a lien on real estate	
<b>TOTALS MOBILE HOME</b>			\$9,854.44	<b>\$2,435.81</b>	TOTAL TO CANCEL	

**REVISED PLAT: CHERRY HILL YACHT CLUB CONDOMINIUMS, PHASE 3**

[11:30:03 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planner Andrew Hagemeyer, Clerk Kile

Hagemeyer entered into record Revised Plat: FRP 09-01, Cherry Hill Yacht Club Phase 3; an application submitted by Dan Hogan with technical assistance from Jackola Engineering for a subdivision creating 14 condominium units located on the north side of Caroline Point Road off Hwy 93 in Lakeside. Preliminary plat approval was granted on February 3, 2009, subject to 28 conditions which have been met. Staff recommends approval.

Commissioner Dupont made a **motion** to approve Cherry Hill Yacht Club Condominiums, Phase 3. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**CONSIDERATION OF ADOPTION OF RESOLUTION TO CREATE AN EMERGENCY MEDICAL SERVICES ADMINISTRATIVE BOARD**

[11:33:11 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, OES Director Mark Peck, Deputy County Attorney Jonathan Smith, Dr. Wayne Miller, Clerk Kile

Peck reported a recommendation has been made to create an Emergency Medical Services Administrative Board.

Dr. Wayne Miller said his appeal is if this resolution is adopted that it would be very clear that the administrative board would have the authority to run the system if that is the commission's goal. He stated the board has to be given the authority which the resolution establishes. He then explained that through a Paramedic Manager and the Director of EMS standardized policies and procedures would be implemented.

Commissioner Dupont made a **motion** to adopt resolution 2217 to create an Emergency Medical Services Administrative Board. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**THURSDAY, JULY 23, 2009**  
**(Continued)**

RESOLUTION NO. 2217

WHEREAS, Sections 7-34-101 through 7-34-104, M.C.A., authorize the Board of Commissioners to establish and/or maintain ambulance services including adopting rules and establishing fees and charges for the furnishing of ambulance services and Sections 7-1-201 through 7-1-204, authorize the Board of Commissioners to create administrative boards;

WHEREAS, there are approximately 29 organizations in Flathead County which provide pre-hospital response units including ambulances, quick response units and first responder units, most of which are staffed by volunteers;

WHEREAS, the need to coordinate the emergency medical service units in the areas of direction, purchasing equipment, education and certification of the responders, both volunteer and paid, and patient care, has grown with the growing number of responders and the growing number of incidents which require emergency medical response;

WHEREAS, in the election held on November 7, 2000, the voters of Flathead County authorized the levy of up to one mill for the purpose of coordinating the emergency medical service units in Flathead County in the areas of direction, equipment, education and certification of responders and patient care;

WHEREAS, in an election held on June 8, 2004, the voters of Flathead County authorized the levy of up to two additional mills per year for Emergency Medical Services;

WHEREAS, the EMS community has identified the importance of efficient consolidated ambulance service throughout the county;

WHEREAS, it is desirable that a Flathead County Emergency Medical Services Administrative Board (FCEMSAB) be formed to administer the EMS Levy funds through the Flathead County Office of Emergency Services and to include but not limited to:

- Adopting rules for the provision of emergency medical services.
- The creation of response jurisdictions within the "county" district.
- Appoint/contract with a medical director with delegated authority to implement policies, procedures, protocols approved by the FCEMSAB.
- Authority to define levels of care within each response unit balancing state protocols with local policies and procedures.
- Authority to set budgets, manage and distribute funds.
- Contract with existing EMS units to maximize ambulance service in Flathead County

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Commissioners of Flathead County, Montana, that the Flathead County Emergency Medical Services Administrative Board is established as follows:

1. The FCEMSAB will have five members appointed by the Board of Commissioners. One member shall be an administrative representative from North Valley Hospital and one member shall be an administrative representative from Kalispell Regional Medical Center. Preference for the other three members shall be given to interested applicants with experience in medicine and/or pre-hospital care and/or administrative experience.

2. The members of the FCEMSAB shall serve for terms of three years, commencing on January 1 and ending on December 31. Members appointed at the adoption of this Resolution shall serve until December 31 of the year in which their terms, established as set forth below, expire. Terms of the members shall overlap; in order that the terms will overlap, the members initially appointed shall determine, by drawing lots, one member to serve a term ending December 31, 2010, two members to serve terms ending December 31, 2011 and two members to serve terms ending December 31, 2012. Members whose terms expire may be appointed to successive terms on the FCEMSAB.

3. The members of the FCEMSAB shall receive no salary or pay for their service.

4. The members of the FCEMSAB shall be residents of Flathead County.

5. The FCEMSAB will develop and implement strategies for efficient use of EMS levy funds to provide training and coordination for Flathead County EMS units and to maximize ambulance service in Flathead County through contracts with existing EMS providers. The FCEMSAB will appoint/contract a medical director with delegated authority to implement policies, procedures, protocols approved by the FCEMSAB. The FCEMSAB will adopt rules for the provision of emergency medical services and create response jurisdictions within the "county" district. The FCEMSAB has authority to define levels of care within each response unit balancing state protocols with local policies and procedures.

The FCEMSAB must present a proposed budget to the Board of Commissioners each fiscal year and shall not expend any funds not budgeted by the Board of County Commissioners in the final budget adopted by the Board of County Commissioners. The Flathead County Office of Emergency Services shall assist the FCEMSAB in the preparation of the proposed budget and administration of the budget approved by the Board of Commissioners.

6. A majority of the members of the FCEMSAB constitutes a quorum for the purpose of conducting business and exercising responsibilities; action may be taken by a majority of members present and voting.

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

8. The FCEMSAB shall adopt bylaws governing its activities and procedures, and shall set forth therein the date, time, and place of regularly scheduled meetings, and such other matters as the Flathead County Emergency Medical Services Board shall deem advisable. The bylaws, and any amendments thereto, shall be subject to approval by the Board of Commissioners.

9. The members of the FCEMSAB may be removed by a majority vote of the Board of Commissioners of Flathead County, Montana.

THURSDAY, JULY 23, 2009  
(Continued)

BE IT FURTHER RESOLVED that Resolutions 2075, 2075 A and 2075 B, are replaced by this Resolution and shall no longer be of any force or effect; provided, however, that the Flathead County Emergency Medical Services Regulations adopted by the adoption of Resolution No. 2075 B shall remain in effect until those Regulations are replaced by Regulations adopted by the FCEMSAB.

Dated this 23<sup>rd</sup> day of July, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By \_\_\_\_\_  
Joseph D. Brenneman, Member

By/s/James R. Dupont  
James R. Dupont, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

**MEETING W/ DAVE PRUNTY, ROAD DEPT. RE: GRAYLING ROAD**

[11:45:44 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Manger Road & Bridge Dept. Guy Foy, Ryan Mitchell,  
Clerk Kile

Prunty reviewed the plans for Grayling Road and the history of the commitment made by developer Charles Lapp to reimburse the county up to \$50,000 to pave ¼ of a mile of Grayling Road with the citizens in Troutbeck Rise Subdivision paying \$15,000 towards gravel. He explained the problem with the road is they could not do a standard 24 foot driving surface with no extra room in the right-of-way; an alternative design to their standard road specs needed to be used.

Ryan Mitchell presented an engineering analysis report that offered the best design to move forward with in order to stay within the right-of-way on Grayling Road.

Commissioner Dupont made a **motion** to agree to move forward with the Grayling Road project as designed by the engineer. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**12:00 p.m. Commissioner Dupont: Montana West Economic Development Board meeting @ Glacier Bank**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 24, 2009.

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**FRIDAY, JULY 24, 2009**

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

**NO MEETINGS SCHEDULED**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 27, 2009.

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