
MONDAY, OCTOBER 5, 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.

PRELIMINARY PLAT: RIVERSIDE GARDEN

[10:02:25 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Planner Dianna Broadie, David Lovos, Jere Johnson, Clerk Kile

Broadie entered into record Staff Report FSR 09-05, Riverside Garden; an application submitted by David and Annalysa Lovos with technical assistance from Jere Johnson for preliminary plat approval of a minor subdivision that would create one residential lot through removal of an agricultural exemption located south of Conrad Drive. Broadie explained the applicant submitted a request for a variance in regards to the road which planning staff recommends approval of.

Commissioner Brenneman made a **motion** to adopt Staff Report FSR 09-05 as findings of fact for Riverside Garden. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve preliminary plat of Riverside Garden. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Standard Conditions

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626A. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.18(iv), Flathead County Subdivision Regulations (FCSR)]
2. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures. [Section 4.7.15, FCSR]
3. The applicant shall comply with reasonable fire suppression and access requirements of the South Kalispell Fire District. A letter from that office stating that the plat meets the requirements of the Fire District shall be submitted with the application for Final Plat. [Section 4.7.28, FCSR]
4. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.27, FCSR]
5. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.25, FCSR]
6. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.14, FCSR]
7. A mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.30, FCSR]
8. The developer shall contact the Superintendent of Schools and, if required, provide and improve a location for the safe loading and unloading of students. [Section 4.7.31, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.28.c, FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.25, FCSR]
 - c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.24, FCSR]
 - d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.27, FCSR]
 - e. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.15, FCSR]

**MONDAY, OCTOBER 5, 2009
(Continued)**

f. Waiver of Protest
Participation in Special Improvement District
[per County Resolution 503-M]
_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

10. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]
11. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.28 FCSR]
12. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.4.23 FCSR]
13. Preliminary plat approval is valid for three years. [Section 4.4.21 FCSR]

Project-Specific Conditions

14. The applicant shall show proof of an approach permit to Anderson Lane from the Flathead County Road Department indicating the current approach is acceptable. [Section 4.7.18, FCSR]
15. A No Build Zone and Native Growth Protection Easement shall be placed on the face of the plat where the "No Build" zones are shown on the preliminary plat. [Section 4.7.12 and Section 4.7.10, FCSR]

BUDGET AMENDMENTS: AOA, LIBRARY & HEALTH DEPT.

[10:17:58 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Clerk Kile

Commissioner Brenneman made a **motion** to approve the budget amendments as recommended. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

BUDGET AMENDMENT
RESOLUTION # 2224

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2009-2010, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2009-2010; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 5th day of October 2009.

BOARD OF COUNTY COMMISSIONERS

Flathead County, Montana

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

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Member

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

ATTEST
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

**MONDAY, OCTOBER 5, 2009
(Continued)**

DATE OF ISSUE:		8/11/09		BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:				RESOLUTION #		Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT	
2972	0190	331142		TITLE X		34,509.00	
2972	0190	331143		MCH	693.00		
2972	0190	331144		TITLE X LAB	373.00		
2972	0190	331147		PREVENTIVE HEALTH	645.00		
2972	0190	331149		GENERAL FUND		411.00	
2972	0190	344060		HEALTH CLINIC SERVICES (FEES)	10,100.00		
2972	0190	365000		DONATIONS		13,000.00	
				CARRY OVER USED	2,894.00		
2972	0190	440173	110	SALARIES	4,219.00		
2972	0190	440173	141	UNEMPLOYMENT	104.00		
2972	0190	440173	142	INDUSTRIAL ACCIDENT	111.00		
2972	0190	440173	143	HEALTH INSURANCE	3,096.00		
2972	0190	440173	144	FICA		1,270.00	
2972	0190	440173	145	PERS	86.00		
2972	0190	440173	210	OFFICE SUPPLIES	2,256.00		
2972	0190	440173	212	SMALL ITEM EQUIPMENT	500.00		
2972	0190	440173	222	CHEM/LAB/MED SUPPLIES	13,864.00		
2972	0190	440173	228	EDUCATIONAL SUPPLIES	500.00		
2972	0190	440173	229	OTHER OPERATIONAL SUPPLIES	8,500.00		
2972	0190	440173	311	POSTAGE	1,200.00		
2972	0190	440173	335	MEMBERSHIPS/REGISTRATIONS	250.00		
2972	0190	440173	337	ADVERTISING		1,105.00	
2972	0190	440173	345	TELEPHONE	300.00		
2972	0190	440173	378	TRAVEL	770.00		
2972	0190	440173	380	TRAINING SERVICES	2,685.00		
2972	0190	440173	398	CONTRACTED SERVICES		1,350.00	
2972	0190	440173	510	INSURANCE	2,900.00		
2972	0190	440173	531	BLDG RENTAL		5,001.00	
2972	0190	440173	552	CREDIT CARD CHARGES	600.00		
Explanation					56,646.00	56,646.00	
Family Planning budget amendment as per attached contracts (see attached).							

DATE OF ISSUE:		9/25/2009		BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:				RESOLUTION #		Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT	
2281	0726	345010		Medicaid Waiver		19,995.98	
2281	0726	521000	820	Transfer to	19,995.98		
7055	0248	460110	228	Educational Supplies		15,000.00	
Explanation					19,995.98	34,995.98	
Adjust Medicaid Waiver program for additional waiver "slots" to be distributed to Independent Living.							
Adjust Educational Supplies in Library Gifts & Memorials to match grant award							

DOCUMENT FOR SIGNATURE: ARRA FACILITY CONTRACT/ EAGLE TRANSIT

[10:21:09 AM](#)

Members present:

- Chairman Dale W. Lauman
- Commissioner Joseph D. Brenneman
- Commissioner James R. Dupont

Others present:

- Assistant Mike Pence, Clerk Kile

Pence explained the Eagle Transit contract is for an 80' X 70' bus barn that is federally funded through stimulus money.

Commissioner Dupont made a **motion** to approve the document for signature and authorized the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: PROFESSIONAL SERVICES CONTRACT – DUSING/ SHERIFF’S OFFICE

[10:24:15 AM](#)

Members present:

- Chairman Dale W. Lauman
- Commissioner Joseph D. Brenneman
- Commissioner James R. Dupont

Others present:

- Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve the professional services contract for Dusing. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

MONDAY, OCTOBER 5, 2009
(Continued)

QUARTERLY MEETING W/ MARCIA SHEFFELS, SUPT OF SCHOOLS

[10:30:09 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Superintendent of Schools Marcia Sheffels, Clerk Kile

Sheffels presented a quarterly review report and a financial report of school districts within Flathead County for the year ending June 30, 2009 to the commission. She then briefly reviewed some of the duties on the report which included collecting calendars from all public and private schools, maintaining a county-wide substitute list, registering teacher and administrator certificates and sending out forms for all district and private official enrollment counts in order to calculate the ANB (average number belonging). Several issues were reviewed in regards to use of school facilities for outside groups, tuition charges for out of district students, bus routes, custody disputes, placement of expelled students, school board jurisdictions and personnel issues. Sheffels also reported West Valley has received \$50,000 in stimulus money for energy efficiency, Swan River has received \$30,000 and Creston was granted \$15,000 but has not received it yet.

MEETING W/ DON KELTNER RE: ROAD IN HUNGRY HORSE

This meeting was not held.

MONTHLY MEETING W/ DAVE PRUNTY & GUY FOY, ROAD DEPT.

[11:00:24 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

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

Discussion was held relative to McMannamy Draw and the remaining easement problems. Prunty then presented a chip seal and overlay list to the commission for the 2009 season which he stated has been wrapped up after spending over \$1.4 million to overlay 9.3 miles and chip seal 35 miles. Grayling Road was discussed in regards to the outcome after paving was completed. It was then reported the Road Advisory Committee has finalized the road specification booklet and will bring it before the commission for a public comment period. He then spoke about the gravel roads within the county that they hope to be able to grade before frost sets in for the winter. Prunty noted two used water trucks have been purchased that will give them the ability to put water out to grade the roads.

Foy then updated the commission on their preparation for winter operations.

Prunty also noted the Tepee Creek Bridge is near completion and reported they hope to start putting gravel out on the North Fork and Star Meadows Road next week.

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

[11:30:34 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk Kile

Campbell reviewed the personnel transactions for August and September 2009.

Commissioner Brenneman made a **motion** to approve the personnel transactions for the months of August and September. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Campbell then reported the trust fund balance is at \$3.1 million which is about one million more than it was one year ago. She then reported on work comp claims and stated they are four claims ahead of where they were one year ago. Campbell then explained she has been working on grievance charges, payroll software conversions, 911 consolidation and also attended workshops.

CONSIDERATION OF HR TRANSMITTAL: TEMPORARY HEALTH NURSE AND PROGRAM ASSISTANT/ HEALTH DEPT.

[11:45:42 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Health Dept Director Joe Russell, Clerk Kile

Russell reported there is a surge of people wanting information on the H1N1 virus and in response to the demands he would like to hire temporary help; two part time nurses and one program assistant. He then explained there is federal money to cover the positions.

**MONDAY, OCTOBER 5, 2009
(Continued)**

Commissioner Brenneman made a **motion** to approve three HR Transmittals. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: MONTANA SMP MOU/ AGENCY ON AGING

[11:48:18 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Pence explained the program is for recruitment and training to explain the Medicare program to the elderly.

Commissioner Brenneman made a **motion** to approve the document for signature. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

8:00 a.m. Weed & Parks Board meeting @ Weed & Parks Office
9:00 a.m. Commissioner Brenneman: Meeting w/ Cal Scott
12:15 a.m. Commissioner meeting on-site @ McMannamy Draw w/ Brian Roy

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 6, 2009.

TUESDAY, OCTOBER 6, 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.

7:00 p.m. Commissioner Brenneman: Whitefish Lake Community Forum @ Whitefish Lake Lodge

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 7, 2009.

WEDNESDAY, OCTOBER 7, 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.

11:0 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 October 8, 2009.

THURSDAY, OCTOBER 8, 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.

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:00:07 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Clerk Kile

Harris reported the Montana Association of Planner has set up a peer review process and has asked Flathead County to participate. He explained they will go to various counties and review their planning process and offer suggestions and recommendations on how they could become more efficient and effective. He said there are benefits to having an outside objective party come in and critically evaluate operations. He further explained it would be a three day process that would conclude with a report to the commission on a Friday. Harris then presented a quarterly activity report which shows revenue is roughly 50 percent below the same quarter last year and the applications being processed are down 25 percent. He then reviewed Board of Adjustment activity, Planning Board applications and zoning violations. A preliminary status report for Conditional Use Permits was then reviewed. Harris then explained they have completed the floodplain regulations and will start on the lakeshore regulations shortly. Discussion was held relative to work the Subdivision Review Committee has accomplished.

THURSDAY, OCTOBER 8, 2009
(Continued)

CDBG PUBLIC HEARING: JOHN JUMP TRUCKING, INC.

[9:30:34 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Gary Winship, Charlie Wright, Kevin Jump, Carol Jump, Jan Juelfs, Clerk Kile

Chairman Lauman opened the public hearing to anyone wishing to speak in regards to the block grant application.

Gary Winship, Director of Lending with Jobs Now Inc. dba Montana West Economic Development stated he is here today to ask for a resolution to submit a grant to the State of Montana for a \$400,000.00 CDBG loan. He then said the applicant is John Jump Trucking, Inc. a logging company in Kalispell. Winship explained the applicant is going after available stimulus money through the WIPERS Program which is under the Montana Distressed Wood Products Industry Recovery and Stabilization Program being administered by the Montana Department of Commerce.

Charlie Wright, Regional Development Officer with the Montana Department of Commerce asked for support in the resolution to provide a loan to John Jump Trucking, Inc. through the WIPERS Program. Wright stated there is still over one million dollars available through the CDBG WIPERS portion. He then explained he feels it is important that these types of businesses that are integral to the infrastructure of the wood products industry be recognized for their efforts in these tough times and be given consideration to help overcome the tough bumps they have right now. What is really important is that we look at the different companies that have already applied for and received funds and a trucking company now would be part of the infrastructure that needs to be covered as well.

Kevin Jump stated they have been in the timber industry business well over 50 years and what they are trying to do is survive through these tough times with the timber industry being hammered pretty hard the past 10 to 15 years; those that are surviving through these times are the last and the best. He then stated with their operation they have gone from a logging truck operation of 20 years ago with 17 trucks and 20 plus employees to changing their direction in the past five years towards what is changing in the industry in our nation. Jump then said recycling and green energy type jobs is what they presently are doing by recycling logging slash that typically would have gone up in smoke. He then said Smurfit Stone was where most of their material went and was used in their boiler for the pulping process and the balance of steam went towards a steam generator to create electricity for their operation. He then further said the process has become a good tool for the Forest Service and the state to have someplace to move the material off the forest. Jump then explained he was here to ask for help in making it through the tough times and stated that with this kind of a loan they will be able to keep the workers they have and hopefully within a year expand a little bit more in recycling.

Jan Juelfs stated they have a contract to supply the Eureka school system with material for their boilers. She then explained they have spent three years modifying the process in order to get the boilers to work efficiently and would hate to have someone else step in and have to start all over again.

Carol Jump said this has been a family business for them with both of their children working for them. She then stated they have an excellent crew of employees that have held with them and have taken pay cuts in order to stay with them and they would love to be able to get them back to where they can make a decent living as well.

Gary Winship clarified they currently have approximately 20 employees and with the additional equipment they hope to bring on five more employees. He then added that Jeff Harris with the Planning Department has always been available and helpful with the environmental studies needed of project sites.

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

Commissioner Brenneman said that he absolutely supports the program and asked for clarification in regards to the loan.

Gary Winship explained that he makes the application and Chairman Lauman signs it; it is then sent to the state and the state grants the county the money. The money then comes from the state in pieces as it is needed and comes through the Treasurer's Office and it becomes part of the loan.

Commissioner Brenneman asked who would get the money back.

Gary Winship said they would at their level; it comes back to them and they re-lend it to someone else. Except this year it is a WIPERS Program and the loan is coming from the state. The state makes the loan and approves it.

Charlie Wright explained it goes back to the state; they have a program they initiated called the WIPERS Loan Fund.

Commissioner Brenneman said even though you are calling it a grant it really isn't.

Charlie Wright said the difference is it normally stays at the county level to be used in the revolving loan fund.

General discussion was held relative to the feasibility of a wood fired electricity generating boiler being built in the Flathead.

Commissioner Dupont stated he felt the process with the CDBG loan was a great program and spoke in support of it.

Chairman Lauman said we still have the product and are losing the mills so we do need to look at alternatives. He then stated he supported whatever we could do in the timber industry.

Kevin Jump commented in the long range this could be a savings to the county for fire suppression in that they will be able to get the forest back to a fire safe position.

THURSDAY, OCTOBER 8, 2009
(Continued)

Commissioner Brenneman made a **motion** to authorize the chairman to sign the resolution that would enable the grant/ loan to proceed for John Jump Trucking Inc. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

[10:00:19 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Clerk & Recorder Paula Robinson, Clerk Kile

Garza reviewed the FY2010 preliminary mill levy calculation report with the commission.

General discussion was held relative to formulas used and valuation changes.

CONSIDERATION OF COLLATERAL: SADDLEHORN

[10:17:27 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Assistant Planning & Zoning Director B J Grieve, Mike Fraser, Frank Landis, Doug Averill, Clerk Kile

Grieve reported the original SIA for Saddlehorn was for approximately eight million dollars and was revised down to five million and the current SIA is for approximately three million. He explained the applicant worked extremely hard in getting the work done as the deadline approached. A letter was submitted on the 2nd of October that documents the infrastructure improvements are complete. Grieve noted three engineers have signed off on the work detailing infrastructure improvements: TDH & Frazer Mgmt. & Consulting for Saddlehorn I and Robert Peccia & Associates for Saddlehorn 5. Thomas Weller representing Thomas Dean & Hoskins, Mike Fraser representing Fraser Mgmt & Consulting and Ryan Mitchell representing Robert Peccia & Associates have all signed the corresponding certificates.

Grieve then spoke about concerns with electrical boxes and fire suppression (MOU) which he stated he would be remiss if he ignored. He further added he has certification from the licensed engineers which are the terms of the agreement for the SIA and summarized that it appears they are in substantial compliance with the terms of the SIA.

Mike Fraser stated that Saddlehorn has worked very hard to get to this point and explained the components of the MOU with Bigfork Fire are all complete. He further explained that testing is still in progress and that they have met the requirements of the SIA and the intent of the MOU, and are continuing to work towards receiving the last documentation.

Commissioner Brenneman said he agrees that it appears the terms of the agreement have been satisfied and is prepared to release collateral with the understanding, if there is an issue with the fire department that we would anticipate TD&H for Saddlehorn I and Robert Peccia for Saddlehorn 5 would understand that they are in effect guaranteeing that the fire department has what it needs.

Grieve then read the certification letter that acknowledged the work is completed.

Commissioner Brenneman made a **motion** to release all collateral for Saddlehorn. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: BIGFORK STORM WATER PROJECT CONTRACT/ 48 NORTH, P.C.

[10:28:29 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Bret Walcheck, Clerk Kile

Pierson reported the contract is with 48 North Engineering to do additional preliminary engineering work on Grand Drive, Bridge Street and River Street.

Commissioner Brenneman made a **motion** to approve the contract. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, OCTOBER 8, 2009
(Continued)

CONSIDERATION OF ADOPTION OF RESOLUTION: END FIRE SEASON 2009

[10:33:34 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Fire Services Area Manager Lincoln Chute, Clerk Kile

Chute reported he feels the county is in good shape now and that the potential for any major fire is minimal for the next couple of weeks.

Commissioner Brenneman made a **motion** to adopt Resolution 2205B. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 2205 B

WHEREAS, The Board of Commissioners, Flathead County, Montana, has the authority, pursuant to Section 7-33-2205, M.C.A., to establish fire seasons annually, during which no person may ignite or set any forest fire, slash burning fire, land-clearing fire, or debris burning fire within areas of the County which they so designate, without the individual or other person desiring to ignite or set any of the above mentioned fires, having obtained an official written permit for such a fire from the recognized protection agency for that protection area;

WHEREAS, the Board of Commissioners, Flathead County, Montana, adopted Resolution No. 2205 on May 7, 2009, setting the 2009 fire season for May 7 through September 30 and adopted Resolution No. 2205A on September 28, 2009 extending that season through October 31, 2009; and

WHEREAS, the Board of Commissioners, Flathead County, Montana has determined, based on a recommendation from Lincoln Chute of the Fire Service Area, in conjunction with other fire authorities in the County, that the 2009 fire season should end immediately.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby amends the fire season for the year 2009 to end effective with the adoption of this Resolution.

PASSED AND ADOPTED this 8th day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

DOCUMENT FOR SIGNATURE: MOTOR VEHICLE USE MAPS/ FOREST SERVICE

[10:36:10 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Clerk Kile

Chairman Lauman stated he would like to see the Forest Service explain the map.

Commissioner Dupont said the problem he has with this is that it is already authorized and approved for us to do this.

Commissioner Brenneman said they want to be able to hand out a map when people go to them and ask where they can camp.

Commissioner Brenneman made a **motion** to approve the motor vehicle use map. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. **Present** – Dupont. Motion carried by quorum.

THURSDAY, OCTOBER 8, 2009
(Continued)

DOCUMENT FOR SIGNATURE: EMERGENCY OPERATIONS PLAN REVISION/ OES

[10:39:19 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to approve the Emergency Operations Plan and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

FINAL PLAT: SUMMIT VIEW

[11:00:33 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Planner Dianna Broadie, Erica Wirtala, Clerk Kile

Broadie entered into record final plat FPP 09-18, Summit View Subdivision; an application submitted by Jerrol and Lori Olson with technical assistance from Sands Surveying for a subdivision creating five lots located west of Hwy 206 between Sullivan Road and Elk Park Road. Preliminary plat approval was granted on September 20, 2006 subject to 23 conditions. It was noted conditions 1-3, 5,6,17 & 21 are all covered by an SIA which is to complete the remainder of the road improvements, a minor amount of stormwater retention facilities, the removal of an existing driveway approach and for a shared well. Also pointed out is the parkland dedication.

Discussion was held relative to the SIA in regards to the well.

Erica Wirtala said presently there are two existing wells and the remaining three lots would share a well; the applicant proposes to wait until there is interest in the lots and then drill the well before the SIA expires.

Discussion continued in regards to the allocation set aside for a well.

Commissioner Dupont made a **motion** to re-schedule final plat for Summit View. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

MEETING W/ DENNIS SPURLOCK RE: SIGN

[11:30:49 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Planning & Zoning Director Jeff Harris, Planner George Smith, Deputy County Attorney Peter Steele, Dennis Spurlock, Clerk Kile

Spurlock explained he is trying to gain approval for a sign project he is trying to put up on the corner of Hwy 93 and Reserve. He then stated the project was originally started for the reason that for the first time in over 30 years he has vacancies in the apartment complex which he feels, may be due to an identity crisis with people thinking the apartments are condos. He went on to say the corner is one of the busiest in the Flathead Valley with more than 10,000 people a day driving by. He started out moving forward with the sign project not knowing that he would need to come before the commission to get approval. He went to the City of Kalispell and was told he didn't need a permit; he then went to the MDOT and spoke to Pat Hurley who told him he was well within his rights to put up a sign. He then moved forward with the project not knowing that he was not compliant and received a phone call from George Smith who informed him he couldn't put up a sign. Spurlock said all he is trying to do is clean the corner up and put up a nice sign; unknowingly he built his sign too big.

Smith stated that he made it clear to Mr. Spurlock through their conversations and is basically coming to the commission for advice. He then said he recognizes the situation that zoning has creating for him with the signage limitation design; in adhering to regulations the property only allows a single sign 16 square feet. The sign that currently exists at the entrance is greater than 16 square feet and is grandfathered in. Smith went on to say that he recognizes the problem the owner has and stated if Mr. Spurlock were to apply for a variance they probably could not meet the eight criteria for the variance and it would go before the Board of Adjustment who would recommend it be lowered to a height no greater than six feet above perceived grade.

Spurlock then said when MDOT built the highway they sloped down into his property and he sits down low and you have to come up high to get to the highway. He further said when the sign was designed he tried to make it esthetically pleasing with the right dimensions.

Smith explained the other options are re-zoning but that would lead to problems also and said another option is another approved Highway 93 access that could be used as a secondary access to the highway; based on general standards of the sign code the life of the property would allow a second sign at the entrance and would support a variance. Security issues for tenants would then become an issue.

Spurlock then spoke about the state taking his corner for the highway within the next couple of years.

THURSDAY, OCTOBER 8, 2009
(Continued)

General discussion continued in regards to possible options for a sign in which Mr. Spurlock was advised to take the proposal before the Board of Adjustments.

- 12:00 p.m. Commissioner Brenneman: Bigfork Steering Committee Public Forum @ Bethany Lutheran**
- 2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Sr. Center**
- 6:00 p.m. Fair Board meeting @ Fair Office**
- 7:00 p.m. Road Advisory Committee meeting @ Solid Waste District Conference Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 9, 2009.

FRIDAY, OCTOBER 9, 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.

- 9:00 a.m. Commissioner Brenneman: Bigfork Stormwater "White Board" meeting @ Bigfork School**
- 9:00 a.m. Subdivision Review Committee meeting @ Commissioners' Meeting Room**
- 2:00 p.m. Commissioner Brenneman: Tour of 911 Center**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 12, 2009.
