
MONDAY, FEBRUARY 13, 2012

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Lauman, Commissioners Dupont and Holmquist, 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 February 14, 2012.

TUESDAY, FEBRUARY 14, 2012

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

QUARTERLY JUVENILE DETENTION FACILITY TOUR

This meeting was not held.

BI-MONTHLY MEETING W/ PAT MC GLYNN, EXTENSION OFFICE

[10:00:12 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, MSU Extension Agent Pat McGlynn, 4-H Director Tammi Walker, Clerk Kile

McGlynn spoke about upcoming master gardener classes, the grape research program, community garden projects, and work on the annual Forestry Expo program. She reported their annual open house will be held on February 24 at the Earl Bennett Building.

Walker spoke about a recently prepared 4-H newsletter that describes all their programs. She reported she would be hosting several training classes at the Earl Bennett Building for 4-H leaders.

PUBLIC HEARING: CONSIDERATION OF ADOPTION OF FINAL RESOLUTION/ ANNEXATION TO SOMERS FIRE DISTRICT, CHMIELEWSKI

[10:15:58 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Deputy County Attorney Tara Fugina, Clerk Kile

Chairman Lauman opened the public hearing to anyone wishing to speak in regards to the fire annexation.

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

Commissioner Holmquist made a **motion** to adopt Resolution 2323A to annex property into Somers Fire District. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Dupont and Holmquist. Motion carried unanimously.

RESOLUTION NO. 2323A

WHEREAS, a petition was received from 100% of the property owners of who are currently residing in the Flathead County Fire Service Area proposed to be annexed into the Somers Fire District;

WHEREAS, the Board of Trustees of the Somers Fire District approved the proposed annexation;

WHEREAS, the Board of Commissioners, pursuant to the provisions of Section 7-33-2125(1)(b), M.C.A., passed a resolution of intent (Resolution No. 2323, dated January 25, 2012) to grant that petition and to transfer the property into the Somers Fire District, and set a public hearing on the proposal for February 14, 2012;

WHEREAS, the Board of Commissioners published notice of the public hearing to be held to allow the public an opportunity to be heard regarding the proposed annexation, and to consider whether a protest petition signed by a majority of the landowners of the area proposed for annexation would be received; and

WHEREAS, the Board of Commissioners conducted said public hearing on February 14, 2012, and did not receive a protest petition signed by 40% of the landowners of the area proposed for annexation.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, Montana, that the property being located in Section 1, Township 26 North, Range 21 West, Flathead County, Montana, and more particularly described as Certificate of Survey 3259 located in Government Lots 2 and 3 of Section 11, Township 26N, Range 21W, is hereby annexed into the Somers Fire District.

TUESDAY, FEBRUARY 14, 2012
(Continued)

BE IT FURTHER RESOLVED, by the Board of Commissioners that the boundaries of the Flathead County Fire Service Area are hereby amended by transferring the property described and located in that portion of Section 1, Township 26 North, Range 21 West, Flathead County, Montana, and more particularly described as Certificate of Survey 3259 located in Government Lots 2 and 3 of Section 11, Township 26N, Range 21W into the Somers Fire District.

Dated this 14th day of February, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: NOONAN, ET AL, ZONE CHANGE/ HIGHWAY 93 NORTH ZONING DISTRICT

[10:17:58 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Deputy County Attorney Tara Fugina, Planning & Zoning Director B. J. Grieve, Marilyn Noonan, Rick Myers, Bente Grinde, Clerk Kile

Grieve reviewed history of the Noonan, et al, zone change request in the Highway 93 North Zoning District. He stated according to Montana law a 30 day protest period is required after signing a Resolution of Intent to adopt a zone change; the protest period ended on January 18, 2012 at 5:00 p.m. He explained protests came in a variety of formats which included e-mails, postcards and petitions. He said a tally of the protests were documented by the Clerk & Recorder's Office which totaled 306; of the 306 the County Attorney's Office and Planning & Zoning Office reviewed there were numerous ones where the vast majority of the addresses that appeared on the petitions received state the owners do not live or own property within the Highway 93 North Zoning District, and many of them just gave a post office box for an address. Grieve reviewed MCA statute, which says:

- *within 30 days after the expiration of the protest period the Board of County Commissioners may in discretion adopt a resolution creating the zoning district, or establishing the zoning regulations for the district.*
- *however, if 40% of the real property owners within the district whose names appear on the last completed assessment roll protest the commission may not adopt the resolution.*

Grieve noted a calculation by the GIS Department came up with 1,169 privately owned taxable parcels within the Highway 93 North Zoning District; 40 percent of that total would be 467, and again 306 addresses were represented by protests received with many of those not being landowners within the Highway 93 North Zoning District. He stated even if they all were the number is not 467.

Commissioner Holmquist stated she reviewed all the protests received along with attachments to e-mails and noticed many did not live in the district. She recommended that those that did protest should talk to the Planning & Zoning Office regarding B2HG zoning.

Commissioner Dupont stated he as well reviewed the protests and did some random checking on addresses. He noted his findings were that many, many of them were not from the zoning district. Obviously, under the rules for zone changes you have to have some skin in the game in order to protest. He said on several occasions there has been a lot of misconceptions about what the zoning issue is and this zoning is optional.

Chairman Lauman said he as well read the protests. He read a couple of them received that had the opinion in them that the zone change would allow strip malls along all county roads. He explained that option already exists in much of Flathead County.

Grieve noted there are more unzoned highways in the valley than zoned highways; on unzoned highways he said people can break ground on strip malls tomorrow if they find it commercially viable.

Chairman Lauman noted from Highway 82 from White Oak to Bigfork Highway 35 you could purchase five acres and build a three story motel today.

Commissioner Dupont made a **motion** to adopt Final Resolution 837BX/ Noonan, et al Highway 93 North Zoning District. Commissioner Holmquist **seconded** the motion. **Aye** – Lauman, Dupont and Holmquist. Motion carried unanimously.

Steele pointed out the parties to the lawsuit have stipulated they would not do anything in the highway zone until the outcome of the lawsuit.

TUESDAY, FEBRUARY 14, 2012
(Continued)

RESOLUTION NO. 837 BX

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 5th day of December, 2011, concerning a proposal to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to B-2HG (General Business Highway Greenbelt);

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at that hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Highway 93 North Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 837 BW, dated December 12, 2011) to change the zoning designation of the property described on Exhibit A, in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to B-2HG (General Business Highway Greenbelt); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on December 15 and December 22, 2011, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the owners of real property in the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Highway 93 North Zoning District to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to B-2HG (General Business Highway Greenbelt), that property being described on the attached Exhibit A.

DATED this 14th day of February, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

EXHIBIT A

Tract 1: *(100 Adopt A Pet Way, Humane Society of NW Montana)* Tract 1 of Certificate of Survey No. 14687, located and being in Government Lot 2 of Section 18, Township 29 North, Range 21 West, P.M.M., Flathead County Montana.

Tract 2: *(500 Franklin Way, Eric Wutke)* Tract 1 of Certificate of Survey No. 1500, EXCEPTING THEREFROM Certificate of Survey No. 1730, located and being in Government Lot 3 of Section 18, Township 29 North, Range 21 West, P.M.M., Flathead County Montana. **Tract 3:** *(Skylink Fiber Communications LLC)* Certificate of Survey No. 1730, located and being in Government Lot 3 of Section 18, Township 29 North, Range 21 West, P.M.M., Flathead County Montana.

Tract 4: *(25 Miranda Dr, Eric & Dennis Wutke, Mild Fence Company)* Tract 2 of Certificate of Survey No. 5572, located and being in Government Lot 3 of Section 18, Township 29 North, Range 21 West, P.M.M., Flathead County Montana.

Tract 5: *(Eric & Dennis Wutke, Mild Fence Company)* Tract 3 of Certificate of Survey No. 5572, located and being in Government Lot 3 of Section 18, Township 29 North, Range 21 West, P.M.M., Flathead County Montana.

Tract 6: *(15 Miranda Dr, Rick & Rebecca Myers)* Parcel 1 of Certificate of Survey No. 11980, located and being in Government Lot 3 of Section 18, Township 29 North, Range 21 West, P.M.M., Flathead County Montana.

Tract 7: *(119 US Highway 93, Eric & Dennis Wutke)* Certificate of Survey No. 3914, located and being in Government Lot 3 of Section 18, Township 29 North, Range 21 West, P.M.M., Flathead County Montana.

Tract 8: *(115 Tronstad Road, Rick & Rebecca Myers)* Certificate of Survey No. 3913, located and being in Government Lot 3 of Section 18, Township 29 North, Range 21 West, P.M.M., Flathead County Montana.

Tract 9: *(3327 Highway 93 N, Jump Investments)* Parcel 1 of Certificate of Survey No. 9143, located and being in Government Lot 4 of Section 18, Township 29 North, Range 21 West, and Government Lot 1 of Section 19, Township 29 North, Range 21 West, P.M.M., Flathead County Montana.

Tract 10: *(Assessor's Tracts 1F and 1FA, Jump Investments)* Tracts 1 and 2 of Certificate of Survey No. 9073, located and being in Government Lot 1 of Section 19, Township 29 North, Range 21 West, P.M.M., Flathead County Montana.

Tract 11: *(Assessor's Tracts 1G and 1GA, Jump Investments)* Tracts 1 and 2 of Certificate of Survey No. 9067, located and being in Government Lot 1 of Section 19, Township 29 North, Range 21 West, P.M.M., Flathead County Montana.

**TUESDAY, FEBRUARY 14, 2012
(Continued)**

Tract 12: (Assessor Tract 1B, 132 Tronstad Road, Marilyn Noonan) A tract of land, situated, lying, and being in Government Lot 4 of Section 18, Township 29 North, Range 21 West, P.M.M., Flathead County Montana, and more particularly described as follows:

Commencing at the NW corner of said Lot 4; thence Easterly upon the Northerly boundary of said Government Lot 4, a distance of 80.00 feet To the Easterly right-of-way line of U.S. Highway No. 93; thence South 00°06'00" West upon the Easterly right-of-way line of said U.S. Highway No. 93, A distance of 30.00 feet to the Southerly right-of-way of the county road and the True Point of Beginning; thence South 00°06'00" West upon the Easterly right-of-way of U.S. Highway 93, a distance of 466.90 feet; thence Easterly and parallel with the Southerly boundary of the right-of-way of the county road, A distance of 466.90 feet; thence North 00°06'00" East and parallel with the Easterly boundary of said U.S. Highway No. 93, a distance of 466.90 feet to the Southerly right-of-way of the county road; thence Westerly upon the Southerly right-of-way of the county road, a distance of 466.90 feet to the Place of Beginning. EXCEPTING THEREFROM that portion deeded to the State of Montana for highway purposes, recorded April 30, 1956 under Recorder's Fee #2871, in Book 387, page 324, records of Flathead County, Montana. ALSO EXCEPTING THEREFROM that portion deeded to the State of Montana for highway purposes, recorded March 5, 1991 as Document #9106410300, records of Flathead County, Montana. ALSO EXCEPTING THEREFROM that portion deeded to the State of Montana for highway purposes, recorded January 24, 2002 as Document #200202410020, records of Flathead County, Montana.

Tract 13: (Assessor Tract 1D, Archie & Thelma Weiguin) A tract of land, situated, lying, and being in Government Lot 4 of Section 18, Township 29 North, Range 21 West, P.M.M., Flathead County Montana, and more particularly described as follows:

Commencing at the SW section corner of Section 18; thence South 89°40'00" East, a distance of 108.71 feet to the East right-of-way of U.S. Highway 93; thence North 00°17'21" East, and along said right-of-way, a distance of 361.82 feet to the True Point of Beginning of the tract herein described; thence continuing along said right-of-way North 00°17'21" East, a distance of 466.48 feet; thence South 89°30'54" East, a distance of 466.54 feet; thence South 00°59'44" West, a distance of 464.18 feet; thence North 89°48'08" West, a distance of 460.81 feet to the True Point of Beginning.

MONTHLY MEETING W/ SCOTT SAMPEY & CINDY MULLANEY, OES & LINCOLN CHUTE, FIRE SERVICE AREA MANAGER

10:30:09 AM

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, OES Director Scott Sampey, OES Deputy Director Cindy Mullaney, Fire Services Area Manager Lincoln Chute, Clerk Kile

Sampey reported OES received a grant for a radio simulcasting systems and EMS radios. He noted Blankenship Fire is the host for the grant received, which requires a 20 percent match portion that will come from 911, EMS and the Fire Service Area.

Mullaney noted this past weekend 50 volunteers participated in an emergency exercise held in the City of Columbia Falls, which involved steps that would be taken if their water system was contaminated. She explained they are moving forward with a mitigation grant for slope stabilization along Whitefish Stage Road, which will require the homeowners to come up with 25 percent of the total cost that would need to be put into a trust account prior to the county accepting award of the grant.

Chute spoke about a recent avalanche event in the Jewel Basin area where the OES Department was able to assist the Sheriff's Office with equipment they had on hand. In other business, he spoke about improved emergency radio reception, training events, mitigation plans for removal of the Stillwater River log jam, pending annexation of property in the North Fork area into Columbia Falls Fire District and progress with the Ashley Lake Fire Hall.

Mullaney reported a communications plan is in the works to have standardized procedures in place for how EMS, law enforcement and fire service agencies will use radios in the system.

OPEN BIDS: EMULSIFIED ASPHALT, CRS2/ ROAD DEPT.

11:00:32 AM

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Public Works Director Dave Prunty, Fleet & Shop Supervisor Corey Pilsch, Clerk Kile

Bids were received from Idaho Asphalt and Montana Refining Company. Due to the fact no bid bond was received from Idaho Asphalt it was considered non-responsive. The bid received from Montana Refining Company with bid bond enclosed for CRS2 was \$599.50 / ton.

Commissioner Holmquist made a **motion** to take the bid under consideration. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Dupont and Holmquist. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: BUS LEASES FOR BIG SKY TRANSPORTATION, BOZEMAN/EAGLE TRANSIT

11:04:32 AM

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Director Eagle Transit Dave Polansky, Clerk Kile

Polansky noted the lease is for two sprinters.

Commissioner Holmquist made a **motion** to authorize chair to sign the bus lease documents for signature for Big Sky Transportation/ Eagle Transit. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Holmquist. Motion carried by quorum.

**TUESDAY, FEBRUARY 14, 2012
(Continued)**

CONSIDERATION OF PRINTING BIDS: ELECTION DEPT.

[11:04:27 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Clerk Kile

Commissioner Holmquist made a **motion** to award the print bid to Executive Services for 25,000 ballot secrecy envelopes, 25,000 return envelopes, and 25,000 mail-out window envelopes for \$7,412.00. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Holmquist. Motion carried by quorum.

11:00 a.m. Commissioner Dupont: U.S. 2/ Badrock Advisory Committee meeting @ MDOT Office
4:00 p.m. Commissioner Dupont: Airport Authority Board meeting @ GPIA

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 15, 2012.

WEDNESDAY, FEBRUARY 15, 2012

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

9:15 a.m. RSVP Board meeting @ Heritage Place
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 February 16, 2012.

THURSDAY, FEBRUARY 16, 2012

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

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

[9:15:11 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Planning & Zoning Director B. J. Grieve, Planner Alex Hogle, Barb Miller, Tamara Tanberg, Connor Tanberg, Bill Tanner, Alan Sempf, Johanna Bangeman, Clerk Kile

Bill Tanner, 688 Echo Lake Road spoke to the commission about closure of the causeway on Echo Lake and the no wake zone implemented. He stated based on what happened last year with the no wake zone, he would like to see them start talking about what the plans will be for Echo Lake this upcoming summer.

Barb Miller, 220 Tamarack Wood Drive stated their request in regards to the trail has been revised. She said the situation they are in right now is that they are in a loop as they are not entirely sure where the Blacktail Road is actually located within the ROW. In order to determine where it is an engineering study is needed, but the sponsor won't sign the agreement until local match funds are raised. She stated she wanted to add clarity to their request, and hopefully find a path they can all agree on. Miller described research done with the GIS Department in regards to deeds and ROW's. She explained the trail would start at the homestead with two spurs planned, and could then potentially come onto the north side of the road given how they see the ROW might be with a GPS road overlay. Another issue with YWAM was reviewed, as they would be the largest benefactor of the trail. She noted they would be willing to shorten the trail and explained several ways it could be done, and spoke about fund raising efforts. Miller asked the commission to accept both pledges and cash towards their application, and give them additional time to raise the local match before any decisions are made.

Johanna Bangeman said they would be working hard to do their part and asked that the Lakeside Trail be kept as a commitment.

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

MEETING W/ ALEX HOGLE RE: BLACKTAIL ROAD CTEP TRAIL

[9:31:52 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Planning & Zoning Director B. J. Grieve, Planner Alex Hogle, Public Works Director Dave Prunty, Barb Miller, Tamara Tanberg, Connor Tanberg, Bill Tanner, Alan Sempf, Clerk Kile

Hogle noted discussion today is to follow up on a prior discussion held on November 28, 2011 regarding the concept of requiring legitimate local sponsorship for the Blacktail Road CTEP project in Lakeside. He explained the Lakeside Community Development Foundation contacted him with their concerns as to if the project would be a viable one for them to take on the role of sponsorship. Hogle stated they were given until January 30 to evaluate their position on the matter. He noted he received a phone call along with a follow up letter indicating they are very much in support of the project and understand it is a valuable project for the community; however, they are concerned about taking on the financial responsibility, unless a substantial portion of the match is raised. He said they would consider serving as the sponsor if the requisite matching funds pledged or raised were raised in advance.

THURSDAY, FEBRUARY 16, 2012
(Continued)

He explained there does seem to be a window of time where it doesn't appear that it would hurt to allow them to see what they can do. It has been voiced that many community members do not live in Lakeside during the winter months and come back in the summer. In the interest of allowing clarity for other groups and projects which are currently underway he stated it would seem fair if those groups know how much is available leading up to their submittals. Hogle suggested perhaps a time trigger such as the end of July to find out if Lakeside community could raise the funds. In the event funds are not raised he added subsequent projects coming in might know what is available to them.

Chairman Lauman noted Blacktail Road is highly travelled 12 months out of the year, and said if nothing more could be done he would like to see Phase 1 completed to address safety issues. He stated he supported the total trail, yet would like to give them until July 1, which would give them a good indication if the total trail could be funded or just a portion of it.

Commissioner Holmquist said she too supports the trail, yet believes that matching funds need to be raised and in the bank. She stated she sees no problem in giving them additional time to raise the funds, and said she would like to set a date when that time would end in order to give other trail projects an opportunity to come forward if it doesn't happen. Holmquist recommended an update be given on July 1 to the commission and the end of July would be their ending date.

Commissioner Lauman stated he concurred with his fellow commissioners.

Commissioner Dupont made a **motion** to extend the deadline to July 1, 2012. Commissioner Holmquist **seconded** the motion. **Aye** – Lauman, Dupont and Holmquist. Motion carried unanimously.

TAKE ACTION: FOX HILL ESTATES, PHASE 3

[9:40:56 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Planner Alex Hogle, Clerk Kile

Chairman Lauman read into the record Fox Hill Estates, Phase 3 is declared a dead file.

CONTINUATION OF TAX REFUND: BOYS & GIRLS CLUB OF GLACIER COUNTRY

[9:41:34 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Alan Sempf, Clerk Kile

Steele said unfortunately the county is not able to come up with any legal authority to grant the refund. He referred to MCA 15-16-603, which speaks to refunds on taxes and limitations on refunds. Steele explained in this case the Boys & Girls Club received an exemption from the Department of Revenue just this year.

Commissioner Dupont asked if there was an appeal process for them for their last payment made.

Steele said the exemption granted doesn't cover 2011.

Commissioner Holmquist said it is unfortunate as they all support the Boys & Girls Club, yet legally they don't have a means to approve a refund of their taxes.

Commissioner Dupont said he concurred and wished it could be granted.

Sempf questioned the possibility of receiving just the interest and penalties paid.

Steele noted there was no provision for that either.

Commissioner Holmquist made a **motion** to deny the tax refund request for the Boys & Girls Club of Glacier Country. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Dupont and Holmquist. Motion carried unanimously.

Chairman Lauman expressed his regret for not being able to allow the refund.

DOCUMENT FOR SIGNATURE: MORRISON & MAIERLE CONTRACT/ BRIDGE AT INTERSECTION OF BROWNS GULCH ROAD & FOOTHILLS ROAD

[9:44:40 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Prunty noted the contract with Morrison & Maierle is for the scope of services to include preparation of bridge geometrics and an invitation to quote which will be under \$50,000. He explained the estimated cost of services would be \$7,500.

Commissioner Holmquist made a **motion** to authorize chair to sign the contract document for signature. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Dupont and Holmquist. Motion carried unanimously.

AWARD BID: EMULSIFIED ASPHALT, CRS2/ ROAD DEPT.

[9:29:21 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Public Works Director Dave Prunty, Fleet & Shop Supervisor Corey Pilsch, Clerk Kile

Commissioner Dupont made a **motion** to award the CRS2 bid to Montana Refining for \$599.50 / ton. Commissioner Holmquist **seconded** the motion. **Aye** – Lauman, Dupont and Holmquist. Motion carried unanimously.

THURSDAY, FEBRUARY 16, 2012
(Continued)

CONSIDERATION OF H.R. TRANSMITTAL: MCH GRANT SOCIAL WORKER/ HEALTH DEPT.

[9:46:43 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Clerk Kile

Pence explained grant funding is available and recommended approval.

Commissioner Dupont made a **motion** to approve the H.R. Transmittal for a Grant Social Worker. Commissioner Holmquist **seconded** the motion. **Aye** – Lauman, Dupont and Holmquist. Motion carried unanimously.

MEETING W/ BRAD SALONEN, WESTERN STATES INSURANCE RE: UPDATE

[10:00:52 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Brad Salonen, Pat McCarthy, Clerk Kile

Salonen spoke about the cost of a cyber-security policy which he stated would be \$12,767 a year, which would protect the county if any claims are brought forth.

Commissioner Dupont asked if any statistics exist for the need for government entities to have cyber-security insurance.

Discussion was held relative to Salonen coming back with some statistics regarding use of cyber insurance.

Salonen reviewed work comp claim statistics from Liberty Northwest, which show for the last five year average 45 claims per year. He said if we look at the same five years at how many dollars we are averaging in claims per year; it is close to \$350,000 to \$375,000. He noted the first year Flathead County went with Liberty Northwest's retro plan the county had a horrible claims year, \$800,000. He stated if the bad year was taken out of the formula, and it was looked at over a four year period the average is around \$250,000 a year. He explained even though the choice was made on November 1 to move away from the retro plan and instead go with the fixed cost plan, the county still has a couple years left to either owe or receive money back. He noted if the button were to be pushed today Flathead County would get \$200,000 back. He then spoke about auto liability insurance concerns with more frequent claims so far this year, but less severity. Salonen presented a summary sheet on projects and assignments Pat McCarthy is involved with in assisting Flathead County.

McCarthy noted his background is in industrial hygiene and safety. He explained some of the work he does for Flathead County when his services are requested. McCarthy stated he is also assisting the Road Department with preparing standard operating procedures for replacement of jellyfish units in Bigfork, and will be on site for the maintenance.

- 12:00 p.m. Commissioner Holmquist: Committee for a Better Bigfork Meeting @ Methodist Church**
- 1:00 p.m. Commissioner Holmquist: Health Board meeting @ Earl Bennett Building**
- 1:30 p.m. Commissioner Dupont: MDOT Coordination meeting @ MDOT Conference Room**
- 6:30 p.m. Fair Board meeting @ Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 17, 2012.

FRIDAY, FEBRUARY 17, 2012

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

- 9:30 a.m. Medical Insurance Wellness Program Presentation**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 20, 2012.
