
MONDAY, APRIL 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.

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/ JIM ATKINSON, AOA

[9:01:05 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Atkinson presented a monthly business plan for AOA in which he reported bus ridership continues to increase a great deal and home delivered meals are on the rise. He noted RSVP is doing well and then stated he is putting together numbers for what it would cost to move to the Gateway Community Center. Discussion also included the old Dollar Store that is for sale.

MEETING W/ TRACY GARDNER RE: WAPITI ACRES LOT 13, CONDITIONS #16, 17 & 18

[9:31:22 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Marc Leichti, Tracy Gardner, Clerk Kile

Harris reported Wapiti Acres, Lot 13 received preliminary plat approval in October 2006. He noted during preliminary plat discussion ensued in regards to water availability, the use of Juanita Way and an RSID. Harris stated at the time conditions addressed these issues. Final plat application has been submitted which the Planning and Zoning Office has not accepted due to conditions not being satisfied.

Tracy Gardner explained the homeowners association is not interested in pursuing condition 16 which states: The applicant shall participate in a hydrogeological assessment to evaluate groundwater availability. Participation costs shall be on a per-lot basis and be shared equally with Wapiti Acres homeowners. Representatives of the homeowner's association will be responsible for implementing the study and for enlisting participation from other area landowners. Application for final plat may proceed prior to completion of an assessment.

Gardner then explained the homeowners association is not interested in pursuing condition 17 which states: The applicant and a designated member of the Wapiti Acres Homeowner's Association shall contact the County Administrator to establish a Rural Special Improvement District for Dale Drive and Juanita Way. Documentation of this effort shall be submitted with application for final plat.

Gardner then presented a letter from the Wapiti Acres Homeowners Association that states they are not interested in participating in the hydrogeological study or RSID at this time.

Gardner then explained he kept a water truck there through construction as the road was being built, and has a letter from KG Contracting that states through the paving project they will take care of the dust to comply with condition 18 which states: The applicant is responsible for dust mitigation during construction on Juanita Way and the southern portion of Dale Drive in accordance with County Resolution #1374.

Commissioner Brenneman made a **motion** to accept documentation presented as compliant for conditions 16 and 17 for preliminary plat with the understanding information will be submitted to complete condition 18. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

MEETING W/ TOM HARMON/ DEPT OF LIVESTOCK RE: CATTLE GUARD

[9:48:23 AM](#)

Members present:

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

Others present:

Tom Harmon, Eric Rozell, Clerk Kile

Harmon reported people are turning cattle out on open range above Browns Meadow Pass and stealing grass from Plum Creek. He then noted Plum Creek has come up with a simple plan of putting a fence in to keep the trespass cattle off their ground and are in need of a cattle guard across the county road in order to accomplish this.

Eric Rozell explained they have the cattle guard and just need county assistance in installing it in the road.

Chairman Lauman stated he needed to talk with the Road Department for further direction in getting this done.

MONDAY, APRIL 20, 2009
(Continued)

BI-MONTHLY MEETING W/ KIM CROWLEY, LIBRARY

[10:00:58 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Library Director Kim Crowley, Clerk Kile

Crowley presented a March statistics report that shows a rise of 23% in usage over last year which is keeping them very busy. She then compared staffing levels from other libraries within the state and explained they are way under staffed per hour open compared to other libraries our size. She then noted they have reduced their budget by about \$50,000.00 this year and they also are not asking for additional staff, but are asking to keep the staff they have. Crowley then stated she feels there are safety issues in the library with only three employees in the building, and then reported the Montana Library Association Conference is being held in Kalispell at the Hilton Garden Inn on April 23, 24 & 25th.

DOCUMENT FOR SIGNATURE: FISH, WILDLIFE & PARKS MOU/ ROAD DEPT. WATER ACCESS SITES

[10:15:22 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Debbie Boreson, Public Works Director Dave Prunty, Clerk Kile

Prunty reported the five year agreement is between Flathead County Public Works Dept and Montana Fish, Wildlife and Parks that will give the Road Department the ability to pull water for road construction and dust control out of fishing access sites throughout the valley, Flathead River and McGregor Lake.

Commissioner Dupont made a **motion** to accept the MOU from FWP for water access. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: CONSTRUCTION CONTRACT/ EMERGENCY 911 CENTER

[10:19:12 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Interim 911 Director Mark Peck, Corey Johnson, Clerk Kile

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

DOCUMENT FOR SIGNATURE: MODIFIED EASEMENT DEED/ EMERGENCY 911 CENTER

[10:23:09 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Interim 911 Director Mark Peck, Corey Johnson, Clerk Kile

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

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #10-07-3-31-023-0

[10:25:35 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

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

MONDAY, APRIL 20, 2009
(Continued)

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

[10:30:27 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Finance Technician Lora Aspenlieder, Finance Technician Wendy Marquardt, Clerk Kile

Garza reviewed a preliminary tax levy requirement schedule without cola and one with 1.9% cola and explained how it would affect appropriations by fund.

Pence stated that either way we are talking about keeping our cash reserves in good standing.

Garza then noted some changes were made to the FY10 proposed budget that will be forwarded to them and additional changes may be made as departments continue to scrub their budgets and transfers are made and CIP's are updated.

Discussion was held relative to mill levies, cola and the 07 audit.

CONSIDERATION OF LAKESHORE PERMIT: HORSKY

[10:54:59 AM](#)

Members present:

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

Others present:

Clerk Kile

Lauman noted the proposed project on Lake Blaine is recommended for approval at 791 Blaine View Lane.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit FLP 09-27. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: FHL, LLC

[10:55:59 AM](#)

Members present:

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

Others present:

Clerk Kile

Lakeshore Permit FLP 09-24 is a permit to excavate accumulated washed-in lake bottom materials from an existing boat slip appurtenant to a residential dock to maintain navigational free way.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit FLP 09-24. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

12:00 p.m. Commissioner Brenneman: MACo Conference Call

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

TUESDAY, APRIL 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, no one present to speak, Chairman Lauman closed the public comment period.

BI-MONTHLY MEETING W/ DEB PIERSON, GRANT WRITER

[9:16:50 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT

Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Grant Writer Deb Pierson, Clerk Kile

Pierson reported work is continuing on the one million dollar AFG grant for mobile and portable radios. She noted Commissioner Brenneman worked with Interoperability Montana to get ½ of the match locked in and the other ½ of the match will come from individual departments. Pierson then noted the Bigfork Stormwater Project is moving along nicely and some grant funds will be re-routed for final design and improvements on the top part of Grande Drive; the new contract for \$425,000.00 is being finalized and monies should be seen around June. She then explained the final design plans for the whole Grande Drive project should be able to be completed with the DNRC/ RRGL grant money that will be received for \$100,000.00 and with stimulus money that it looks like they will receive. It was also reported Gary Mitton a Stormwater Specialist will review their preliminary engineering report and give them recommendations. Pierson reported she is also working on an EPA grant with the National Clean Diesel Funding Assistance Program with the Road Department.

DOCUMENT FOR SIGNATURE: CONSULTING AGREEMENT/ BIGFORK STORMWATER PROJECT

[9:29:08 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT

Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Grant Writer Deb Pierson, Clerk Kile

Commissioner Brenneman PT noted the contract with Mr. Mitton is for up to \$1,500.00 and will be paid out of grant money.

Commissioner Dupont made a **motion** to approve the contract with Mr. Mitton. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

OPEN BIDS: CHEMICALS/ WEED & PARKS DEPT.

[9:34:25 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT

Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Weed & Parks Director Jed Fisher, Clerk Kile

Bids received with bid bond enclosed from:

CHS	240 Gallons "Outpost"	\$ 57.12
	250 Gallons Transline Herbicide	\$173.40
	700 Gallons Curtail Herbicide	\$ 38.25
	540 Gallons of 2, 4-D Amine (Aquatic)	\$ 12.50
	1 Gallon Lontrel	\$586.58
	10 Gallons Milestone	\$298.14
Westland Seed, Inc.	240 Gallons "Outpost"	\$ 52.80
	250 Gallons Transline Herbicide Spur	\$160.00
	700 Gallons Curtail Herbicide	\$ 40.30
	540 Gallons of 2, 4-D Amine (Aquatic)	\$ 10.60
	1 Gallon Lontrel	\$512.00
	10 Gallons Milestone	\$297.00
Alligare, LLC	240 Gallons Pictogram 22K	\$ 56.75
	100 Gallons Clopyralid 3	\$139.00
	540 Gallons Alligare Cody Herbicide	\$ 31.00

Commissioner Dupont made a **motion** to take the bids under advisement and referred them to the Weed Department. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

TUESDAY, APRIL 21, 2009
(Continued)

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #473 (COUNTY ROW BETWEEN HWY 2 & ASHLEY LAKE ROAD)

[9:43:33 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to authorize the publication of the Notice of Public Hearing for Road Abandonment #473 and authorized the chairman to sign. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

NOTICE OF DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 473

Notice is hereby given that the Board of Viewers have reported to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

A 60 foot County R-O-W connecting U.S. Hwy 2 West and Ashley Lake Road in the SE ¼ of the NW ¼ and SW ¼ of the NE ¼ in Section 16, T27N, R23W.

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **May 11, 2009, at 9:15 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 21st day of April 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Joseph D. Brenneman, P. T.
Dale W. Lauman, Chairman

ATTEST:

Paula Robinson, Clerk

By/s/Diana Kile

Diana Kile, Deputy

Publish on April 25 and May 2, 2009.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: DUST CONTROL COST SHARE PROGRAM/ ROAD DEPT.

[9:44:25 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to authorize the publication of Call for Bids for the Dust Control Cost Share Program and authorized the chairman to sign. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

INVITATION TO BID

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive sealed bids for construction of:

Dust Control Cost Share Program

All sealed bids, **plainly marked "SEALED BID – DUST CONTROL COST SHARE PROGRAM"** must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT, 59901, at 9:00 a.m. on Thursday, May 7, 2009. Bids will be opened and read immediately following at 9:30 a.m. in the Commissioner's Office at the West Annex of the Courthouse.

The project consists of placing dust suppressants throughout the Flathead County Roadway System. This project will have two schedules, each containing a Base Bid and an Additive Alternate. Contractors have the option to submit bid packages for either one or both of the schedules.

TUESDAY, APRIL 21, 2009
(Continued)

Schedule One Base Bid will consist of scarifying ("high blading"), placing approximately 79,500 linear feet of magnesium chloride and watering (as required) to existing 24 foot wide roadways. The Additive Alternate is for the reapplication of the magnesium chloride through September 30, 2009 on those sections of roadway that the original dust abatement fails. If Flathead County deems that the dust control is not working and needs to be reapplied, then the Contractor shall reapply the magnesium chloride as required.

Schedule Two Base Bid will consist of scarifying ("high blading") and placing approximately 45,500 linear feet petroleum base asphalt emulsion on 24 foot wide roadways as dust suppressants. The Additive Alternate is for the reapplication of the petroleum base asphalt emulsion through September 30, 2009 on those sections of roadway that the original dust abatement fails. If Flathead County deems that the dust control is not working and needs to be reapplied, then the Contractor shall reapply the petroleum base asphalt emulsion as required.

Various roadways will be receiving dust control improvements in Flathead County, and the Contractor should be prepared to mobilize equipment on a daily basis.

All bids must be in accordance with the Contract Documents on file with the Flathead County Road & Bridge Department, 1249 Willow Glen Drive, Kalispell, Montana, (406) 758-5790 and at the offices of Robert Peccia & Associates, 102 Cooperative Way, Suite 300, Kalispell, Montana; (406) 752-5025 and 825 Custer Avenue, Helena Montana; (406) 447-5000.

Copies of the Contract Documents for use in preparing bids may be obtained from Robert Peccia & Associates at the addresses stipulated above upon receipt of a non-refundable deposit of \$50.00 for each set of documents including 8 ½"x 11" drawings.

A pre-bid conference will be held, commencing at 10:00 a.m. at the office of **Robert Peccia and Associates**, 102 Cooperative Way, Suite 300, Kalispell, Montana 59903 on Thursday, April 30, 2009.

Work is to commence within ten (10) days after the Notice to Proceed is issued. Completion of the work is required within **30** consecutive calendar days after the Notice to Proceed is given.

CONTRACTORS and any of the CONTRACTOR'S subcontractors doing work on this project will be required to obtain registration with the Montana Department of Labor and Industry (DLI). Forms for registration are available from the Department of Labor and Industry, P.O. Box 8011, 1805 Prospect, Helena, MT 59604-8011. Information on registration can be obtained by calling (406) 444-7734. CONTRACTORS are not required to have registered with the DLI prior to bidding on this project, but must have registered prior to execution of the construction agreement. All laborers and mechanics employed by CONTRACTORS or subcontractors in performance of the construction work shall be paid wages at rates according to the current Montana Prevailing Wage Rates. The CONTRACTOR must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex, or national origin.

Each bid must be accompanied by a Certified Check, Cashier's Check, or Bid Bond payable to **Flathead County**, in an amount not less than ten percent (10%) of the total amount of the bid. Successful BIDDER(S) shall furnish an approved Performance Bond and a Labor and Materials Payment Bond, each in the amount of one-hundred percent (100%) of the contract amount within seven (7) calendar days after the Notice of Award is issued. Insurance as required shall be provided by the successful BIDDER(S), and a certificate(s) of that insurance shall be provided.

Flathead County reserves the right to reject all proposals and bids received, to waive informalities, to postpone the award of the contract for a period not to exceed sixty (60) days, and to accept the lowest responsive and responsible bid that is in the best interest of Flathead County.

Flathead County is an Equal Opportunity Employer.

Dated this 21st day of April, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Joseph D. Brenneman, P. T.
Dale W. Lauman, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publication Dates: April 26 and May 3, 2009

QUARTERLY MEETING W/ MIKE MEEHAN, SHERIFF

10:07:24 AM

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Sheriff Mike Meehan, Undersheriff Pete Wingert, Interim OES Director Mark Peck, Clerk Kile

Meehan reported labor negotiations have been going well with dispatch being close to signing a contract. He noted their preliminary budget is in and is under \$16,000.00 from last year. The COPS grant for an additional deputy for three years has been applied for and on May 4 the dust deputy is scheduled to start again.

TUESDAY, APRIL 21, 2009
(Continued)

Mark Peck spoke about a late comer's fee being attached to the building permit for the new 911 Center. He then explained an agreement was made between Alcore Corporation and the City of Kalispell that is managing the late comer's fees. The City of Kalispell has previously waived the new comers fee for new construction in the area and now owes Alcore Corporation \$163,000.00, which they attached to the 911 Center building permit. Peck stated they are willing to pay their share, but are not willing to pay for everyone else to get off the hook.

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: SCHELLINGER V. AIRPORT AUTHORITY & FLATHEAD COUNTY

[10:30:11 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Clerk Kile

Commissioner Dupont made a **motion** to authorize the County Attorney to accept service. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF SIA EXTENSION: ALPINE INDUSTRIAL PARK SUBDIVISION, PHASE 2

[10:34:03 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

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

Commissioner Dupont made a **motion** to grant an SIA extension to Alpine Industrial Park Subdivision, Phase 2. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF RELEASE OF COLLATERAL: PHEASANT RUN

[10:37:09 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

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

Harris noted the original improvement agreement was for a 30,000 gallon fire suppression tank. The applicant met with Badrock Fire District and was told they would rather have the money given to the district in lieu of a fire suppression tank being installed.

Commissioner Dupont made a **motion** to approve the release of collateral for Pheasant Run. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried unanimously.

- 10:00 a.m. Commissioner Lauman: Western Montana Regional Detention Funding Proposal @ Missoula Detention Center
- 4:00 p.m. Commissioner Dupont: RAC meeting @ Forest Service Office
- 6:00 p.m. Commissioner Brenneman: EMS Medical Directors meeting @ Earl Bennett Bldg.

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

WEDNESDAY, APRIL 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.

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

- 10:00 a.m. Commissioner Brenneman: Meeting w/ Jack Spellman, et al, at OES re: Interoperability Montana
- 12:00 p.m. Commissioner Brenneman: Housing Affordability Ladder meeting @ Insured Title
- 12:00 p.m. Commissioner Dupont: Montana West Economic Development meeting in Columbia Falls
- 3:00 p.m. Commissioner Lauman: 911 Center Dedication @ Building Site

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

THURSDAY, APRIL 23, 2009

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

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

Paul J. Rana, commented he has worked on the Bigfork Neighborhood Plan off and on over the past few years and appreciates the plan, because it ties hand in hand with a project being conducted in Lake County. He then said all the effort put in the Bigfork Neighborhood Plan are having a part in the North Lake County planning and zoning project. Rana stated he hoped for positive results so it can be used as further efforts in North Lake County.

Shelly Gonzales, 4747 Foothills Road said the update of the Bigfork Neighborhood Plan has been made possible by the generosity of time and money donated by hundred of community volunteers. The survey which is the foundation of the Bigfork Neighborhood Plan documents the philosophy of how the residents of Bigfork visual future growth and development within its community. Predictability is what brings quality development to a community and the Bigfork Neighborhood Plan as presented achieves that goal. Bigfork thanks the Planning and Zoning Department for its guidance in the process, GIS for the mapping done and the Planning Board for its input and unanimous support of the plan. A neighborhood plan that is compliant with Montana law and the Flathead County Growth Policy is being presented. As a resident of the Bigfork zoning district I personally request that you consider denying the following changes to the plan which were adopted by the Planning Board.

Page 42 - Use of Neighborhood Plan: Survey response strongly supported requiring BLUAC to use the BNP as the guiding document when making planning and zoning determinations.

Gonzales continued as the plan is a non-regulatory document BLUAC must comply with all state and county laws and requirements when considering any land use application. The Planning Board and County Commissioners likewise must follow the law. The language proposed by the Planning Board is ambiguous and directly conflicts with how the Planning Department, BLUAC and the Planning Board does business, and therefore should not be considered. The language proposed by the Planning Department is extensive and maybe more descriptive, but I feel it is unnecessary since we are all following the letter of the law.

Page 45 – Policy 14.3: Flathead County should adopt procedures for reclamation bonds to mitigate these issues. Such bonds would be a prerequisite for approval.

Gonzales stated that while she recognizes that there is no such mechanism for this today, she strongly suggests that the policy be unchanged so in the future if the county implements such a legal mechanism it automatically becomes a policy of the BNP. A requirement for anyone who extracts from or develops land should be required to bond the project in order to repair the land they developed. I have seen too many gaping holes in the county from old excavation. She then thanked Bigfork for their unwavering support of the plan.

Ed Blackler commented that he endorsed the Bigfork Neighborhood Plan and asked that it be approved. He then said it has been a long process by members of the community and is endorsed emphatically by the majority of those living there as a mechanism to guide the growth they see happening in the neighborhood. If the Bigfork Neighborhood Plan were to be examined by other neighborhoods they would see that it could be used as a model. Blackler stated the input was solicited from residences and landowners and they have complied with every recommendation advised by the Planning Board and it is high time the plan be approved, so the residences can benefit from all the planning done.

Chuck Gough, 71 Bay Arbor Drive commented he has worked with BSC and BLUAC on the plan since 2004 and said it's been a long time coming. He then stated in support of what Shelly Gonzales said the changes made by the Planning Board he feels do not comply according to the Planning Department with how they can operate. Gough said he would like to see the plan adopted without the Planning Board changes.

Charles Myers, representing Bayside Park and Marine stated he opposed certain portions of the plan that he has commented on over the last four to five years. He noted that very few of his objections were ever addressed by the committee. One of the major changes that happened of significance was done by the commission when the decision was made to reaffirm that neighborhood plans are guidance and not regulatory. He went to meetings as recently as last year where a BLUAC member wanted wording to be "must" and "shall" in the document rather than the less agreed "should" or "recommend". He further noted he has objected to this plan from the beginning and that the survey was not scientific, and that secret meetings were conducted with most of the objectors now having given up because it hasn't done any good. When he bought his property in downtown Bigfork it was zoned B3 which allows him to do a variety of things; the plan seems to make it into a good taste society and effectively change the B3 zone. He then spoke about sections in the plan that refer to preserving open space, wildlife corridors and scenic views and stated that wildlife flows through any neighborhood in the county; we don't need anymore wildlife corridors. Also stated was if people want to preserve open space and scenic views that is someone else's property then let them buy it. Myers then spoke about architectural review and said he doesn't want a good taste society deciding what he can and can't do with his property based on what they perceive they want done with someone else's property.

John Bourquin spoke in support of the Bigfork Neighborhood Plan and stated a tremendous amount of people in Bigfork were positively involved in rewriting the old 1993 plan.

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

THURSDAY, APRIL 23, 2009
(Continued)

**CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT & AUTHORIZATION TO PUBLISH NOTICE OF
PASSAGE: BIGFORK NEIGHBORHOOD PLAN**

9:30:46 AM

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Deputy County Attorney Peter Steele, Paul J. Rana, Paul Guerrant, Chuck Gough, Shelly Gonzales, John Bourquin, Patricia Wagner, Sue Hanson, Gary Ridderhoff, Craig Wagner, Bill Myers, Gina Klempel, Clerk Kile

Harris stated the Bigfork Steering Committee and Bigfork Land Use Advisory Committee spent years putting this plan together and during that time held 120 meetings and workshops regarding the plan. It then went to the Planning Board where two public hearings were held on the proposed plan, and in between the two hearings a workshop was held to solicit more public input. The final recommendation from the Planning Board was unanimous with some modifications. He then said comments received specific to the plan that are substantial they would recommend be shifted back to the Planning Board for a subsequent public hearing; if they are not substantial then you could make the amendments as you see fit. Harris then stated what is being asked is that a Resolution of Intent be adopted that will trigger a 30 day comment period with the intention to adopt the plan after 30 days.

Commissioner Brenneman made a **motion** to adopt Resolution 2184B and authorized the publication of the Notice of Passage of Resolution of Intent and authorized the chairman to sign. Commissioner Dupont **seconded** the motion.

Commissioner Brenneman said the Bigfork Community has done an extraordinary amount of work and thanked the community for working on the plan. He then stated the survey that was conducted by the community was one of the most scientific surveys he has ever seen done.

Chairman Lauman extended his thanks to the committee that worked long and hard for their input.

Aye - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 2184B

WHEREAS, the Bigfork Land Use Advisory Committee has recommended that the Board of Commissioners adopt an updated Bigfork Area Land Use Plan, an addendum to the Flathead County Growth Policy;

WHEREAS, the boundaries of the property encompassed in the Bigfork Area Land Use Plan were established in Resolution No. 933A and will remain the same in the proposed updated Bigfork Area Land Use Plan;

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt the proposed updated Bigfork Area Land Use Plan, with the changes recommended by the Flathead County Planning Board; and

WHEREAS, the Flathead County Board of Commissioners has reviewed the proposal and determined that the proposed updated Bigfork Area Land Use Plan, an addendum to the Flathead County Growth Policy should be formally considered.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, pursuant to Section 76-1-604, M.C.A. that it intends to consider the proposed updated Bigfork Area Land Use Plan, a copy of which accompanies this resolution.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed update and will consider any written comments which are received in the Board's Office prior to 5:00 p.m. on May 29, 2009. The Board will consider whether to pass a final resolution adopting the proposed updated Bigfork Area Land Use Plan, an addendum to the Flathead County Growth Policy, after that date.

DATED this 23rd day of April, 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

THURSDAY, APRIL 23, 2009
(Continued)

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
FLATHEAD COUNTY GROWTH POLICY
BIGFORK AREA LAND USE PLAN

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 2184B) on April 23, 2009, to consider a revision to the Bigfork Area Land Use Plan, an addendum to the Flathead County Growth Policy, as proposed by the Flathead County Planning Board.

The proposed update to the Bigfork Area Land Use Plan, an addendum to the Flathead County Growth Policy, addresses land uses, population, housing needs, the economy, local services, public facilities, natural resources and transportation within the area within the area covered by the Bigfork Area Land Use Plan. Documents related to the proposal are on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, where they may be examined by the public.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Bigfork Area Land Use Plan and will consider any written comments which are received in the Board's Office prior to 5:00 p.m. on May 29, 2009. The Board will consider whether to pass a final resolution adopting the proposed updated Bigfork Area Land Use Plan after that date.

DATED this 23rd day of April, 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 April 28 and May 5, 2009.

BOARD APPOINTMENT: 911 INTERLOCAL AGREEMENT BOARD

[10:08:56 AM](#)

Members present:
Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Members absent:
Commissioner James R. Dupont
Others present:
Clerk Kile

Chairman Lauman made a **motion** to appoint Commissioner Joe Brenneman to the 911 Interlocal Agreement Board. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: HEALTH BENEFIT PLAN AMENDMENT/ DEPENDANT ELIGIBILITY

[10:08:44 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 Health Benefit Plan Amendment. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: SERVICE PROVIDER DESIGNATION FORM/CDC

[10:09:46 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 designate the Chemical Dependency Clinic as the service provider for the alcohol tax money collected. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

10:30 a.m. Commissioner Brenneman: Welcome Address to Mt. Library Association @ Hilton Garden Inn
12:00 p.m. Commissioner Brenneman: Youth Suicide Prevention Coalition meeting @ Earl Bennett Bldg.
2:00 p.m. Commissioner Brenneman: Health Board meeting @ Earl Bennett Bldg.
5:15 p.m. Commissioner Brenneman & Commissioner Lauman: Mt. Book Award Presentation & Reception

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

FRIDAY, APRIL 24, 2009

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

1:00 p.m. Commissioner Dupont: Speaker at Arbor Day Foundation, Columbia Falls
6:00 p.m. Commissioner Lauman: Lakers Baseball Fund Raiser @ Gardner Auction

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