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**MONDAY, JUNE 1, 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.**

Rick Breckenridge presented and read an article from the Flathead Beacon to the Commission regarding the Lakeside Neighborhood Plan website. He then pointed out the article states the "Flathead County Planning Director said the online forum was intended as a means of easily disseminating drafts of the plan." Breckenridge then reviewed a statement on the website that says the page is for use only by the Lakeside Neighborhood Plan Committee's Yahoo Group. He also reviewed e-mails sent and said there needs to be an investigation and employees need to be held accountable for their actions.

Charles Lapp, 3230 Columbia Falls Stage Road commented on changes he feels need to be made to the Bigfork Neighborhood Plan. He then stated the language "should" is too restrictive and needs to be taken out of the plan. He then reviewed several policy changes which he feels need changed before the plan is adopted.

Gina Klempel questioned where the federal stimulus money is going and if it would be up for public review.

Chairman Lauman explained the money they would be receiving is going toward road improvements.

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

**PRELIMINARY PLAT: TAYLOR SRR**

10:32:11 AM

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Erica Wirtala, Gina Klempel, Clerk Kile

Broadie entered into record Staff Report FSR 09-03, Taylor SSR; an application submitted by Richard Taylor with technical assistance from Sands Surveying for a one lot minor subdivision located south of Lake Blaine Road on the east side of Madera Trail Road.

Commissioner Dupont made a **motion** to adopt findings of fact and Staff Report FSR 09-03. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to approve preliminary plat for Taylor SRR. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**Standard Conditions**

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. 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 Creston 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. With the application for final plat, the applicant shall provide a Road Users' Agreement for Madera Trail. [Section 4.7.17(e), FCSR]
6. 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]
7. 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]
8. 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]
9. 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]
10. 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]

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(Continued)**

- 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]
- 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.

- 11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]
- 12. 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]
- 13. 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]
- 14. Preliminary plat approval is valid for three years. [Section 4.4.21 FCSR]

**Project-Specific Conditions**

- 15. A stop sign shall be installed on Madera Trail at the intersection of Lake Blaine Road. [Section 4.7.18, FCSR]
- 16. A paved apron shall be constructed on Madera Trail where it meets Lake Blaine Road in accordance with the Flathead County Minimum Standards for Design and Construction and shall be certified by a licensed engineer.
- 17. The following statements shall be placed on the face of the final plat applicable to all lots:
  - g. This subdivision is located in an agricultural/silvicultural area and potential nuisances such as noise, dust, odors and irregular hours of operation are commonplace. As such, the right to farm/log on adjoining properties will not be restricted as a result of the development or occupancy of this subdivision. [MCA 76-3-608]
  - h. Only Class A and Class B fire-rated roofing materials are allowed. [MCA 76-3-608]
  - i. Lot owners are encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including such things as bear proofing, pet control, and removing food sources. [MCA 76-3-608]
  - j. Owners are alerted that this may be an area of big game migration and are encouraged to contact the Montana Department of Fish, Wildlife, and Parks for information on wildlife friendly fencing. [MCA 76-3-608]
  - k. This subdivision is located in the Wildland Urban Interface wildfire priority area where wildfires can and do occur.
  - l. Firewise defensible standards shall be incorporated around all primary structures and improvements.

**CONSIDERATION OF LAKESHORE PERMIT: MARLANN HOLDINGS, LTD.**

This meeting was cancelled.

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

11:00:19 AM

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

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

Prunty explained the Road Department has encountered problems with citizens dropping out of the dust cost share program and explained it hasn't been as successful as they had hoped it to be. He then spoke about the Badrock Drive RSID, rebuilding ¼ mile of Grayling Road and design of McMannamy Draw.

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Foy then spoke about gravel work done on KM Ranch Road, Marquardt Road, Manning Road, Springhill Road and West Valley Drive with material used out of Shepherd Pit. Work was also done on Lost Creek and Pleasant Valley Road with material from Bush Pit. Foy then reported a lot of culvert work, patching and sweeping has been done this past month.

Prunty presented a list of every road the county maintains to the commission with the year it was created.

**BUDGET AMENDMENTS: SEARCH & RESCUE / HEALTH DEPT.**

11:31:58 AM

Members present:

- Chairman Dale W. Lauman
- Commissioner James R. Dupont

Members absent:

- Commissioner Joseph D. Brenneman

Others present:

- Assistant Mike Pence, Search & Rescue Coordinator Jordan White, Clerk Kile

Commissioner Dupont made a **motion** to approve Budget Amendment Resolution 2207. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

BUDGET AMENDMENT  
RESOLUTION # 2207

**WHEREAS**, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2008-2009, 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 2008-2009; 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 1<sup>st</sup> day of June 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

DATE OF ISSUE:		5/19/2009		BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:						Entered by:	
RESOLUTION #			RESOLUTION #2207				
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT	
2382	0209	365000		Donations		4,000.00	
2382	0209	420740	212	Small Item Equip	4,000.00		
Explanation					4,000.00	4,000.00	
Establish Donations Revenue line and increase Small Item Equipment							

DATE OF ISSUE:		5/20/2009		BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:				RESOLUTION #2207 (Cont'd)		Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT	
2374	0224	521000	820	Transfer to	70,000.00		
4002	0222	383001		Transfer In		70,000.00	
4002	0222	381070		Proceeds from notes/loans/inter	100,000.00		
4002	0222	343130		Medicaid		133,494.00	
4002	0222	383000		Transfer In	342,000.00		
4002	0222	383002		Transfer In		342,000.00	
Explanation					512,000.00	545,494.00	
Adjust Home Health Transfer Out and CIP Revenue line items							

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DATE OF ISSUE:	5/18/09	BUDGET ENTRY			VOUCHER NO.:	
DATE OF RECORD:		RESOLUTION #2207 (Cont'd)			Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2970	0190	331132		CONSORTIA		8,340.00
2970	0190	440176	110	SALARIES	7,229.00	
2970	0190	440176	141	UNEMPLOYMENT	40.00	
2970	0190	440176	142	INDUSTRIAL ACCIDENT	150.00	
2970	0190	440176	143	HEALTH INSURANCE	2,000.00	
2970	0190	440176	144	FICA	800.00	
2970	0190	440176	145	PERS	900.00	
2970	0190	440176	147	MEDICARE TAX	240.00	
2970	0190	440176	150	LIFE INSURANCE	10.00	
2970	0190	440176	311	POSTAGE	10.00	
2970	0190	440176	351	MED/DENTAL/PHARMACY		2,939.00
2970	0190	440176	378	TRAVEL		100.00
Explanation					11,379.00	11,379.00
Budget Amendment as per new contact (see attached)						

**DOCUMENT FOR SIGNATURE: MDOT SECTION 5311 & NEW FREEDOM CONTRACTS/ AOA**

[11:36:17 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Clerk Kile

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

**DOCUMENTS FOR SIGNATURE: DPHHS CONTRACT #09-07-4-11-044-0**

[11:37:09 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve DPHHS Contract #09-07-4-11-044-0. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #10-07-5-01-015-0**

[11:39:29 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve DPHHS Contract #10-07-5-01-015-0. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

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(Continued)

**CONSIDERATION OF PRINTING BIDS: WEED & PARKS**

[11:40:08 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve the print bid from North Star Printing for 3,000 spray report forms for \$716.00. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**AUTHORIZATION TO PUBLISH REQUEST FOR PROPOSALS: HR/ PAYROLL SOFTWARE**

[11:41:57 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, HR Director Raeann Campbell, Clerk Kile

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

NOTICE OF REQUEST FOR PROPOSALS

Notice is hereby given that Flathead County is requesting proposals from firms or individuals for the purchase of a Payroll/Human Resources Software System. The County seeks a System that will provide Payroll service, including ACH electronic direct deposit, daily timecard, deductions, accruals, correct calculation of overtime rate per FLSA, ability to handle multiple pay rate tables, including different longevity rates; and Human Resources services, including the ability to track various dates, original start date, etc., positions, pay, history, FMLA tracking, benefits, training and various reports.

The detailed Request for Proposals with instructions for proposers is available from the Flathead County Commissioners' Office, 800 South Main, Kalispell, Montana 59901, telephone 406-758-5503.

Flathead County intends to negotiate an agreement based upon fair and reasonable compensation for the scope of work and services proposed. Proposals should include a draft contract for provision of the services proposed and comply with all other requirements of the Request for Proposals.

Flathead County also reserves the right to reject any and all responses deemed unqualified, unsatisfactory or inappropriate.

All Proposers interested in responding to this RFP are required to submit a letter of intent by June 26, 2009 to Mike Pence, County Administrator, 800 South Main, Kalispell, MT 59901. The letter should contain the following information: company name; RFP contact for company; address for company contact; phone number/fax number for company contact; and E-mail address for company contact. All proposals must be in the hands of the Flathead County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before 4:00 o'clock p.m., on July 10 2009.

Dated this 1<sup>st</sup> day of June, 2009.

Board of County Commissioners  
Flathead, County

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish: June 4 and June 11, 2009.

**DOCUMENT FOR SIGNATURE: MONTANA JUDICIAL BRANCH SAFETY & SECURITY FUNDING GRANT/ DISTRICT COURT**

[11:43:56 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

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

MONDAY, JUNE 1, 2009  
(Continued)

**DOCUMENT FOR SIGNATURE: CORRECTED QUIT CLAIM DEED/ OLSON FAMILY TRUST**

[11:44:41 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

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

Commissioner Dupont made a **motion** to approve the QCD. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Dupont. Motion carried by quorum.

**CONSIDERATION OF APPROVING ELLE CLARK AS APPRAISER/ SOMERS CONTAINER SITE**

[11:46:27 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

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

Commissioner Dupont made a **motion** to authorize Elle Clark to appraise the Somers container site. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 2, 2009.

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**TUESDAY, JUNE 2, 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/ VICKI SAXBY, I.T.**

[9:15:19 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, I.T. Director Vicki Saxby, Clerk Kile

Saxby presented the commission with a copy of e-mail retention guidelines required by state law. She then reviewed the projects the department is working on, presented a statistic report for I.T. support services required and noted a programmer has been hired.

**BOARD APPOINTMENTS: FLATHEAD COUNTY RIVER COMMISSION AND LAKESIDE COMMUNITY COUNCIL**

[9:31:26 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 appoint Roy Hutchin, Rusby Seabaugh, Larry Brosten and Cap Ingham to the Flathead County River Commission. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to appoint Mark Siderius as the Flathead Conservation District Representative and Mark Delrey as the Representative for Fish, Wildlife and Parks. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Chairman Lauman made a **motion** to appoint Commissioner Brenneman to the Flathead County River Commission. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**TUESDAY, JUNE 2, 2009**  
(Continued)

Chairman Lauman stated a letter was received from Gregg Schoh, Chairman of Lakeside Community Council that unanimously recommended the appointment of Mike Wilson to the one year commissioner appointed council seat.

Commissioner Brenneman made a **motion** to appoint Mike Wilson to Lakeside Community Council. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**FINAL PLAT: WAPITI ACRES, LOT 13**

[9:45:54 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planner Allison Mouch, Tracy Gardner, Clerk Kile

Mouch entered into record Staff Report FFP 09-06, Re-Subdivision of the Amended Plat of Wapiti Acres, Lot 13; a subdivision creating 3 residential lots located approximately 2 miles south of Kalispell off Dale Drive in Wapiti Acres Subdivision. Preliminary plat approval was granted on October 26, 2006, subject to 18 conditions.

Commissioner Dupont made a **motion** to accept the SIA and approve final plat of Wapiti Acres, Lot 13. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE**

[10:00:39 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Assistant Deputy County Attorney Tara Fugina, Clerk Kile

Campbell presented the personnel transactions for the month of May 2009.

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

Campbell then reviewed work comp expenses in which the Road Department's increased due to a couple of surgeries. She then noted no work comp claims were filed during the month of May. It was then reported the trust fund balance is at \$2.9 million. Campbell stated negotiations have been wrapped up with Detention and Dispatch and will be voted on now. She then further noted accident investigation training with Liberty Northwest was held and the deputy lawsuit is being disputed in regards to calculation of overtime.

**CONSIDERATION OF HR TRANSMITTAL: OA III/ CLERK & RECORDER'S OFFICE**

[10:05:45 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Assistant Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Brenneman made a **motion** to approve the revised job classification for an OA III and approve the HR Transmittal. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE RE: HEALTH INSURANCE RENEWAL**

[10:15:01 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, Deputy County Attorney Jonathan Smith, Assistant Deputy County Attorney Tara Fugina, Clerk Kile

Campbell explained the proposed changes in the health insurance dental plan which includes: deductible \$25/person, \$75/family, preventive 100% (deductible waived), basic care 75%, major services 50% and maximum amount per person per year increased to \$750.00. She noted the county currently pays \$598.95 of the employee's insurance premium.

Commissioner Dupont made a **motion** to approve the 5% increase. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

TUESDAY, JUNE 2, 2009  
(Continued)

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: BIGFORK NEIGHBORHOOD PLAN**

[10:30:24 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, Assistant Planning & Zoning Director B J Grieve, Deputy County Attorney Jonathan Smith, Assistant Deputy County Attorney Tara Fugina, Tammi Fisher, Erica Wirtala, Sue Hanson, Gina Klempel, Mary JoNaive, Don Loranger, Doug Averill, Chuck Gough, Shelley Gonzales, Edd Blackler, Clarice Ryan, Gary Ridderhoff, Clerk Kile

Grieve noted during the time span from April 23 through June 2, 2009, eight brief emails supporting adoption of the Bigfork Neighborhood Plan were received by the Flathead County Commissioners office. Six of these were 1-2 sentences urging the commissioners to adopt the plan. One of the comments summarized the lengthy public process through which the plan had gone through and one of the comments provided details about the plan being used as an effective means to guide growth.

A letter was submitted from the Community Foundation for a Better Bigfork urging Flathead County to work with the Foundation to maintain access to the Bigfork Public Dock, as well as all other access and recreation points in Bigfork. The Foundation further offers financial support should the County need it to maintain these community amenities.

Two letters were received requesting a change to "Map 10 Future Land Use Map" to change 3 properties from AG to IL (light industrial). One of these letters (from the landowner's attorney) contained a petition signed by 89 people. Of the 89 people, approximately half had addresses within the Bigfork Neighborhood Plan jurisdiction, and all appeared to have addresses within Flathead County. The other letter was from the landowner's technical representative and detailed the history of the properties as well as how the requested amendment complied with the Bigfork Neighborhood Plan. The letter further stated how a use that was approved on a property down the road (as a conditional use in a SAG-5 zone) justifies the requested change to IL.

Discussion was held relative to Land Use Recommendations: Page 42

5. Use of Neighborhood Plan: Survey response strongly supported requiring the BLUAC to use the BNP as the guiding document when making planning and zoning recommendations. ~~We recommend that the use of this plan is required. BLUAC acknowledges that the BNP is not regulatory and will not be used solely to recommend denial of an application.~~

Commissioner Brenneman stated his recommendation is to end the sentence after recommendations and strike everything beyond there. There was unanimous consent.

Commissioner Brenneman made a **motion** to adopt Resolution 2208. Motion **dies** for lack of second.

Commissioner Dupont questioned the language in the document in regards to "shall" and "may" and asked if the document would be clearer to the average person if the mandatory type language was removed. He noted the Planning Board scratched most of the "shall" language.

Smith said requiring them to use the plan as a basis for their recommendation is what it is for; that it should be considered when they make a recommendation.

Chairman Lauman said if you change the "shall" to "should" like the Planning Board did.

Commissioner Dupont then said in regards to the parcel amendment on Hwy 83 that he has looked at the property and talked to everyone in the area and sees no reason for the way the designation sits now.

Commissioner Dupont made a **motion** to change the western boundary of United Tool Company and Shawnee Drive to Light Industrial which it shall be designated in the future. Chairman Lauman **seconded** the motion.

Chairman Lauman stated when this designation first came about that he always stated the area was and has been commercial and will be in the future with baseball fields beside it.

Commissioner Brenneman said it's not so much the issue of whether or not it should be changed, but the manner in which it went about. He then stated we have a client and their representative who made a conscience decision to not make this request at any of the public forums that were available; specifically said we are not going to do any of that and by pass the public process and go to the commissioners after the public has a chance to comment and then we will make this request to be treated specially. That is not the way we should be doing business and as such it is counter to the whole public process and the applicant seems to believe they should receive special designation, and that isn't something I can support. The merits of the case actually have strength, and had it been presented at the proper public forum it might very well be the appropriate time to include it, but certainly not now.

**Aye** - Lauman and Dupont. **Opposed** - Brenneman. Motion carried by quorum.

Chairman Lauman noted a correction needs to be made on page 26 in regards to the total number of senior citizen hot meals provided daily.

Commissioner Dupont made a **motion** to adopt Resolution 2208 to approve the Bigfork Neighborhood Plan with the corrections made by the Commission and the Planning Board. Chairman Lauman **seconded** the motion.

Commissioner Brenneman stated he was voting in favor of the plan in tribute to those that put all the work into the project and stated he was extremely disappointed that they reverted to the good old boy system of doing business rather than doing it in public forum.

TUESDAY, JUNE 2, 2009  
(Continued)

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

RESOLUTION NO. 2208

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;

WHEREAS, the Flathead County Board of Commissioners reviewed the proposal and adopted Resolution No 2184B as a resolution of intention to formally consider the proposed updated Bigfork Area Land Use Plan, an addendum to the Flathead County Growth Policy; and

WHEREAS, the Flathead County Board of Commissioners reviewed the information and comments received since the adoption of that resolution of intent.

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 hereby adopts Bigfork Area Land Use Plan recommended by the Flathead County Planning Board, as revised by the Board of Commissioners, as an addendum to the Flathead County Growth Policy, and as set forth in the Clerk and Recorder's file.

DATED this 2<sup>nd</sup> day of June, 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

**DOCUMENT FOR SIGNATURE: RIVERDALE LAND USE ADVISORY COMMITTEE BY-LAWS**

[11:00:42 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Assistant Deputy County Attorney Tara Fugina,  
Planning & Zoning Director Jeff Harris, Clerk Kile

Commissioner Dupont made a **motion** to approve the Riverdale Land Use Advisory Committee by-laws. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**CONSIDERATION OF PRINTING BIDS: HEALTH DEPT.**

[11:01:07 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 print bid from North Star Printing for 50 patient books for \$266.00. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Dupont made a **motion** to approve the print bid from Insty Prints for 500 business cards for \$89.85. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Dupont made a **motion** to approve the print bid from Insty Prints for 250 business cards for \$29.95. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

TUESDAY, JUNE 2, 2009  
(Continued)

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROBINSON SAND & GRAVEL ZONE CHANGE/  
EVERGREEN ZONING DISTRICT**

[11:17:19 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 authorize the publication of the Notice of Public Hearing and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Kevin Robinson for Robinson Sand & Gravel, Inc., to change the zoning designation in a portion of the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to B-2 (General Business).

The boundaries of the area proposed to be amended from R-1 to B-2 are described as the boundaries of Lots 10 and 11 of Bernard's Park Subdivision located in Section 3, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana and located on the north side of US Highway 35 just east of Bernards Road, containing approximately 1.3 acres.

The proposed change would change the general character of the zoning regulations applicable to the property from an area intended to provide estate type development normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc., to an area intended to provide for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities and by businesses serving the general needs of the tourist and traveler.

The regulations defining the R-1 and B-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: [http://flathead.mt.gov/planning\\_zoning/downloads.php](http://flathead.mt.gov/planning_zoning/downloads.php). Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **24<sup>th</sup> day of June, 2009, at 9:15 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

DATED this 2<sup>nd</sup> day of June, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

Publish on June 6 and June 13, 2009.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: PENTELUTE, ET AL, ZONE CHANGE/ BLANCHARD  
LAKE ZONING DISTRICT**

[11:17:39 AM](#)

Members present:

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

Others present:

Clerk Kile

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Daniel Pentelute, Edric Vrendenburg, Maxine Vrendenburg, Bankfull Boy, LLC and Happy Valley Storage, to change the zoning designation in a portion of the Blanchard Lake Zoning District from AG-20 (Agricultural) to SAG-5 (Suburban Agricultural) and B-2 (General Business).

**TUESDAY, JUNE 2, 2009**  
**(Continued)**

The boundaries of the areas proposed to be changed from the AG-20 classification to the SAG-5 and B-2 classifications are described as the boundaries of Tracts 3C, 3CC, 3CAD and 3CA located in Section 25, township 30 North, Range 22 West, P.M.M., Flathead County, Montana and located on the west side of US Highway 93 just north of Happy Valley. The B-2 is proposed to envelope parcels 3C, 3CC, 3CDA and a portion of 3CA and 2G. The SAG-5 is proposed to be on the western part of 3CA and 2G. The SAG-5 is proposed on 20 acres and B-2 is proposed on 20 acres. Two parcels (3CA and 2G) are proposed to be split by the designations. This was done to separate the commercial uses from a low lying area towards the west of the properties.

The proposed change would generally change the character of the zoning regulations applicable to the property from a district intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions and to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development, to both a district providing for retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities, and by businesses serving the general needs of the tourist and traveler and a district to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.

The regulations defining the AG-20, SAG-5 and B-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: <http://flathead.mt.gov/downloads/documents> Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **18<sup>th</sup> day of June, 2009, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the proposed amendment to Blanchard Lake Zoning District.

DATED this 2<sup>nd</sup> day of June, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

Publish on June 6 and June 13, 2009.

**CONSIDERATION OF HR TRANSMITTAL: LPN/ HEALTH DEPT.**

[11:18:03 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 HR Transmittal Form and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**AWARD BIDS: GRADER/ ROAD DEPT.**

[11:15:37 AM](#)

Members present:

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

Others present:

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

Commissioner Brenneman made a **motion** to approve the bid as proposed for the John Deere. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**MEETING W/ JOE GARZA/ FINANCE DEPT. RE: WESTERN STATES INSURANCE PREMIUM INCREASE**

[11:29:08 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Finance Comptroller Joe Garza, Clerk & Recorder Paula Robinson, Cindy Dooley, Robin Boon, Kim Thomas, Clerk Kile

It was reported the counties loss ratio for the year is at 122 percent and an explanation of the significant premium increase of \$83,000.00 was explained with the idea of spreading the increased premium among the departments having the frequency issues being discussed.

The Board delayed a decision in order for the Finance Committee to review the increased premium.

**TUESDAY, JUNE 2, 2009  
(Continued)**

General discussion was held relative to three additional endorsements offered this year through MACo which included: floodplain regulations, zoning and ethical violations.

**12:00 p.m. Commissioner Brenneman: Meeting w/ Terry Richmond**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 3, 2009.

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**WEDNESDAY, JUNE 3, 2009**

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

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 4, 2009.

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**THURSDAY, JUNE 4, 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.

**8:30 a.m. Commissioner Dupont: AOA TAB meeting @ Eagle Transit  
7:00 p.m. Proposed Mennonite Church Road Project Information meeting @ Creston School Gym**

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

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**FRIDAY, JUNE 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.

**9:00 a.m. Commissioner Brenneman: Interoperability Montana Finance Committee conference call**

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

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