
MONDAY, AUGUST 10, 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 Governance Committee meeting in Helena
1:00 p.m. Commissioner Brenneman: Interoperability Montana Finance Committee meeting in Helena

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 11, 2009.

TUESDAY, AUGUST 11, 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/ JAY SCOTT, FAIRGROUNDS

[9:03:02 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Fair Director Jay Scott, Clerk DeReu

Scott reported on upcoming events during this fair season which will open up Tuesday, August 18th at noon. Scott also reported tickets sales are down this year by approximately thirty three percent and Missoula County was down about forty three percent. Scott stated that most ticket purchases were from credit cards. There was general discussion regarding the concession booths.

Commissioner Dupont inquired about outlet sales for the nighttime entertainment. Scott explained that the nighttime sales are only at the Fairgrounds. There was continued discussion regarding outlet sales and how it may be an advantage for those living outside of the Kalispell area.

Scott reported to the Commissioner that they have been working with Flathead Search and Rescue and Posse on potential emergency services.

Scott commented his concern regarding demolition derby car attendance held on Sunday but other than that all else is looking good.

Scott updated the Commissioners regarding repairing the floor at the Expo Building and explained it will be fixed after fair week.

CONSIDERATION OF HR TRANSMITTALS: ADMINISTRATIVE SUPPORT SPECIALIST/ OES AND EMS MANAGER/ OES AND TEMPORARY HEALTH PROGRAM ASSISTANT I/ HEALTH DEPT.

[9:17:30 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk DeReu

Campbell explained the Administrative Support Specialist is actually a revised classification description of an OA III position and confirmed this is not a new position. Campbell also explained the OES and EMS Manager position is the same job description except it will be under the supervision of Mark Peck instead of Joe Russell. Lastly the part time temporary Health Program Assistant I with the Health Department will be funded by grant monies.

Commissioner Dupont made a **motion** to approve the Administrative Support Specialist/OES and EMS Manager/OES and Temporary Health Program Assistant I/Health Department. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

TUESDAY, AUGUST 11, 2009
(Continued)

CONSIDERATION OF PRINTING BIDS: ELECTION DEPT.

[9:29:43 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk DeReu

Commissioner Dupont made a **motion** to approve the print bid from Northstar Printing for address verification cards 1 for \$492.00 and address verification cards 2 for \$405.00 for the Election Department. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS #10-07-5-31-019-0

[9:30:58 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk DeReu

Commissioner Dupont made a **motion** to approve document for signature: DPHHS #10-07-5-31-019-0. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER

[9:35:13 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Juvenile Detention Director Laurie Rebeck, Clerk DeReu

Rebeck reported the Juvenile Detention Center is not full. She also commented that fair week may cause more activity.

Rebeck also reported the Maintenance Department is working on replacing a door at the Detention Center.

There was discussion held regarding a prison rape elimination act with policy and procedures that may come into effect.

BI-MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE

[9:55:09 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, 4-H Director Karole Sommerfield, MSU Extension Agent Pat McGlynn, Clerk DeReu

Brief discussion was held regarding the 4-H garden located on the eastside of the 4-H Building.

Sommerfield reported on events being held during fair week and discussion was held in this regard. Sommerfield stated that Evergreen was going to raffle a hog instead of a horse due to liabilities. There was also discussion held regarding the heat in the rabbit barns and providing mats to place on the slippery concrete for the steer.

Sommerfield stated they experienced Countdown Kansas since her last meeting. There was brief discussion regarding the trip to Kansas.

Sommerfield also report they went to State Congress at Bozeman in July. There was a delegation of team ages from 14 to 18 totaling about 500 kids. Sommerfield expressed to the Commissioner she was very proud of the Flathead delegation stating how respectful and notable the students are.

It was reported they attended 4-H camp the week of July 23rd. There was discussion on their great learning experience and how much the kids enjoy the week with all the activities.

Pat McGlynn reported on hay certifications. She stated she had completed 1300 acres and was going to look at four farms today. McGlynn stated the letter sent to farmers in May work well. She also explained the certification was done differently this year as she certified the hay in one check and in one stop and stated this process is working well.

TUESDAY, AUGUST 11, 2009
(Continued)

McGlynn explained to the Commissioners she was putting on five research sites around Flathead Lake for cherry growers. She will be working with the Department of Commerce and Agriculture. She will be working on grants for economic feasibility studies for cherry growers and assist in any transition. There was continued discussion regarding the issues of the cherry growers market.

Also discussed was the grasshopper situation and McGlynn is keeping a checklist on the phone inquiries and people coming to the counter each day. McGlynn stated that all questions are answered within a 24 hour period.

There was brief discussion on next year's beautification projects and master garden projects. McGlynn also commented that she was working on food preservation workshops in the near future.

PUBLIC HEARING: ROAD NAME APPEAL/ HOOTENANNY WAY

[10:17:14 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Lucie Foster, Pamela Berry, Robert Berry, Carol Jo Wettach, C. Edward Wettach, Debbie Clay, Clerk DeReu

Lucie Foster reported that initially most people voted for Killdeer Lane which was already a road name in the county so those votes were not counted. Lucie stated she received a phone call asking for Hun Lane when they realized Killdeer Lane was not an option. She expected to receive written requests for Hun Lane but stated she did not receive any. Lucie then explained she did receive two votes for Hootenanny Way and at the end of the balloting period those were the valid votes that were the majority. The rest of the neighborhood did not like the name Hootenanny Way and they filed a protest.

Chairman Lauman opened the public hearing to anyone wishing to speak in favor or opposition of the road name.

C. Edward Wettach, 1420 Two Mile Drive, commented that the five families that live on the road got together, have Hungarian partridge on their property, and that is how they came up with the name they would like to use, Hun Lane. He explained he thought they did send in letters requesting Hun Lane. Wettach stated it was a huge name to spell and felt he would have to spell the road name for the rest of his life.

Lucie stated the letters were received after Hootenanny Way won out.

Debbie Clay said she sent letters and left a message on Sara Wilkinson's voice mail. Sara takes care of all the addressing for Flathead County. Lucie reiterated the letters received were too late and seems like there may have been some miscommunication.

Pamela Berry stated that Sara told her the letters had to be received by July 31. Berry also stated they would rather have Hun Lane.

Wettach stated that it boils down to the fact that the majority does not want Hootenanny Way.

Debbie Clay, 1436 Two Mile Drive, has lived at this address for 14 years with her mother. Debbie stated she does not want the road to be named Hootenanny Way and would appreciate it if they could have it changed to Hun Lane.

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

Commissioner Dupont asked how many were property owners and were eligible to vote for a road name. Foster explained there were 14 property owners and two of those voted for Hootenanny Way and this was prior to the determination. Foster listed the names on the letters submitted after the determination for Hun Lane, which were: Berry, Clay and the Wettachs.

Commissioner Dupont made a **motion** to approve Resolution 2219 to change Hootenanny Way to Hun Lane. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

TUESDAY, AUGUST 11, 2009
(Continued)

RESOLUTION NO. 2219

WHEREAS, Flathead County has proposed to name a private road generally running southerly and then westerly off Two Mile Drive and located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 11, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on August 11, 2009 concerning the proposal, after publication and mailing of notice thereof on July 25 and August 1, 2009, and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named Hun Lane.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southerly and then westerly off Two Mile Drive and located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 11, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named Hun Lane.

BE IT FURTHER RESOLVED that the naming of Hun Lane shall be effective on August 11, 2009.

Dated this 11th day of August, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

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

By/s/D. DeReu
D. DeReu, Deputy

MONTHLY MEETING W/ CINDY MULLANEY, OES AND LINCOLN CHUTE, FIRE SERVICES AREA MANAGER

10:29:40 AM

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Cindy Mullaney, Lincoln Chute, Clerk DeReu

Chute reported the fire situation is good and stated the rains have helped out a lot. There was brief discussion regarding the lightning strikes and staffing at DNRC.

Chairman Lauman commented he was on Blacktail Mountain almost to the Truman Creek crossover and the grasses and shrubbery looked really good.

Chute held discussion regarding wild land training. He stated he met with the Ashley Lake Homeowners Association and talking with them regarding preparing homes for fires due to the travel time for the Fire Service.

Chute stated he was going to meet with teachers with the Forest Service at the Lone Pine area regarding education.

Chute also discussed he has been working with the Forest Service, Hungry Horse and Martin City regarding consolidation of these properties. He had GIS run an analysis and Martin City has 1,084 acres of Forest Service property in their district and Creston has 1,400 in their district. The Forest Service was unaware of this and Chute stated there is no advantage to having forest service property in these districts and no revenue is derived from it. According to Chute the Forest Service will be writing a letter to have that property removed from the districts.

Chute stated he has been working with the Road Department and the Weed Maintenance Department regarding situational awareness.

There was brief discussion regarding the North Fork Area and the Ashley Lake Area wanting to be a part of an initial attack for fires in their area. Chute stated they would look into any liability, possible county roster and required training.

Mullaney stated she is reviewing the draft for emergency operations plan. She met with the state office regarding various fundings and submitting final allocations. There was discussion regarding drawing up a draft strategic plan and that will be discussed at the next quarterly meeting. In the meantime, they would be looking at the bylaws, revisions and committees.

Mullaney stated she had attended a meeting in Helena. Mullaney also reported that there was FEMA training taking place and she was told that Flathead County is to have the best program in the state.

There was discussion regarding exercises held with the Search and Rescue and Posse at the fairgrounds. Mullaney stated that radio communications was a huge problem and is not quite sure how to solve it at this time. She stated the Border Patrol can only communicate amongst themselves with their radios. It was suggested the best solution for this year would be to use cash radios from the OES Department. Funding has been set aside for an Instant Management Program and there was discussion regarding training for Type 3 teams with FEMA.

TUESDAY, AUGUST 11, 2009
(Continued)

FINAL PLAT: ASPEN SQUARE, AMENDED PLAT OF LOT 1

[11:01:44 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planner Dianna Broadie, Rick Goacher, Dawn Marquardt, Rick Walker Clerk DeReu

Planner Broadie entered into record FPP 09-15, Aspen Square Amended Plat of Lot 1; an application submitted by Rick Walker and L & R Plaza, LLC with technical assistance from Marquardt & Marquardt Surveying for final plat approval of a commercial subdivision creating 2 residential lots located on the southeast corner of East Reserve Drive and Hwy 2. Preliminary Plat approval was granted on January 5, 2009, subject to 16 conditions.

Commissioner Dupont made a **motion** to approve Final Plat of Aspen Square, Amended Plat of Lot 1. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

FINAL PLAT: HOLT STAGE HOMESITES SUBDIVISION

[11:05:23 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planner Dianna Broadie, Rick Goacher, Sylvia Heselwood, Clerk DeReu

Broadie entered into record FFP 09-16, Holt Stage Homesites; an application submitted by Jon & Sylvia Heselwood with technical assistance from Goacher and Association for final plat approval of a 4 lot residential subdivision located near the corner of Holt Stage and Montford Road east of Kalispell. Preliminary Plat approval was granted on November 10, 2005, subject to 18 conditions.

Commissioner Dupont made a **motion** to approve Final Plat of Holt Stage Homesites Subdivision. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

REVISED PLAT: MOUNTAIN VIEW RV PARK

[11:29:56 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Planner Alex Hogle, Joe Matulevich, Larry Larsen, Sigrid E. Larsen, Clerk DeReu

Hogle entered into record FRP 09-02, Mountain View RV Park; an application submitted by Mountain View RV Park LLC with technical assistance from APEC for revised preliminary plat approval of a 46 space RV Park located on the north side of Hwy 40 approximately mid-way between Columbia Falls and Whitefish on 5 acres. Preliminary plat approval was granted on June 19, 2008, subject to 16 conditions of approval. It was noted a revised preliminary plat is intended to be kept on file in the Clerk and Recorder's Office and the Planning and Zoning Office, but is not recorded like a final plat would be with no division of land. Hogle reviewed the easement that exists along the western boundary of the property that is used by the applicants as well as an adjacent property owner that was a complication and stated that the condition was written as two options.

Commissioner Dupont made a **motion** to approve revised plat of Mountain View RV Park. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

9:00 a.m. Commissioner Brenneman: Interoperability Montana Project Directors meeting in Helena (till 4)

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

WEDNESDAY, AUGUST 12, 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.

8:00 a.m. Commissioners Bus Tour of County Roads
11:00 a.m. County Attorney meeting @ Co. Atty's Office
1:15 p.m. Commissioner Brenneman: 911 Board meeting @ OES Conference Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 13, 2009.

THURSDAY, AUGUST 13, 2009

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

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

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:02:55 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, Planner Andrew Hagemeyer, Clerk Kile

Harris presented a Preliminary Draft Staffing Plan that he briefly summarized with 3 objectives identified.

- Identify staffing adjustments needed to maintain the correlation with current and projected application fee revenue and other budgetary opportunity cost savings.
- Identify staffing adjustments that will gap the difference between the average annual fee generated from land use applications and FY10 projected fee revenues.
- Evaluate office functions and work activities and identify optimal staffing adjustments to maintain office productivity and public service delivery while respecting projected application fee revenue.

He then reviewed application fee revenue, office budget, office functions, staffing adjustments and a recommendation to staffing adjustments. Harris then reviewed the counties e-mail policy, retention guidelines and Flathead County violations for the month of July 2009 were also reviewed which included community decay, zoning violations and lakeshore violations. He then reported the Kila Bike Path was inspected by MDOT who found that an ADA compliant bumper was not installed, and will not need to be redone at a price of around \$900.00. Harris then presented a response packet in regards to the North Fork Land Use Plan in which discussion was held relative to.

DOCUMENT FOR SIGNATURE: 3RD FLOOR ADDITION LOAN/ HEALTH CLINIC

[9:45:38 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 a loan for the 3rd floor addition to the Health Clinic. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: BLUE BUILDING INTERIOR STUDY AMENDMENT NO. 1

[9:46:36 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Pence reported ADG did the initial work for the first phase of the study for the Treasurer's Office and after the commission made the decision to move forward with the project there was a need to evaluate space needs for the Superintendent of Schools.

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

THURSDAY, AUGUST 13, 2009
(Continued)

CONSIDERATION OF FINAL RESOLUTION: MARE LANE ESTATES PUD FINAL PLAN

[9:48:12 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

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

Grieve reported on January 6, 2004 the PUD preliminary plan and subdivision preliminary plat of Robert Rinke Subdivision was approved by the commission. Preliminary plat was approved as a 2-phase subdivision with the first phase expiring January 6, 2007. The PUD preliminary plan was approved at the same time per Resolution 654BE, subject to the applicant submitting a final plan.

Commissioner Dupont made a **motion** to adopt final Resolution 654BH for Mare Lane Estates. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Dupont. Motion carried by quorum.

RESOLUTION NO. 654 BH

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following the publication of legal notice, on the 6th day of January, 2004, to consider a proposal to approve a Planned Unit Development (PUD) in the Willow Glen Zoning District on property zoned R-1 (Suburban Residential), allowing for the development of a fifteen lot residential subdivision on 16 acres with lots ranging from 5,531 to 7,521 square feet, .29 acre of park space and 12.47 acres of open space;

WHEREAS, the Board of Commissioners did hear public comment on the proposed Planned Unit Development at that hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed Planned Unit Development;

WHEREAS, the Board of Commissioners adopted Resolution No. 654 BE, on January 6, 2004, granting conditional approval to the proposed Planned Unit Development in the Willow Glen Zoning District on property zoned R-1, allowing for the development of a fifteen lot residential subdivision on 16 acres with lots ranging from 5,531 to 7,521 square feet, .29 acre of park space and 12.47 acres of open space; and

WHEREAS, the property owner has submitted a final plan in compliance with the conditional approval of the Planned Unit Development.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 3.31.020.4, Flathead County Zoning Regulations, hereby approves the Planned Unit Development (PUD) to be known as Mare Lane Estates.

BE IT FURTHER RESOLVED that the property to be overlaid is described as Assessor's Tract 4X and Mare Lane Estates Subdivision, Phase I, all in the SE1/4 of Section 4, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, and development of a fifteen lot residential subdivision on 16 acres with lots ranging from 5,531 to 7,521 square feet, .29 acre of park space and 12.47 acres of open space shall be allowed on the property.

DATED this 13th day of August, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Joseph D. Brenneman, Member

By/s/Dale W. Lauman
James R. Dupont, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

CONSIDERATION OF ADOPTION OF RESOLUTION: CIVIL FEES INCREASE/ SHERIFF'S OFFICE

[9:49:41 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, Clerk Kile

Commissioner Dupont made a **motion** to approve resolution 756E to increase civil fees for the Sheriff's Office. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, AUGUST 13, 2009
(Continued)

RESOLUTION NO. 756 E

WHEREAS, Section 7-32-2141, M.C.A., allows the Board of Commissioners to fix the fees of the sheriff for services provided under Section 7-32-2141, M.C.A. and the last time those fees were amended was July 23, 2008 under Resolution 756D;

WHEREAS, the Sheriff has examined the fees and has recommended changes due to the increasing costs of providing the services, and continues to believe it appropriate to set flat fees without mileage, postage or other such charges being added.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby set the fees to be collected by the Sheriff under Section 7-32-2141 M.C.A., as follows:

For the service of Summons, Complaint or Petition on each defendant, in all Courts including Small Claims,.....	\$ 65
Processing fee.....	\$ 25
For making a return of a summons for a person not found in the county	\$ 65
Processing fee.....	\$ 25
For levying and serving each writ of attachment of execution on real or personal property, service of attachment on the body or order of arrest on each defendant, service of affidavit, order, and undertaking in claim and delivery, serving a writ of possession or restitution, serving every Notice, Rule, Letter or Court Order, etc (for each person serve)	\$ 65
Processing fee	\$ 25
For serving a subpoena (for each witness/business summoned).....	\$ 65
Processing fee.....	\$ 25
For trial of the right of property or damages, including all service	\$ 65
Processing fee.....	\$ 25
For a copy of any writ, process, or other paper when demanded or required by Law (each page)	\$0.25
For posting notices and advertising any property for sale on execution or under any judgment or order of sale, exclusive of cost of publication	\$ 100
Processing fee.....	\$ 25
For holding any sheriff's sale for personal or real property on execution or under any judgment or order of sale plus advertising	\$ 100
For cancellation or postponement of sheriff's sale (Non-refundable) Processing fee.....	\$ 25
For accepting the claim for Sheriff's Sale on an Agister's Lien, or for accepting the claim for Sheriff's Sale on a Writ of Execution or Attachment, plus advertising	\$ 100
For compliance with a Writ of Assistance, plus advertising	\$ 100
For taking Bond or Undertaking in any case authorized by law.....	\$ 100
For execution of A Sheriff's Deed or Certificate of Sale, Prepared by Sheriff	\$ 50
Prepared by law firm, if acceptable to Sheriff's Office	\$ 25
NSF Check Charge	\$ 50
For Rebooking a prisoner if returned by a bail bondsman bounty after posting of a Commercial Surety Bond	\$ 100
Processing fee.....	\$ 25
For issuance of a concealed weapons permit.....	\$ 50
Renewal thereof	\$ 25
Fingerprinting on initial application	\$ 15

Dated this 13th day of August, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

THURSDAY, AUGUST 13, 2009
(Continued)

AUTHORIZATION TO PUBLISH NOTICE OF TAX SALE: KALISPELL FEED & GRAIN

[9:50:20 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, Clerk Kile

Commissioner Brenneman made a **motion** to authorize the publication of Notice of Tax Sale for Kalispell Feed & Grain and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

NOTICE OF SALE OF TAX TITLE PROPERTY
BY FLATHEAD COUNTY

By the order of the Board of Commissioners of Flathead County, Montana, entered in its minutes of the 13th day of August, 2009, the Board will on **August 31, 2009**, beginning at **8:30 a.m.** of said day, at the Flathead County Justice Center Lobby, 920 South Main in the City of Kalispell, in Flathead County, State of Montana, offer for sale at public auction to the highest bidder all right, title and interest, estate, lien, claim, and demand of the County of Flathead in and to the following described real property, formerly the Kalispell Feed & Grain property, to wit:

Tracts 6BA in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, and Tract 5CCA in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana., Assessor #, E001145, formerly 0427960.

Flathead County acquired the property by Tax Deed. The Board has determined and fixed the fair market value of the property at the amount of \$1,900,000.00.

Flathead County has, since acquiring the property by Tax Deed, undertaken to test the property for environmental problems that may have been left by the previous businesses conducted at the site. The study of possible pollutants is ongoing and the County is as yet unsure as to what, if any, monitoring or cleanup programs might be required. The purchaser of the property will execute a contract accepting responsibility to finish the evaluation process and to undertake any monitoring or cleanup that is needed and acknowledging that the sale is subject to certain leases executed both before and after the County acquired the property.

NO BID BELOW FAIR MARKET VALUE IS ACCEPTABLE

TERMS OF SALE - CASH - 10% of successful bid at time of sale, balance within 48 hours or forfeit the 10% down.

DATED this 13th day of August, 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 Clerk

Publish on August 18 and August 25, 2009.

DOCUMENT FOR SIGNATURE: CONTRACT/ ALL PRO RENTAL

[9:51:37 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, Clerk Kile

Smith reported a rental agreement was entered into with All-Pro Rental with 12 percent fee negotiated.

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

THURSDAY, AUGUST 13, 2009
(Continued)

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

[10:00:41 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Clerk Kile

Garza reported DOR projections should be received the last Monday of August now and they will then have 45 days from the day they are received to finalize the FY10 budget. He then said preparations are underway for the FY09 audit with meetings held with A2Z last week. A2Z is scheduled to be here in November to do field work with a report by December 31 being the goal. Garza then spoke about FY09 end of year projections looking good with cash balances healthier than projected. CSA training was then discussed with training being pushed back with them redoing their claims screen. He then reported he has been working with HR in reconstructing the payroll check stub in order for employees to see the contribution the county is making towards their pension. Garza concluded with stating the Audit Committee is reviewing the county credit card policy and will bring the new policy that will be more definitive with guidelines and procedures to follow before the commission for approval.

CONSIDERATION OF ADOPTION OF RESOLUTION: AUTHORIZE ATTORNEY GENERAL'S OFFICE TO ACT AS PROSECUTOR IN STATE V. GONSTAD

[10:15:50 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, County Attorney Office Administrator Vicki Eggum, Clerk Kile

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

DOCUMENT FOR SIGNATURE: ADDENDUM TO ARTICLE 13/ TEAMSTER'S UNION LOCAL NO. 2

[10:16:39 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk Kile

Campbell reported the Teamsters met and have voted to increase the amount of their contribution to wages and pension fund; retro to August 1.

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

CONSIDERATION OF EXTENSION: SUBDIVISION NO. 123, LOT 1

[10:17:54 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Chairman Lauman reviewed the one year extension request for Subdivision 123, Lot 1 that expires on September 18, 2009; the extension would extend through September 18, 2010.

Commissioner Brenneman made a **motion** to grant an extension to Subdivision No. 123, Lot 1. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, AUGUST 13, 2009
(Continued)

MEETING W/ DAVE RENFROW RE: RED BRIDGE PROJECT

[10:30:05 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, Weed & Parks Director Jed Fisher, Public Works Director Dave Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Planner Alex Hogle, Barry Conger, Dave Renfrow, Clerk Kile

Conger presented a power point presentation for the proposed Historic Red Bridge Park in Columbia Falls. The proposal includes a pedestrian path, boat launch area, kayaking park, restaurant and bed and breakfast with tasteful and commercial elements helping to infuse the local economy by adding value to the area.

Conger then explained the First Best Place is a development organization in Columbia Falls that is working on building quality of life amenities for the community; with a number of projects already going on. He noted the bridge has become a hazard and liability to the county as youth still use it as a crossing. He then reviewed the overall proposal:

- County adopts Historic Red Bridge Park into master plan
- MOU partners develop comprehensive land or park, per MOU
- County/ City and MDOT prioritize CTEP funding
- Partners pursue funding opportunities for \$750,000 in bridge work
- City annexes east end of bridge ROW
- Private investment group leases ROW and pays for bldg. construction
- Private enterprises shares revenue for maintenance and other projects

Dave Renfrow stated 13 solid sources of funding opportunities have been found to date.

Discussion was held relative to CTEP money and HB465.

Fisher noted the Weed & Parks Board supports the MOU signed by the commission and feels the park is a quality project; yet it all comes down to money and priorities within the county.

Hogle reviewed the current CTEP fund allocations up to July 2009. He explained the county currently has a total of \$918,511.00 available for CTEP eligible projects. Hogle pointed out this doesn't count for some costs that are already incurred such as the East Evergreen Path, Sam Bibler Trail and Willow Glen Bike Path; realistically he stated we are looking at having \$600,000 available. It was noted the commission directed the Paths Committee to work on a long range trails master plan, so a consistent methodology in terms of prioritizing projects would be in place. He went on to say right now we have a series of unconnected segments in various places with no rhyme or rhythm to them; a positive element of the Paths Committee plan would be focusing on making the most function out of what we currently have. Hogle noted the census statistics for children living near the bridge under the age of 18 that would benefit in regards to access to schools is approximately 48 people and questioned whether this is the counties top priority.

Dave Renfrow said he feels we are missing the point with their point of presentation being to address exactly a plan that relieves reliance upon CTEP money and actually generates revenue. He then stated what they are requesting from the county is a follow through with its partnership agreement to sit down with the City Attorney and County Attorney and brainstorm how it is that they can formulate a TIF district. Also to ask the Flathead County Grant Writer to become engaged in the HB for historic preservation and write the grant for safe routes to school. He went on to say these are all things we can do without relying on CTEP.

General discussion was then held relative to CTEP monies, HB645 funds, writing of grants and the cost of a survey for the right-of-way

Pence suggested setting up a joint committee meeting between Flathead County, City of Columbia Falls and the Task Force for further discussion.

AUTHORIZE DAVE PRUNTY/ PUBLIC WORKS DIRECTOR AS SIGNATORY FOR DEMER'S PIT CONTRACT/ FOREST SERVICE

[11:06:53 AM](#)

Members present:

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

Others present:

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

Commissioner Dupont made a **motion** to authorize Public Works Director Dave Prunty to be the signatory for the Demers Pit contract. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, AUGUST 13, 2009
(Continued)

- 12:00 p.m. Commissioner Brenneman: Bigfork Steering Committee Public Forum @ Bethany Lutheran
- 2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Senior Center
- 5:00 p.m. Commissioner Brenneman: Bigfork Chamber of Commerce Sundowner @ Western States Insurance
- 6:00 p.m. Fair Board meeting @ Fair Office
- 7:00 p.m. Road Advisory Committee meeting @ Solid Waste District Conference Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 14, 2009.

FRIDAY, AUGUST 14, 2009

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

- 9:00 a.m. Commissioner Brenneman: Bigfork Stormwater Project "White Board" Planning meeting @ Bigfork School District
- 9:00 a.m. Subdivision Review Committee meeting @ Commissioners' Meeting Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 17, 2009.
