
MONDAY, AUGUST 17, 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.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 18, 2009.

TUESDAY, AUGUST 18, 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

[9:00:25 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk DeReu

Atkinson reported according to business plans the transit bus rides in 2007 had 50,000 riderships, 2008 there were 60,000 riderships and in 2009 he predicts over 70,000 riderships.

Atkinson also reported they are going to have an 18 month trial for actual advertising on the bus which will create revenue for Eagle Transit. Also reported was an advertising agent will handle the bus wraps and take care all that is included in the contract. There was brief discussion regarding the bus wraps, what is involved and how it will help the local economy.

There was discussion regarding a New Freedom grant which is for handicapped folks to get rides for different times other than the regular schedule. As long as one handicapped individual is on the bus it will allow seniors to be transported also. The bus route will also be expanding into the Evergreen area due to the New Freedom Grant monies. This will help the handicapped and the seniors get into Kalispell from the Evergreen area.

Atkinson reported the Independent Living Services are doing fine but the finances were down a little from last year. According to Atkinson, Meals on Wheels is right about the same as in the past. Atkinson met with patrons at the Sykes restaurant just prior to it permanently closing and inquired about their plans and or activities after Sykes closes. Atkinson assured the seniors that there were other options, plans and activities available to them.

Chairman Lauman commented that after a period of time AOA would see more participation from the seniors that initially occupied Sykes.

Atkinson stated RSVP is volunteering at the fair this week. There was brief discussion regarding the Gateway Community Center, grant monies and possible lease issues.

BI-MONTHLY MEETING W/ DEBBIE PIERSON, GRANT WRITER

[9:18:36 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk DeReu

Pierson reported on the Fire Fighters Grant and hopes to hear on the first rounds of notifications. There was brief discussion in this regard.

Pierson also reported on the Bigfork storm water project which is under construction and going well and almost at completion. Pierson stated the water is being contained.

Pierson discussed with the Commissioners the energy grant she is working on with Mike and Jed in which they have not heard anything as of yet. She stated it is a unique grant because it is a sure thing but is not sure exactly when it will happen. There was brief discussion on this matter.

There is a Historic preservation grant Pierson is going to look into. Pierson will look into the preliminary guidelines and apply the grant money to the Courthouse and or possibly the red bridge project depending on determining what is eligible.

TUESDAY, AUGUST 18, 2009
(Continued)

Pierson attended training in Helena involving Contract Management Certification. There was discussion regarding the training and how passing the training modules assist in qualifying for various grants. Pierson stated she passed both training modules.

MEETING W/ LEONARD ROHLETT RE: ROAD ABANDONMENT

This meeting was not held.

CONSIDERATION OF ADOPTION OF RESOLUTION: CORRECT RESOLUTION #966Y: PENTELUTE, ET AL, ZONE CHANGE/ BLANCHARD LAKE ZONING DISTRICT

9:45:23 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 DeReu

Smith reported the Resolution number should have been #966Z and this meeting was to state the correction.

Commissioner Dupont made a **motion** to adopt Resolution #966Z and authorize Chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

RESOLUTION NO. 966 Z

WHEREAS, the Board of Commissioners of Flathead County, Montana, considered a proposal 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);

WHEREAS, the Board of Commissioners, after following the procedures set forth in Section 76-2-205, M.C.A., adopted a final resolution (Resolution No. 966 Y, dated July 28, 2009) changing 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);

WHEREAS, in the adoption of that Resolution an incorrect description of the property upon which the Board of Commissioners intended to change the zoning designation was used; and

WHEREAS, the Board of Commissioners wishes to correct that legal description *nunc pro tunc* in order that the records of the County show that the zoning designation is applied to the correct property.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts this Resolution amending Resolution No. 966 Y to set forth the tract on which the zoning designation was changed from AG-20 (Agricultural) to SAG-5 (Suburban Agricultural) and B-2 (General Business), as those terms are used and defined in the Flathead County Zoning Regulations, the area described as the boundaries of Tracts 3C, 3CC, 3CAD and 3CA located in Section 24, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana. Tract 2G located in Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, all located on the west side of US Highway 93 just north of Happy Valley. The B-2 shall envelope parcels 3C, 3CC, 3CDA and a portion of 3CA and 2G. The SAG-5 is on the western part of 3CA and 2G. The SAG-5 is on 20 acres and B-2 is also on 20 acres. Two parcels (3CA and 2G) are to be split by the designations, to separate the commercial uses from a low lying area on the Western portions of the properties, the AG-20 (Agricultural) to the West to be bounded by SAG-5 (Suburban Agricultural) and then B-2 (General Business), as those terms are used and defined in the Flathead County Zoning Regulations, and as shown on the map attached hereto.

DATED this 18th day of August, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

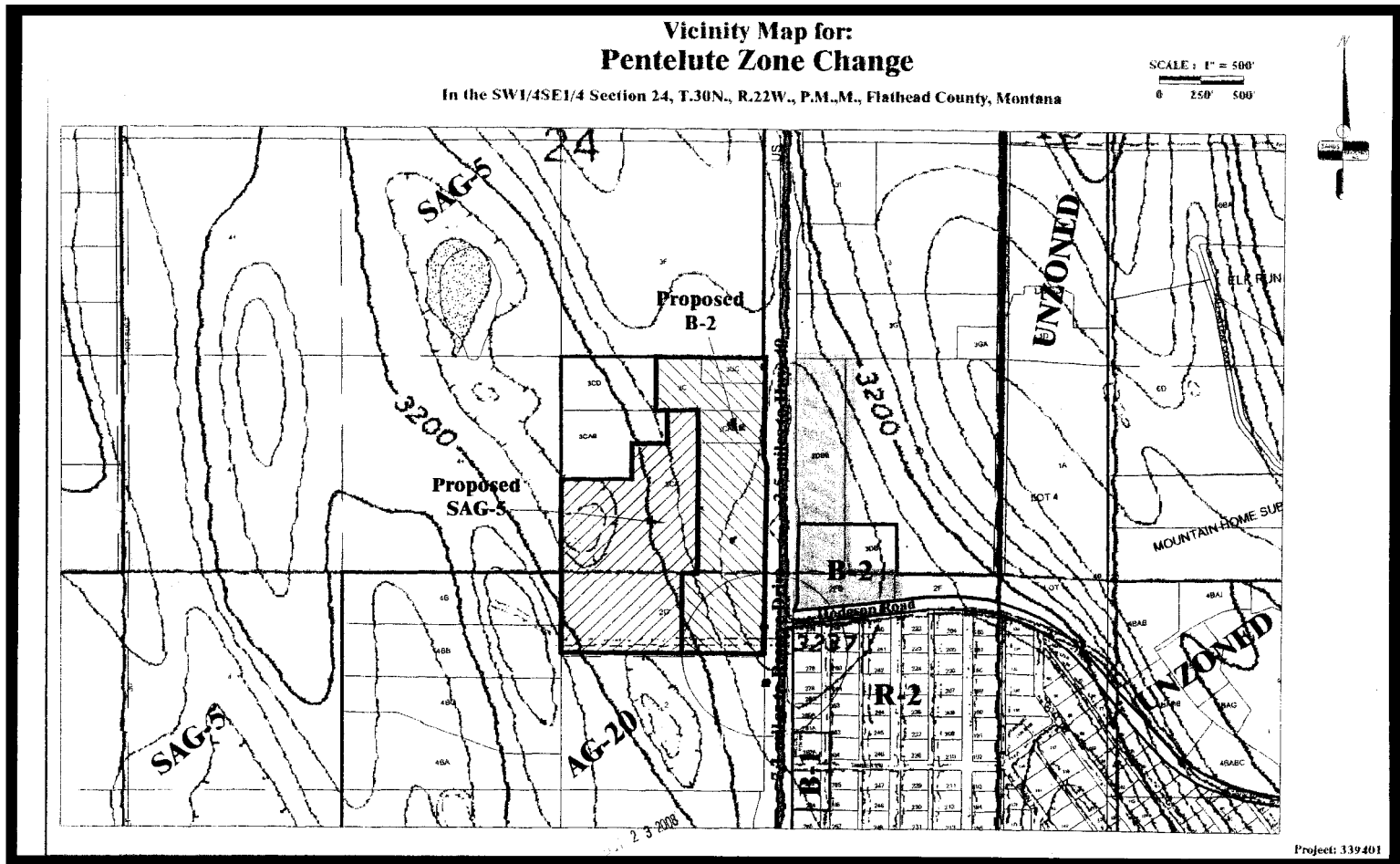
By _____
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

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

TUESDAY, AUGUST 18, 2009
(Continued)



TUESDAY, AUGUST 18, 2009
(Continued)

DESCRIPTION: ZONE CHANGE

TRACT 1: (TRACT 3CA EAST: PROPOSED B-2 ZONE)

A TRACT OF LAND, SITUATED, LYING AND BEING IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 30 NORTH, RANGE 22 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

Commencing at the southwest corner of the Southwest Quarter of the Southeast Quarter of Section 24, Township 30 North, Range 22 West, P.M.,M., Flathead County, Montana, which is a found pipe; Thence along the south boundary of said SW1/4SE1/4 S89°43'00"E 832.56 feet to THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: Thence N00°09'25"E 787.13 feet; Thence S89°37'50"E 390.00 feet to the westerly R/W of U.S. Highway No. 93; Thence along said R/W S00°09'25"W 94.59 feet; Thence S14°19'14"E 40.00 feet; Thence S00°09'25"W 653.25 feet to a found iron pin on the south boundary of said SW1/4SE1/4; Thence along said boundary N89°43'00"W 400.00 feet to the point of beginning.

TRACT 2: (TRACT 3CA WEST: PROPOSED SAG-5 ZONE)

A TRACT OF LAND, SITUATED, LYING AND BEING IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 30 NORTH, RANGE 22 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING at the southwest corner of the Southwest Quarter of the Southeast Quarter of Section 24, Township 30 North, Range 22 West, P.M.,M., Flathead County, Montana, which is a found pipe; Thence along the west boundary of said SW1/4SE1/4 N00°05'25"E 573.02 feet to a found iron pin; Thence S89°40'28"E 417.42 feet to a found iron pin; Thence N00°05'25"E 208.71 feet to a found iron pin; Thence S89°40'28"E 208.71 feet to a found iron pin; Thence N00°05'25"E 208.71 feet to a found iron pin; Thence S89°40'28"E 194.59 feet to a found iron pin; Thence S00°00'29"E 202.69 feet to a found iron pin; Thence S89°37'50"E 12.42 feet; Thence S00°09'25"W 787.13 feet to the south boundary of said SW1/4SE1/4; Thence along said boundary N89°43'00"W 832.56 feet to the point of beginning.

TRACT 3: (TRACT 2G EAST: PROPOSED B-2 ZONE)

A TRACT OF LAND, SITUATED, LYING AND BEING IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 30 NORTH, RANGE 22 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING at the intersection of the westerly R/W of U.S. Highway No. 93 (Project No. F 5-3(32)115) and the north boundary of the Northwest Quarter of the Northeast Quarter of Section 25, Township 30 North, Range 22 West, P.M.,M., Flathead County, Montana; Thence west along said north boundary 500.00 feet; Thence south and parallel with said westerly R/W to the south boundary of the North 495 feet of said NW1/4NE1/4; Thence east along said boundary 500 feet to said westerly R/W; Thence north along said R/W to the point of beginning.

TRACT 4: (TRACT 2G WEST: PROPOSED SAG-5 ZONE)

A TRACT OF LAND, SITUATED, LYING AND BEING IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 30 NORTH, RANGE 22 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

Commencing at the intersection of the westerly R/W of U.S. Highway No. 93 (Project No. F 5-3(32)115) and the north boundary of the Northwest Quarter of the Northeast Quarter of Section 25, Township 30 North, Range 22 West, P.M.,M., Flathead County, Montana; Thence west along said boundary 500.00 feet to THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: Thence continuing west along said boundary to the northwest corner of said NW1/4NE1/4; Thence south along the west boundary of said NW1/4NE1/4 to the southwest corner of the North 495.00 feet of said NW1/4NE1/4; Thence east along the south boundary of the North 495.00 feet of said NW1/4NE1/4 to a point lying 500.00 feet west of said westerly R/W; Thence north and parallel to said westerly R/W to the point of beginning.

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(Continued)

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT. AND JUSTICE COURT

9:48.00

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 DeReu

Commissioner Dupont made a **motion** to approve the print bid from The Towne Printer for 3,000 Inactivated Influenza Vaccine – What You Need To Know for \$117.29 for the Health Department. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to approve the print bid from Paper Chase Copy Center for 1,000 Flathead City-County Health Dept. Vaccine Administration Record for \$30.00 for the Health Department. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to approve the print bid from Associated Business Systems for 1,000 blue laser checks with 2 bottom stubs for \$139.95 for Justice Court. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

PUBLIC HEARING: ANNEXATION TO SOUTH KALISPELL FIRE DISTRICT/ LEISURE ISLAND

9:59:01 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 DeReu

Smith reported the property owners would like to move into the South Kalispell Fire District from the Creston Fire District. Also noted was the Notice of Public Hearing published stated in error that the hearing was on August 28, 2009 at 10:00 a.m. There will be an additional public hearing on August 28, 2009.

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

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

Commissioner Dupont made a **motion** to adopt Resolution #2220 Annexation to South Kalispell Fire District/Leisure Island and authorize Chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

RESOLUTION NO. 2220

WHEREAS, the Board of Commissioners of Flathead County, Montana, received a petition, pursuant to Section 7-33-2126, M.C.A., requesting that certain property be allowed to withdraw from the Creston Rural Fire District and annex it to the South Kalispell Fire District;

WHEREAS, the territory to be withdrawn and annexed, located in Sections 21, 22, 27 and 28, all in Township 28 North, Range 21 West, Flathead County, Montana, according to the attached map and is known as Leisure Island, Kalispell, MT;

WHEREAS, a Notice of Public Hearing was published on August 6 and August 13, 2009, giving notice that the Commissioners would hear protests to the requested withdrawal and annexation;

WHEREAS, the Board of Commissioners conducted the public hearing as noticed and received input from the public on the requested withdrawal and annexation; and

WHEREAS, the Board of Commissioners has determined that the requested withdrawal and annexation would result in a more advantageous proximity to the firefighting facilities and more advantageous communications with the firefighting facilities of the South Kalispell Fire District for the annexed property.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the petition is granted and the property located in Sections 21, 22, 27 and 28, all in Township 28 North, Range 21 West, Flathead County, Montana, according to the attached map and is known as Leisure Island, Kalispell, MT, as described on Exhibit A and shown on the map attached hereto, is hereby withdrawn from the Creston Rural Fire District and annexed to the South Kalispell Fire District.

Dated this 18th 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/James R. Dupont
James R. Dupont, Member

ATTEST:
Paula Robinson, Clerk

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

TUESDAY, AUGUST 18, 2009
(Continued)

EXHIBIT "A"

Tract 1 of Certificate of Survey No. 7932 in Gov. Lot 3, Section 21, Township 28 North, Range 21 West.

And
Government Lot 3 of Section 21, Township 28 North, Range 21 West.

Parcels A and B of Certificate of Survey No. 13472 located in Sections 21 and 22 of Township 28 North, Range 21 West.

Tracts 1, 2, 3, 5, 6, 7, 8 and 9 of Certificate of Survey No. 8122 located in Gov Lots 4, 8 and 9 of Section 21 or in W2SW ¼ of Section 22 and in Gov Lot 3 in Section 27 and Gov. Lots 1 and 2 of Section 28 all being in Township 28 North, Range 21 West.

PUBLIC HEARING: ANNEXATION TO BIGFORK FIRE DISTRICT/ HARDING

[10:14:11 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 DeReu

Smith reported this annexation is to move a property owners parcels that are located in two different fire districts into the same district.

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

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

Commissioner Dupont made a **motion** to approve Resolution #2221 Annexation to Bigfork Fire District/Harding. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

RESOLUTION NO. 2221

WHEREAS, the Board of Commissioners of Flathead County, Montana, received a petition, pursuant to Section 7-33-2126, M.C.A., requesting that certain property be allowed to withdraw from the Creston Rural Fire District and annex it to the Bigfork Fire District;

WHEREAS, the territory to be withdrawn and annexed, located in the Northerly portion of Lot 1 of Vista Valle Rancho Subdivision lying and being in the Northeast Quarter of the Southeast Quarter of Section 11, Township 27 North, Range 20 West, Flathead County, Montana, and is located in Bigfork, MT;

WHEREAS, a Notice of Public Hearing was published on August 6 and August 13, 2009, giving notice that the Commissioners would hear protests to the requested withdrawal and annexation;

WHEREAS, the Board of Commissioners conducted the public hearing as noticed and received input from the public on the requested withdrawal and annexation; and

WHEREAS, the Board of Commissioners has determined that the requested withdrawal and annexation would result in a more advantageous proximity to the firefighting facilities and more advantageous communications with the firefighting facilities of the Bigfork Fire District for the annexed property.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the petition is granted and the Northerly portion of Lot 1 of Vista Valle Rancho Subdivision, lying and being in the Northeast Quarter of the Southeast Quarter of Section 11, Township 27 North, Range 20 West, Flathead County, Montana, located in Bigfork, MT, and shown on the map attached hereto, is hereby withdrawn from the Creston Rural Fire District and annexed to the Bigfork Fire District.

Dated this 18th day of August, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

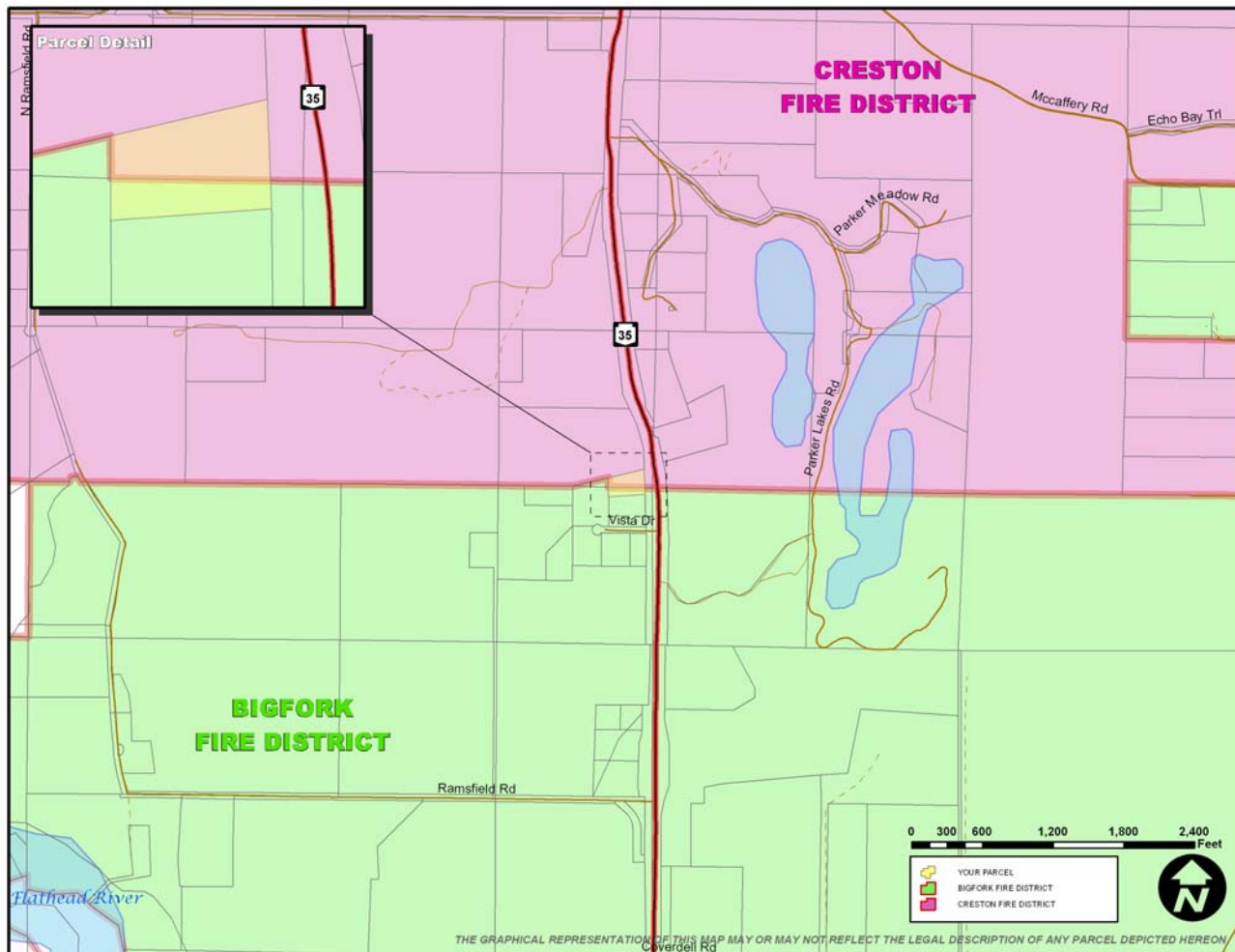
By _____
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

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

TUESDAY, AUGUST 18, 2009
(Continued)



MEETING W/ MAYPORT HARBOR HOMEOWNERS ASSOCIATION RE: SUBDIVISION ROADS

[10:29:42 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, Jim Laidlaw, Lilburne Laidlaw, Bill Buxton, Julie Spencer, Brian Zimmerman, Purnal Whitehead, James Roth, Steve Panissidi, Karen Panissidi, Mark Welch, Paulette Welch, Ron Newgard, Brad Stodghill, Clerk DeReu

Steve Panissidi, 165 Siderius Lane, started the meeting expressing his concerns regarding the sewer project that was started months ago. He stated that all the homeowners in Mayport Harbor were told this project would be left as it was or better. He feels the road is now two to four inches narrower and the rock on the sides of the road are going to present a big problem. Panissidi feels the only thing that will grow from under the rocks on the road shoulders is weeds and buffalo grass. He was hoping the commissioners would work with the homeowners association in removing the rock and replacing topsoil so the lawns could move right up to the road where they will be maintained like they were before.

Panissidi reported the lift station in the common area is their main concern. He feels it is a few inches lower than it should have been and he presented pictures to the commissioners. He explained there is now a puddle/lake and may cause a mosquito infestation. Another main concern according to Panissidi is that to his knowledge there is electricity going into this lift station and it is under water which may be a major possibility of a disaster.

Mark Welch, 170 McDowell Drive, commented to the commissioners that he also has complaints regarding the rocks on the side of the road. He feels without topsoil on the shoulder of the road only weeds will be able to grow and will not be able to be maintained. Welch had pictures on his computer and presented them to the commissioners. There was continued discussion regarding the slope of the shoulders. Welch was hoping to hear from the engineers and get their opinions on the outcome of the project which he is unsatisfied with.

Jim Laidlaw, 220 Siderius Lane, commented that some of the homeowners were told if they placed rock back on the road the contractors would remove it. Laidlaw mentioned that he as well as others are not in good enough health to remove the rock. Laidlaw stated if they knew the outcome would be this way they would not have started this project.

Jim Roth, 175 Siderius Lane, explained to the commissioner the entrance into the subdivision is now very unattractive. There was continued discussion regarding standing water at the lift station and the road shoulders. He was hoping the lift station could be fenced in after it was raised. Mr. Roth presented a picture to the commissioners from his camera.

Commissioner Lauman inquired if anyone has spoke with the Bigfork Water and Sewer District.

Panissidi stated he spoke with Julie Spencer from the Bigfork Water and Sewer District and according to Panissidi Julie agreed there is a problem. The last Panissidi heard the engineers were working on it and is unsure of the status as of now. Welch agreed they are unable to get a straight answer and he feels the outcome is unacceptable.

Commissioner Dupont inquired about if there was a liner placed under the rock. It was stated there was no liner laid under the rock.

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(Continued)

Dave Prunty commented that he was told an inch and a half of crush was used and that is standard material used on a road base. Prunty also stated the Road Department is not involved in rebuilding this road it was through an RSID. Prunty expressed that you want to have gravel on the side of the road so there would be drainage. It was also stated that without infiltration you will have road breakup. There was ongoing discussion regarding typical county procedures and the gravel situation on the road.

Lil Laidlaw commented they have a problem with sitting water on their property due to the equipment and lack of drainage from the slope of the shoulders. Prunty stated it is best that the water be away from the roadway. There was continued discussion regarding the standing water and drainage.

Prunty proposed if the homeowners want to do something different they could abandon the roadway and then the homeowners could do whatever they wanted to do to the road.

Brad Stodghill inquired about the width of the blade of the county snow plows. Prunty replied the blades were approximately 8 feet in width. There was discussion regarding plowing the road at the width it is now and the existing slopes.

Commissioner Lauman inquired if Prunty had recently looked at the road in question. Prunty replied he looked at the road pre overlay not post overlay. It was agreed the commissioners, the engineers, the Bigfork Water and Sewer District, Prunty and Foy along with a representative from the homeowners association would view the road.

Steve Panissidi stated he would be the contact person when they decide on when they would view the road.

Whitehead from Morrison-Maierle Inc commented that the road is built to county standard as far as slope. Whitehead stated all the driveways were matched up.

Commissioner Lauman reiterated they all need to go down and look at the road and lift station and will make everyone aware of when that will be. It was also stated that ultimately the Bigfork Water and Sewer District will be responsible for the lift station situation and the commissioners will be involved with only the road issues.

9:00 a.m. Commissioner Brenneman: Health Board Retreat @ Vista Linda
2:00 p.m. Commissioner Dupont: View Road Abandonment #474 w/ Jim Burton

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 19, 2009.

WEDNESDAY, AUGUST 19, 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
12:00 p.m. Commissioner Brenneman: Housing Affordability Ladder meeting @ Insured Title

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 20, 2009.

THURSDAY, AUGUST 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.

Barry Ultican, 120 Swan Mtn Drive explained a situation has developed with a neighbor that was given a conditional use permit by the Board of Adjustments in January that included stipulations with it that he is not demonstrating to any degree that he intends to comply with. He stated there is no respect for the neighbors and they are looking for direction in regards to how to enforce the requirements of the CUP after contacting the Sheriff's Office and getting no direction or help there.

Larry Wayne a resident in the same development presented the 10 conditions approved by the Board of Adjustment when the CUP was issued on December 2, 2008. He stated since that time the Fortuna's have broken every single condition and have not lived up to one single one of them. Wayne said the property is zoned suburban residential and it has been turned into a total junk yard. He further stated they are interpreting the conditions anyway they want with total disregard for the neighbors. Also noted was four feet of top soil on the property has been removed since it was purchased.

Jack Truzzolino explained that he bought his property from Barry Ultican and has the same problems. He then stated that he too would appreciate any help they can get with the trucks starting at 6 a.m. and going until 11 p.m.

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

THURSDAY, AUGUST 20, 2009
(Continued)

MONTHLY MEETING W/ JED FISHER, WEED/ PARKS/ MAINTENANCE

9:00:28 AM

Members present:

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

Others present:

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

Fisher reported with the downturn in the economy they are seeing more problems with weed management plans in regards to citizens complying. He then explained that through the Weed & Parks Master Plan their goal is to diversify their income sources by increasing fees to use facilities in order to cover all costs; the fee schedule will be enhanced by the user paying. Fisher then briefed the commission about a 40 acre land acquisition by Herron Park from the Bibler Family Trust that the county will be accepting long term maintenance for which includes trail maintenance, tree trimming and all other costs that come along.

Discussion was then held relative to the Maintenance Departments involvement in renovation of the Blue Building.

CONSIDERATION OF ADOPTION OF RESOLUTION: ISSUANCE OF BONDS/ RSID #147 MENNONITE CHURCH ROAD

9:30:42 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, Finance Technician Laura Aspenlieder, Cindy Dooley, Clerk Kile

One bid was received from Bitterroot Valley Bank, Lolo, Montana for the total amount of \$203,500 with purchase of bonds at a yield of 4.75 percent per annum at par. Bid bond (check) enclosed for \$4,070.00.

Commissioner Brenneman made a **motion** to adopt Resolution #2210C. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Flathead County, Montana (the "County"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION RELATING TO \$203,500.00 RURAL SPECIAL IMPROVEMENT DISTRICT BONDS (RURAL SPECIAL IMPROVEMENT DISTRICT NO. 147); AWARDED THE SALE THEREOF AND APPROVING CERTAIN MATTERS WITH RESPECT THERETO" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of Commissioners of the County at a regular meeting on August 20, 2009, and that the meeting was duly held by the Board of Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: **Chairman Lauman, Commissioner Brenneman and Commissioner Dupont;** voted against the same; _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 20th day of August, 2009.



Paula Robinson, Clerk

By/s/Diana Kile

Deputy

RESOLUTION NO. 2210 C

RESOLUTION RELATING TO \$203,500.00 RURAL SPECIAL IMPROVEMENT DISTRICT BONDS (RURAL SPECIAL IMPROVEMENT DISTRICT NO. 147); AWARDED THE SALE THEREOF AND APPROVING CERTAIN MATTERS WITH RESPECT THERETO

BE IT RESOLVED by the Board of Commissioners (the "Board") of Flathead County, Montana (the "County"), as follows:

1. This Board on August 3, 2009, adopted Resolution No. 2210 B providing for the public sale of \$203,500.00 Rural Special Improvement District Bonds (Rural Special Improvement District No. 147) (the "Bonds") to finance the costs of certain local improvements to be undertaken in or for the benefit of Rural Special Improvement District No. 147. Notice of the sale has been duly published in accordance with Montana Code Annotated, Sections 7-12-2172, 7-7-4252 and 17-5-106. Pursuant to the notice of sale, one sealed bid for the purchase of the Bonds was received at or before the time specified for receipt of bids. The bid has been opened and publicly read and considered, and the purchase price, interest rates and true interest cost under the terms of each bid have been determined.

2. The bid of Bitterroot Valley Bank, of Lolo, Montana, (the "Purchaser"), attached as Exhibit A, to purchase the Bonds of the County, is hereby determined to comply with the notice of sale, and to be the lowest, most reasonable bid for the purchase of the Bonds. The bid of the Purchaser is hereby accepted by the Board and the sale of the Bonds is hereby awarded to the Purchaser. The bid security of the Purchaser shall be retained pending delivery of the payment for the Bonds and the bid security of all other bidders shall be promptly returned.

THURSDAY, AUGUST 20, 2009
(Continued)

3. The Chair and the County Clerk and Recorder are hereby authorized and directed to execute on behalf of the County a contract for the sale of the Bonds with the Purchaser.

4. This Board shall prescribe the form and security for the Bonds in a subsequent resolution.

PASSED AND ADOPTED by the Board of County Commissioners of Flathead County, Montana, this 20th 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

EXHIBIT A

Frank S. Stock
PO Box 1001
Polson, MT 59860
August 19, 2009

County Commissioners
Flathead County
Flathead County Court House
800 S. Main
Kalispell, MT 59901

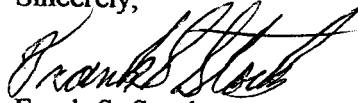
Dear Commissioners:

This letter is written in response to a notice of a bond sale requesting bids for Rural Special Improvement District No. 147 in the total amount of \$203,500. The Bitterroot Valley Bank, PO Drawer 9, Lolo Shopping Center, Lolo, MT 59847, phone 406-273-2400 is willing to purchase said bonds at a yield of 4.75 percent per annum at par. The details of the settlement are to be worked out between Kate Templeman, Vice President of the Bank, and the County if the Bank is the successful bidder.

This bid is based upon information provided by Jonathan B. Smith, Deputy of the Flathead County Attorney Office.

Enclosed is a check payable to Flathead County for \$4070.00 as requested in the notice of a bond sale. Said \$4070.00 can be applied toward the purchase price if the bank is the successful bidder or returned if the bank is not the successful bidder. If the bank is the successful bidder and does not complete the bond purchase the \$4070.00 may be kept by the county.

Sincerely,



Frank S. Stock
Agent for The Bitterroot Valley Bank

AUTHORIZATION TO PUBLISH REQUEST FOR QUALIFICATIONS: ARCHITECT/ BLUE BUILDING RENOVATION PROJECT

[9:36:20 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 publication of Request for Qualifications for renovation of the Blue Building and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, AUGUST 20, 2009
(Continued)

REQUEST FOR QUALIFICATIONS

The Flathead County Board of Commissioners is requesting interested architects or firms to submit their qualifications for providing architectural services to Flathead County pursuant to the requirements of Section 18-8-201, *et seq.*, M.C.A. Such qualification statements are to be submitted, in writing, to the Flathead County Board of Commissioners at 800 South Main, Kalispell, Montana 59901, and must be received no later than 5:00 p.m. on September 8, 2009. All responses will be reviewed by the Board of Commissioners and those firms chosen for further discussions or more detailed submittals will be so notified by written letter from the Office of the Flathead County Board of Commissioners.

SCOPE OF WORK:

The person/firm selected will provide all architectural services necessary to complete final design, construction plans and bid specs for the County's Blue Building renovation project, including the addition of insulation and siding on the exterior of the building and a major remodel of the interior of the building, including installation of an elevator. The Blue Building is located at 935 1st Avenue West, Kalispell.

CRITERIA OF SELECTION:

Selection of a person/firm for the provision of these services will be based upon the following criteria and each of the six criteria must be addressed within the qualifications response submitted in order to be eligible for consideration.

1. Qualifications of the proposed professional personnel who will be assigned to the project.
2. Capability to meet time and project budget requirements.
3. Location of the office of the person/firm.
4. Present and projected workloads of the person/firm.
5. Related experience on similar projects.
6. Recent and current work for Flathead County.

Dated this 20th 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

Publish on August 25 and September 1, 2009.

AUTHORIZATION TO PUBLISH REQUEST FOR QUALIFICATIONS: ARCHITECT/ COURTHOUSE ELEVATOR & WINDOWS PROJECT

[9:37:00 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 publication of Request for Qualifications for a Courthouse elevator and new windows project and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

REQUEST FOR QUALIFICATIONS

The Flathead County Board of Commissioners is requesting interested architects or firms to submit their qualifications for providing architectural services to Flathead County pursuant to the requirements of Section 18-8-201, *et seq.*, M.C.A. Such qualification statements are to be submitted, in writing, to the Flathead County Board of Commissioners at 800 South Main, Kalispell, Montana 59901, and must be received no later than 5:00 p.m. on September 8, 2009. All responses will be reviewed by the Board of Commissioners and those firms chosen for further discussions or more detailed submittals will be so notified by written letter from the Office of the Flathead County Board of Commissioners.

SCOPE OF WORK:

The person/firm selected will provide all architectural services necessary to complete final design, construction plans and bid specs for the replacement of windows and the addition of an elevator in the Flathead County Courthouse at 800 South Main, Kalispell, MT.

CRITERIA OF SELECTION:

Selection of a person/firm for the provision of these services will be based upon the following criteria and each of the six criteria must be addressed within the qualifications response submitted in order to be eligible for consideration.

**THURSDAY, AUGUST 20, 2009
(Continued)**

1. Qualifications of the proposed professional personnel who will be assigned to the project.
2. Capability to meet time and project budget requirements.
3. Location of the office of the person/firm.
4. Present and projected workloads of the person/firm.
5. Related experience on similar projects.
6. Recent and current work for Flathead County.
7. Familiarity with requirements for remodeling Historical Buildings in order to maintain historical integrity as much as possible.

Dated this 20th 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

Publish on August 25 and September 1, 2009.

MEETING W/ DIANNA BROADIE/ PLANNING & ZONING OFFICE RE: CENSUS COMPLETE COUNT

9:45:08 AM

Members present:

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

Others present:

Planner Dianna Broadie, Clerk Kile

Broadie reported the purpose of the census committee is to maximize the number of responses to the census by educating the public about the importance of the census, and to motivate residents to follow through and complete the questionnaires in order to ensure proper funding levels from federal programs.

Harris pointed out the committee members will provide assistance but will not be doing the census bureau's work for them.

OPEN BIDS: CRUSHED GRAVEL / ROAD DEPT.

10:16:14 AM

Members present:

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

Others present:

Assistant Mike Pence, Jeff Claridge, Clerk Kile

Bids received with bid bonds enclosed for approximately 23,000 ton of ¾" minus crushed gravel at the Demers Pit in the North Fork drainage of the Flathead River from:

	<u>W/O PI & LL</u>		<u>W/PI & LL</u>	
Schellinger Construction Co., Inc.	\$3.60	\$82,800.00	\$6.40	\$147,200.00
Nelcon, Inc.	\$2.55	\$58,650.00	\$7.60	\$174,800.00
LHC, Inc.	\$4.08	\$93,840.00	\$5.10	\$117,300.00
Jim Phillips Contracting, Inc.	\$4.18	\$96,140.00	\$7.23	\$166,290.00

Commissioner Brenneman made a **motion** to take the bids under advisement. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, AUGUST 20, 2009
(Continued)

BOARD APPOINTMENT: AOA BOARD

[10:29:39 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 Jolynn Yenne to the AOA Board as the representative of the Governor's Advisory Council. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF EXTENSION REQUEST: CHERRY HILL YACHT CLUB, PHASE II

[10:30:28 AM](#)

Members present:

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

Others present:

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

Chairman Lauman read a letter from the applicant requesting an extension for Cherry Hill Yacht Club, Phase II to October 10, 2010.

Commissioner Brenneman made a **motion** to grant an extension to Cherry Hill Yacht Club, Phase II. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

MEETING W/ B. J. GRIEVE/ PLANNING & ZONING OFFICE RE: 2009 PLANNERS CONFERENCE IN RED LODGE, MT.

[10:01:49 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, Clerk Kile

Grieve reported the 2009 Annual Planner's Conference is being hosted by Carbon County in Red Lodge, Montana this year. He then explained he and Jeff Harris have considered whether they should attend this year in light of accusations that have arisen in the office. Grieve then stated he decided to put together a conference participation plan and in order to err on the side of caution he met with Paula Robinson, Joe Garza and Raeann Campbell to clarify all policies pertaining to travel to see if any flags were apparent. A conference participation plan along with a conference agenda was then presented to the commission. Grieve said that because of the scrutiny under which they are functioning right now he felt it would be a good idea to be pro-active and make sure they were all on the same page. Grieve stated a motel room was found in a basement that was within walking distance of the conference that was the cheapest place he could find, and to take a male and female to the conference and putting together the whole plan from the time they left until the time they returned it would be \$1,700.00 to send four planners to the conference; which is within their budget, yet it seemed like a lot given the economy and scrutiny under which they are functioning. He then stated he spoke with Jeff Harris about it and it was agreed they should scale it back as much as possible and send only one planner, Dianna Broadie to the conference which would only require one room and one registration fee, and she could come back and enlighten the other planners about the conference details. Grieve then explained a participation plan was then put together for Dianna Broadie in regards to every single detail with each step documented and asked for commissioner approval for her to attend. The detailed plan included the purpose, mileage, meals included with conference and meals that would be reimbursed with the total cost to send one planner being \$761.00 which is well within their budget.

Commissioner Brenneman asked what it would cost to send four planners.

Grieve stated it would be \$1,700.00 with extra registration fees, an additional motel room at \$43.00 per night along with additional meal reimbursements.

Commissioner Brenneman then asked what it would cost if two planners attended.

Grieve stated it would be close to \$1,700.00 because they would still need two rooms.

Dupont asked about AICP Certification.

Grieve stated you have to have a total of 32 hours in a three years period. General discussion was held relative to other possible conferences that could be attended by planners. Grieve explained his concern about keeping things low keyed at the office for now.

Commissioner Dupont stated you haven't done anything wrong to begin with; obviously we need to be frugal but not to that point. He then said I understand your feelings, but said you need to be careful in not bending over backwards when you haven't done anything wrong.

THURSDAY, AUGUST 20, 2009
(Continued)

Commissioner Brenneman said that he agreed that if professionally this is the best thing for the planning staff to attend and you want to send four planners at a cost of \$1,700.00, and it is in your budget then I would certainly defend any criticism we receive. He further said when things were going great things were said that we don't have planners who have been trained and are experienced/qualified to handle applications.

Pence said what I have heard from other departments during budget meetings is that they would send one employee that would report back.

Grieve said when he was walking through the original plan everything seemed reasonable but \$1,700.00 seems a bit much. He then stated he was there before them to see what their input was in order to make a decision.

Chairman Lauman stated he agreed with his fellow commissioners that \$1,700.00 for four planners for a conference is really quite reasonable; that it would be continuing education for two planners.

Harris stated it would be their preference to send four planners if the commission was comfortable with the cost. He explained that this would be the most reasonable conference they could attend with everything else being out of state.

DOCUMENT FOR SIGNATURE: ARRA GRANT CONTRACT/ AOA

[10:32:09 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 approve the contract and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENTS FOR SIGNATURE: SERVICE PROVIDER AGREEMENTS FOR NORTH VALLEY SR. CENTER, WHITEFISH COMMUNITY CENTER, KALISPELL SR. CENTER AND IMMANUAL LUTHERAN HOME/ AOA

[10:37:39 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 the renewal agreements and authorized the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

- 12:00 p.m. Commissioner Brenneman: Bigfork Community Foundation for a Better Bigfork meeting @ Methodist Church**
- 2:00 p.m. Commissioner Brenneman: Health Board meeting @ Earl Bennett Bldg.**
- 5:00 p.m. Commissioner Lauman: Kalispell Chamber of Commerce "Unwind" @ Chamber of Commerce**

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

FRIDAY, AUGUST 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.

NO MEETINGS SCHEDULED

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