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## MONDAY, AUGUST 24, 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.

**10:00 a.m. Commissioner Brenneman: RC&D meeting @ The Symes, Hot Springs**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 25, 2009.

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## TUESDAY, AUGUST 25, 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: Architectural Concepts Review @ Library**  
**12:00 p.m. Commissioner Brenneman: CDC meeting @ Three Rivers Bank**  
**2:00 p.m. Commissioner Lauman: Speaker @ JPT Board Retreat**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 26, 2009.

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## WEDNESDAY, AUGUST 26, 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.**

### **CONSIDERATION OF PRINTING BIDS: HEALTH DEPT. AND WEED, PARK & RECREATION**

[9:01:38 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont                      Seated: [9:05:06 AM](#)

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve the print bid from Insty Prints for appointment cards for \$69.90 and prescription books for \$126.52. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the print bid from North Star Printing for 1,000 dog license applications for \$68.00, 1,000 depo-provera reminder cards for \$99.50, 1,000 reproductive health lab test notification cards for \$99.50, 5 prescription books for Carolyn Porter for \$84.00 and 10 prescription books for Sheila Shapiro for \$155.00. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

Commissioner Dupont made a **motion** to approve the print bid from North Star Printing for 5,000 return address envelopes for \$179.00. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

### **DOCUMENT FOR SIGNATURE: WELL LEASE/ WISE**

[9:05:11 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 the well/ lease agreement is on the southwest corner of property at the Animal Shelter and is for five years.

Commissioner Dupont made a **motion** to approve the well/ lease agreement with Wise and authorized the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

WEDNESDAY, AUGUST 26, 2009  
(Continued)

**DOCUMENTS FOR SIGNATURE: MOU/ SHERIFF'S EMPLOYEES & 911 PUBLIC SAFETY**

[9:06:03 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

Pence explained the MOU clarifies the positions have supervisory responsibilities but are not union positions.

Commissioner Dupont made a **motion** to approve the MOU documents for the Sheriff's employees and 911 Public Safety. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**CDBG PUBLIC HEARING: SMITH LOGGING**

[9:16:40 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Gary Winship, Charlie Wright, Rick Smith, Deb Smith, Clerk Kile

**Chairman Lauman opened the public hearing to anyone wishing to speak.**

Gary Winship, Director of Lending for Montana West Economic Development explained he handles the CDBG loan program for Flathead County. He then stated Rick and Deb Smith from Smith Logging made application for CDBG WPIRS (Montana Distressed Wood Products Industry Recovery and Stabilization) Program. He further explained at the present time they are unable to log in this area because the mills are not buying logs, so they have taken their business to the Big Hole where they have acquired a contract to harvest logs, which will be taken to Sun Mountain in Deer Lodge; the request is for \$200,000.00 for operating money to run the logging operation. An application will be made to the state if commissioner approval is received to allow them to move forward.

Rick Smith, owner of Smith Logging stated the saw logs would be sold from the timber sale to Sun Mountain Logging and the pulp logs which are 30 percent of the sale would go to Smurfit Stone. He explained the reason they are working out of the area is because of the amount of contractors in the area compared to the amount of work available and jobs going incredibly cheap; by going out of the area he has found work they can make a profit on. Smith reported this year his business taxes alone are \$18,000.00 and last year they were \$13,000.00, and with him being shut down for six months it is a struggle to keep operating and providing jobs for the future.

Charlie Wright, Regional Development Officer for Montana Department of Commerce explained the WPIRS Program has three components: one through the EDA with a match from the state, one through the state itself and last the Community Development Block Grant. The three funds were set up as part of different state legislative actions that took place last year to go forward, and put as much financial resources as we could into supporting the wood products industry and the entire infrastructure; with a desire to maintain the strong integrated wood products industry in the state. Wright stated the Community Development Block Grant still has funding available to clients to apply for monies with 12 million having been made available for a seven county region.

Commissioner Brenneman asked if this was a grant or a loan.

Gary Winship stated it was a loan and that the county needs to give them the ability to take the grant and make a loan out of it to a business.

Charlie Wright said the loans going out to the businesses evolve back to a state WPIRS fund that is on going with the dollars flowing back to the state level.

Commissioner Brenneman then asked if the loan is in default if the issue would be between the state and Smith Logging or the county.

Gary Winship stated the county would not suffer loss; the county is a pass through. The state WPIRS Program is done directly to the state with the borrower filling out application to the state; the state owning the money and the business paying directly back to the state.

Commissioner Brenneman said he absolutely supported helping the timber industry; that maintaining loggers in the woods is vital for a lot of reasons.

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

Commissioner Brenneman made a **motion** to approve a resolution that accurately describes the program presented pending approval by the County Attorney. Commissioner Dupont **seconded** the motion.

Chairman Lauman stated that he fully supported the program.

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

WEDNESDAY, AUGUST 26, 2009  
(Continued)

**MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE DISTRICT**

[9:31:26 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, Solid Waste Operations Manager Jim Chilton, Clerk Kile

Prunty reported the Solid Waste Board of Directors have scheduled a public meeting in regards to closing three container sites along the east corridor. He then explained less than one percent of the volume of garbage comes out of these site and it is out of sync in comparison to revenue collected and expenses.

General discussion was held relative to the advantage and disadvantages of closing the container sites and the availability of a private contractor to haul garbage. Also discussed were the minimal amount of services received by residences that live in outlying areas of the valley.

Prunty then reported the contract for the Ashley Lake Road container site was awarded to Schlegel and Sons with the low bid price of \$219,500.00 which was under expectations. He then explained a draft copy of Solid Waste's strategic plan will be forthcoming and a presentation will be done in October. Prunty then reported MDOT is now ready to sell the Somers container site for \$130,000.00 and stated the July tonnages were down again compared to the previous July tonnage report.

**BI-MONTHLY MEETING W/ KIM CROWLEY, LIBRARY**

[10:02:33 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Library Director Kim Crowley, Clerk Kile

Crowley presented a copy of "To Kill a Mockingbird", the big read book chosen this year to the commission. She then reported on maintenance work done at the Bigfork Branch Library which included repainting the interior, purchasing new artwork for the children's area and new tables for meetings; Main Library has purchased new meeting room furniture, comfortable seating upstairs and new work stations for staff; Whitefish Library is working on furnishings for a teen area; Columbia Falls Library is slowing moving forward on their big project of moving to the Discovery Center, but in the meantime are working on cleaning up the current site. Crowley then reported on the three proposed different sites for a new main Library building; the three architects chosen to present an idea were Architects Northwest, CTA Architects Engineers and Fullerton Architects. She noted the soonest a bond could be voted on would be November 2010.

**CONSIDERATION OF RELEASE OF COLLATERAL: CLARE SUBDIVISION**

[10:19:42 AM](#)

Members present:

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

Others present:

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

Grieve reported A2Z Engineering submitted certification that the work was complete.

Commissioner Brenneman made a **motion** to release collateral for Clare Subdivision. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**CONSIDERATION OF HR TRANSMITTAL: EMS MANAGER/ OES**

[10:21:38 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, OES Director Mark Peck, Clerk Kile

Pence explained the job is being made a full time job and that the job description is not changing.

Commissioner Brenneman made a **motion** to approve the EMS/ Manager position for OES. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

WEDNESDAY, AUGUST 26, 2009  
(Continued)

**DOCUMENT FOR SIGNATURE: INTERLOCAL/ SAM BIBLER TRAIL**

[10:46:30 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 Alex Hogle, Deputy County Attorney Jonathan Smith, Office Administrator Debbie Boreson, Clerk Kile

Hogle summarized the Sam Bibler Trail application that was approved by MDOT and the commission several years ago. He stated that subsequent to the application being approved there have been significant annexations along the Sam Bibler Trail route by the City of Kalispell; currently the project which is approximately one mile in length is in 52% of the county and 48% within the cities jurisdiction. He reported Peccia and Associates is the engineer who has started preliminary engineering work and an interlocal agreement is being sought in order to move forward with the project. The route extends from FFA Drive on the south to a point just north of Woodland Avenue. Hogle reviewed the Interlocal Agreement which identifies the nature of the trail and outlines the city and counties responsibilities; with the intent once it is built that the city will assume ownership and long term maintenance of the trail. The cost of the project is currently at \$225,000.00 which Hogle stated he feels they will surpass with additional work that will need done; 86% of the total cost can be used from CTEP funds and 14% has to be met by local match.

Discussion was held relative to the project costing more than originally anticipated.

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

**CONSIDERATION OF EXTENSION REQUEST: SUBDIVISION NO. 196, AMENDED PLAT OF LOT 1**

[11:06:16 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, Erica Wirtala, Clerk Kile

Chairman Lauman read a letter from Sands Surveying requesting a one year extension to preliminary plat of Subdivision No. 196, Amended Plat of Lot 1; expiration date would extend to October 24, 2010.

Commissioner Brenneman made a **motion** to grant an extension to Subdivision No. 196, Amended Plat of Lot 1. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**6:00 p.m. Commissioner Lauman: Solid Waste District community meeting @ West Glacier School**

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

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**THURSDAY, AUGUST 27, 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 28, 2009.

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**FRIDAY, AUGUST 28, 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.**

Jim Clark, 128 Hilldale Drive said he picked up a copy of the Lakeside Neighborhood Plan from the Planning & Zoning Office. He then said whether the document was free or whether he paid for it he expected it to be complete with all the appendices included. Clark stated the 1994 Lakeside Neighborhood Plan or the Community Summary was not in the document. He further said to say that the document is complete when it isn't is unconscionable.

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

FRIDAY, AUGUST 28, 2009  
(Continued)

**PUBLIC HEARING: ANNEXATION TO SOUTH KALISPELL FIRE DISTRICT/ WILD GOOSE ISLAND (LEISURE ISLAND)**

[10:00:41 AM](#)

Members present:

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

Others present:

Deputy County Attorney Jonathan Smith, Clerk Kile

Smith noted for the record a second public hearing is being held today due to an incorrect date published in the notice of public hearing; a public hearing was held on August 18 with no one rising to speak. It was also noted what was referred to as Leisure Island is Wild Goose Island.

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

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

Commissioner Brenneman made a **motion** to adopt Resolution 2220A. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 2220A

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;

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, 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 28<sup>th</sup> 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

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

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.

FRIDAY, AUGUST 28, 2009  
(Continued)



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 31, 2009.

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