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## MONDAY, NOVEMBER 2, 2009

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

**Commissioner Brenneman PT opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Commissioner Brenneman PT closed the public comment period**

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

[9:30:40 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Public Works Director Dave Prunty, Operations Manager Solid Waste Jim Chilton, Clerk Kile

Prunty reported construction of the new Ashley Lake container site is finished and it is scheduled to be opened on November 18 with the Marion and Kila container sites shutting down the same day as boxes are moved to the new site. He then reported the firm hired to prepare a Strategic Plan for the Solid Waste District reviewed alternatives for various solid waste plans at their last board meeting. Prunty explained he will be meeting with officials from GENESA to explain the plan for consolidation of the container sites in Essex, Nyack and Denny's to those that would be involved. Also noted was a Solid Waste truck driver was cited for failure to yield after a traffic accident near the landfill on September 3. A map was then reviewed of the Kila container site which will be reclaimed and improved for a parking lot. Tonnages for the month were then reported which are down and discussion was held relative to disposal fees for mobile homes and the cost of recycling.

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

[10:00:25 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Library Director Kim Crowley, Branch Services Manager Connie Behe, Clerk Kile

Crowley presented the following Core Values Statement to the commission adopted by the Library Board of Trustees.

- o **COMMITMENT TO GROWTH:** Engage in and promote lifelong learning and growth;
- o **CHANGE:** Embrace, rather than resist change in information, technology and methodology;
- o **INDIVIDUAL RESPONSIBILITY AND ACCOUNTABILITY:** Demonstrate individual responsibility by making conscious choices and be accountable for the choices made;
- o **RESPECTFUL COMMUNICATION:** Strive to be resilient rather than fragile, challenging and communicative rather than passive or hostile, and respectful of others.

Crowley then reported an all staff training day was held in regards to transitions, changes and trust with Nan Russell and Ned Cooney. It was then stated 1,400 books of "To Kill a Mockingbird" were distributed during the Big Read Program this year as well as 50 events surrounding the title of the book were held. She then reported a group in Whitefish is considering withdrawing from the Flathead County Library system, and stated some of their concerns are related to objections to managements decisions as well as feeling they don't receive a fair share of the materials distributed. Statistics for how materials are distributed were then reviewed with Bigfork receiving 9.4%, Columbia Falls 19%, Whitefish 23% and Kalispell 47%. Discussion was then held relative to services the Whitefish Library receives from county funds.

### BUDGET AMENDMENT: AOA

[10:15:55 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to adopt budget Resolution 2229. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

**MONDAY, NOVEMBER 2, 2009**  
(Continued)

BUDGET AMENDMENT  
RESOLUTION # 2229

**WHEREAS**, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2009-2010, are required, and;

**WHEREAS**, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2009-2010; and

**BE IT FURTHER RESOLVED**, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

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

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Absent  
Dale W. Lauman, Chairman

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

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

DATE OF ISSUE: 10/22/09 DATE OF RECORD:			BUDGET ENTRY RESOLUTION #2229		VOUCHER NO.: Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2280	0726	334131		State Program		2,293.00
2280		172000		Revenue Control	2,293.00	
2888	0190	331161		III-B		14,428.00
2888	0190	331168		III-E		2,610.00
2888	0190	331173		Ombudsman		198.00
2888	0190	334131		State Program	14,793.00	
2888	0190	334132		SHIP		9,280.00
2888	0190	334133		Rate Inc.		5,000.00
2888	0190	334134		Caregiver - Onetime Only	1,973.00	
2888		172000		Revenue Control	14,750.00	
2982	0190	331161		III-B		362.00
2982	0190	331168		III-E	2,726.00	
2982	0190	331170		III-F	138.00	
2982	0190	334100		State Sp. Funds		27,629.00
2982	0190	334131		State Program	20,868.00	
2982	0190	334133		Rate Inc.		27,761.00
2982	0190	334134		Caregiver - Onetime Only	10,000.00	
2982		172000		Revenue Control	22,020.00	
<b>Explanation</b>					89,561.00	89,561.00
FY 08 - 09 budget revision based on Title III contract modification.						

DATE OF ISSUE: 10/22/09 DATE OF RECORD:			BUDGET ENTRY RESOLUTION #2229		VOUCHER NO.: Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2983	0190	331161		III-B		8,669.00
2983	0190	331166		III-C1		6,218.00
2983	0190	331167		III-C2		3,798.00
2983	0190	334131		State Program	3,645.00	
2983	0190	334134		Caregiver - Onetime Only		65,127.00
2983		172000		Revenue Control	80,167.00	
2986	0726	331161		III-B		3,157.00
2986	0726	334161		State Program	13,159.00	
2986		172000		Revenue Control		10,002.00
2987	0190	331161		III-B		2,150.00
2987		172000		Revenue Control	2,150.00	
					99,121.00	99,121.00
FY 08 - 09 budget revision based on Title III contract modification.						

MONDAY, NOVEMBER 2, 2009  
(Continued)

<u>DATE OF RECORD:</u>			<b>BUDGET ENTRY</b>		<b>VOUCHER NO.:</b>	
			<b>RESOLUTION #2229</b>		<b>Entered by:</b>	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2888	0190	450323	110	Salaries	14,041.00	
2888	0190	450323	141	Unemployment	69.00	
2888	0190	450323	142	Ind. Accident	242.00	
2888	0190	450323	143	Health	4,235.00	
2888	0190	450323	144	F.I.C.A.	550.00	
2888	0190	450323	145	PERS	1,046.00	
2888	0190	450323	147	Med. Tax	208.00	
2888	0190	450323	150	Life	57.00	
2888		242000		Expense Control		20,448.00
2982	0190	450321	398	Contract Services	77,774.00	
2982		242000		Expense Control		77,774.00
2983	0190	450322	223	Food	44,000.00	
2983		242000		Expense Control		44,000.00
<b>Explanation</b>					142,222.00	142,222.00
FY 08 - 09 budget revision based on Title III contract modification.						

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SOLOMON PEYTON, LLC ZONE CHANGE/ EVERGREEN & VICINITY ZONING DISTRICT**

10:17:09 AM

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

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

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Bob Lovejoy for Solomon/Peyton, LLC, to change the zoning designation in a portion of the Evergreen and Vicinity Zoning District from AG-80 (Agricultural) to B-2 (General Business), I-1 (Light Industrial) and R-2 (One-Family Limited Residential).

The boundaries of the areas proposed to be amended from AG-80 to B-2, I-1 and R-2 are described on Exhibit A hereto and are in Assessor's Tract 5 in Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County Montana, shown as Tract 1 of Certificate of Survey No. 16455. The property is located on the southwest corner of the intersection of Trumble Creek Road and Rose Crossing northeast of Kalispell, containing approximately 116.87 acres, as shown on Exhibit B.

The proposed changes would change the character of the zoning regulations applicable to the property from those designed to protect and preserve agricultural land for the performance of a wide range of agricultural functions and to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development; i) to a 20+ acre area intended to provide for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities and by businesses serving the general needs of the tourist and traveler; ii) to a 20+ acre area allowing light industrial uses that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke, etc.) which extend beyond the lot lines, including light manufacturing, processing, fabrication and assembling of products or material, warehousing and storage and transportation facilities; and iii) to a 76+ acre area providing for large tract development in a suburban area beyond sanitary sewer and/or water lines.

The regulations defining the AG-80, B-2, I-1 and R-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: [http://flathead.mt.gov/planning\\_zoning/downloads.php](http://flathead.mt.gov/planning_zoning/downloads.php). Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **23<sup>rd</sup> day of December, 2009, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

**MONDAY, NOVEMBER 2, 2009**  
**(Continued)**

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

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

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

Publish on December 9 and December 16, 2009.

EXHIBIT "A"

TRACTS OF LAND, SITUATED, LYING AND BEING IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 29 NORTH, RANGE 21 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

AREA 1: from AG-80 to B-2

BEGINNING at the northeast corner of the Northwest Quarter of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, which is a found brass cap on the centerline of a 60 foot county road known as Trumble Creek Road; Thence along said centerline S00°01'24"W 1266.88 feet; Thence leaving said centerline 589°47'56"W 687.75 feet; Thence N00°01'24"E 1266.88 feet to the north boundary of said NW1/4 and the centerline of a 60 foot county road known as Rose Crossing; Thence along said boundary and said centerline N89°47'56"E 687.75 feet to the point of beginning and containing 20.002 ACRES; Subject to and together with 60 foot county roads as shown hereon; Subject to and together with all appurtenant easements of record.

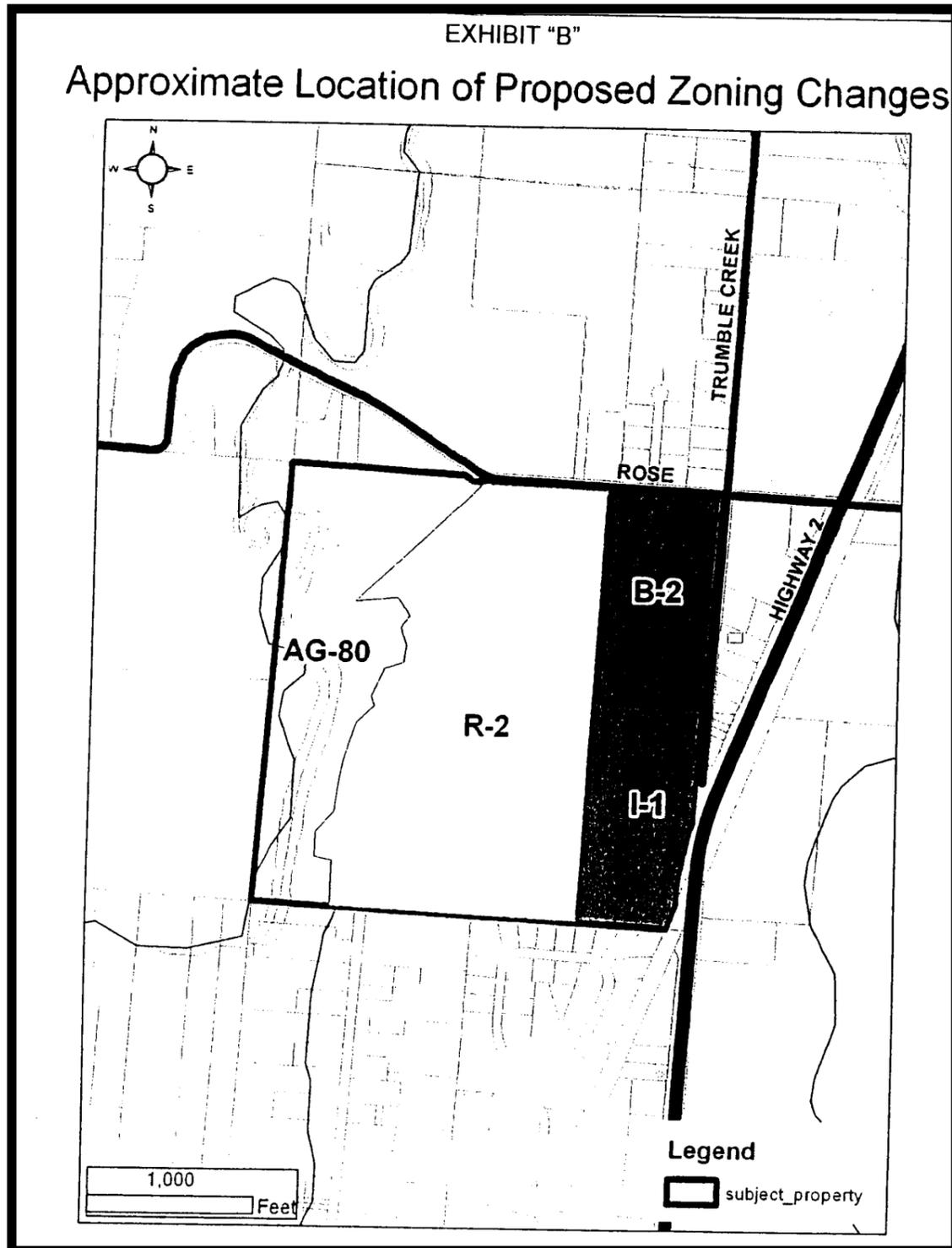
AREA 2: from AG-80 to I-1

Commencing at the northeast corner of the Northwest Quarter of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, which is a found brass cap on the centerline of a 60 foot county road known as Trumble Creek Road; Thence along said centerline S00°01'24"W 1266.88 feet to THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: Thence continuing S00°01'24"W 476.11 feet to the westerly R/W of U.S. Highway No. 2; Thence leaving said centerline and along said R/W S19°30'04"W 78.13 feet to a found iron pin and the P.C. of a 1542.39 foot radius curve, concave southeasterly, having a central angle of 23°21'48"; Thence along an arc length of 628.93 feet to a found iron pin; Thence S06°04'08"E 100.42 feet to a found iron pin; Thence S18°25'42"W 122.16 feet to a found iron pin on the south boundary of said NW1/4; Thence leaving said R/W and along said boundary S89°35'26"W 549.07 feet; Thence leaving said boundary N00°01'24"E 1385.80 feet; Thence N89°47'56"E 687.75 feet to the point of beginning and containing 20.002 ACRES; Subject to and together with a 60 foot county road as shown hereon; Subject to and together with all appurtenant easements of record.

AREA 3: from AG-80 to R-2

BEGINNING at the southeast corner of the Southwest Quarter of the Northwest Quarter of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, which is a found iron pin; Thence along the south boundary of said SW1/4NW1/4 S89°35'44"W 753.19 feet; Thence leaving said boundary N04°56'18"W 254.09 feet; Thence N87°00'21"W 75.76 feet; Thence N10°58'32"W 143.89 feet; Thence N40°35'44"E 130.05 feet; Thence N04°59'22"W 147.84 feet; Thence N09°31'22"E 209.90 feet; Thence N25°36'47"E 153.76 feet; Thence N77°23'30"E 70.41 feet; Thence N20°24'28"E 77.20 feet; Thence N27°09'05"W 56.03 feet; Thence N15°09'33"E 166.16 feet; Thence N75°08'02"E 65.78 feet; Thence N17°22'55"E 93.84 feet; Thence N24°58' 14"W 115.16 feet; Thence N29°16'46"E 89.83 feet; Thence N29°15' 16"W 141.22 feet; Thence S67°21'40"W 218.70 feet to the easterly R/W of a 250 foot B.P.A. transmission easement; Thence along said R/W N26°04'20"E 1161.30 feet to the north boundary of the Northwest Quarter of said Section 28; Thence along said boundary N89°47'56"E 897.54 feet; Thence leaving said boundary S00°01'24"W 2652.68 feet to the south boundary of said NW1/4; Thence along said boundary S89°35'26"W 631.30 feet to the point of beginning and containing 76.869 ACRES; Subject to and together with all appurtenant easements of record.

MONDAY, NOVEMBER 2, 2009  
(Continued)



**DOCUMENT FOR SIGNATURE: DEQ CONTRACT #209064**

[10:17:55 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

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

**PUBLIC HEARING: ROAD NAME APPEAL/ LUGE LANE**

[10:30:24 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, GIS Analyst Nate Horton, Plat Room Lucy Foster, Susan Fletcher, Clerk Kile

Horton reviewed the history of naming Luge Lane which he stated was a project initiated by the county. He reported the two leading votes for naming the road came back as Luge Lane which received five votes and Longview Way which received two votes. Horton then added since that time six letters of recommendation supporting Luge Lane have been received.

**Commissioner Brenneman PT opened the public hearing to anyone wishing to speak in favor or opposition of the road naming.**

**MONDAY, NOVEMBER 2, 2009**  
(Continued)

Susan Fletcher, 3378 East Lakeshore Drive commented she would like to drop her objections at this point. She then said a letter has been submitted in regards to her objections in which she stated she has strong feelings for her objection of the road being name Luge Lane. Fletcher then added she has come to understand there is quite a large organized effort to block changing the name and feels trying to make an issue over it pales to keeping the neighborhood happy.

**No one else rising to speak, Commissioner Brenneman PT closed the public hearing.**

Commissioner Brenneman PT commented that not everyone is so accommodating to their neighbors and stated that he personally appreciated her cooperation. He then stated they sometimes see ridiculously protracted arguments about road names.

Commissioner Dupont stated that he too feels she was up against pretty good odds and felt it was the best thing she could do and commended her for doing so. He then added he never realized a road name made such an impact to people's lives.

Commissioner Brenneman PT said the road naming is done by a relatively democratic process and the choice of the neighborhood was Luge Lane.

Commissioner Dupont made a **motion** to adopt Resolution 2230. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

RESOLUTION NO. 2230

WHEREAS, Flathead County has proposed to name a private road generally running southeasterly off East Lakeshore Drive and located in the E $\frac{1}{2}$ NW  $\frac{1}{4}$  and in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 4, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on November 2, 2009 concerning the proposal, after publication and mailing of notice thereof on October 20 and October 27, 2009, and

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

NOW THEREFORE, IT IS HEREBY RESOLVED by the Board of Commissioners of Flathead County, that the private road generally running southeasterly off East Lakeshore Drive and located in the E $\frac{1}{2}$ NW $\frac{1}{4}$  and in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 4, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named Luge Lane.

BE IT FURTHER RESOLVED that the naming of Luge Lane shall be effective on November 2, 2009.

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

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Absent  
Dale W. Lauman, Chairman

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

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

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

11:00:56 AM

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

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

Prunty reported approximately 700 miles of county gravel roads are being graded in preparation for winter. He then explained they finished mixing their pile of salt/sand mixture for the year and are putting plows and sanders on trucks. It was then reported the Road Department met with the City of Kalispell and discussed exchanging winter maintenance on roads that it made sense for one or the other to plow. He then spoke about the RAC project up the North Fork Road where 22,000 tons of gravel was deployed near Polebridge which turned out well. Prunty stated their oil budget was spent down to zero this year; if they receive reimbursement from the Forest Service on Star Meadows they will have approximately \$60,000 to start up next spring. Discussion was then held relative to the price paid for oil this year compared to years past, maintenance on dead-end roads and RSID's.

MONDAY, NOVEMBER 2, 2009  
(Continued)

**PUBLIC HEARING: ROAD ABANDONMENT #475 (CORNER OF LOT 1B TAMARACK VIEW)**

[11:31:52 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT  
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Joe Kauffman, Clerk Kile

**Commissioner Brenneman PT opened the public hearing to anyone wishing to speak in favor or opposition of the road abandonment.**

**No one rising to speak, Commissioner Brenneman PT closed the public hearing.**

Commissioner Dupont made a **motion** to approve Road Abandonment #475 subject to the conditions on the Viewers Report. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

**8:00 a.m. Weed & Parks Board meeting @ Weed & Parks Office**

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

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**TUESDAY, NOVEMBER 3, 2009**

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

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

Jim Watson, Flathead County Parks Board member reviewed the history leading up to the completion of the Parks and Recreation Master Plan which he recommends approval of. He explained numerous public comments were accepted during the pre-writing phase and while writing the plan as well as the working drafts were on the website as each chapter was written so revisions and edits could be watched. He stated the underlying theme of the plan is to be frugal and wise in spending taxpayer dollars and to provide a framework for making decisions and managing limited resources. He further stated a provision in the plan is to guard against accepting junk parkland which the county currently has in inventory and is unusable. He noted a concern during the process was to have a close relationship between the Parks Board and the Planning Board; particularly in accessing and taking in parkland and deciding what the criteria is. Watson explained the next thing they will see come through would be the Trails Plan which is currently still going through the public comment period.

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

**MEETING W/ LINDA MC CULLOCH, SECRETARY OF STATE**

[9:15:56 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk & Recorder Paula Robinson, Secretary of State Linda McCulloch, Deputy Chief of Staff Harper Lawson, Election Deputy Lisa Kimmett, Clerk Kile

Linda McCulloch reported her visit to the Flathead with her staff was to observe the election process from start to finish. She explained they observed an all mail ballot election in September in Yellowstone County and came to Flathead County to observe a polling place election. McCulloch then commented she was impressed with Flathead County's digitized mapping capabilities. Discussion was then held in regards to the redistricting process and the need to have an accurate census count.

**QUARTERLY REPORT W/ ADELE KRANTZ, TREASURER**

[9:30:12 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Treasurer Adele Krantz, Clerk Kile

Krantz presented a quarterly investment report which showed interest rates still declining with the sweep account at 1.25 percent with Glacier Bank and their top investment rate 3 percent with D. A. Davidson. She then reported the county earned \$138,000 from the sweep account for the quarter. She then spoke about interest distribution to schools which just recently started and the mailing of 57,000 tax bills. Discussion was then held relative to payment of protested tax bills with 7,500 reviews pending and the new Merlin Motor Vehicle System which they are still struggling with.

TUESDAY, NOVEMBER 3, 2009  
(Continued)

**TAX REFUND: RISO**

[9:50:34 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Pence reported the Department of Revenue recommends a refund to Riso as they were charged for a commercial exemption instead of residential.

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

**BOARD APPOINTMENT: BIGFORK STORMWATER ADVISORY COMMITTEE & 911 FUNDING FORMULA COMMITTEE**

[9:52:38 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 Tom Weller to the Bigfork Stormwater Advisory Committee. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to appoint Commissioner Jim Dupont to the 911 Funding Formula Committee. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Brenneman. **Present** - Dupont. Motion carried by quorum.

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

[10:00:01 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Health Dept. Director Joe Russell, Clerk Kile

Campbell presented the October personnel transactions for approval.

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

Campbell then reported there were 32 work related injuries this year verses 31 last year. She then noted the health insurance trust fund balance is at \$3.3 million and explained discussions have been held in regards to revising the agreement to investment a portion of the money in a CD. A sick leave usage report was then presented which shows the average hours used per employee in each department from January 1 through September 30, 2009. Campbell then reported she attended a MACo supervisory training, attended a conference in Las Vegas on employment laws, held supervisory training for the Management Team, continued negotiation work on the 911 contract and attended a CSA demonstration on payroll.

Russell then reported the Case Manager position is for the Montana Medicaid Health Improvement Program. He then explained the program is focused on Community Health Centers with concerns there are a lot of Medicaid patients that are not being seen; through the provider agreement with the Health Center they will receive on a per month basis \$3.75 per every eligible Medicaid patient in Flathead County. He further added more positions will follow. He then explained the LPN position is for the Health Center and will be funded out of the budget already in the works.

Commissioner Brenneman made a **motion** to approve the Health Department positions as proposed. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**MEETING W/ RUSS CROWDER RE: PUBLIC INFORMATION REQUEST**

[10:15:51 AM](#)

Members present:

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

Others present:

Planning & Zoning Director B J Grieve, Dick Skees, Derek Skees, Russ Crowder, Leonard Falk, Clerk Kile

Russ Crowder, Representing American Dream Montana stated a request was made by him on September 21, 2009 for copies of contracts negotiated with the Flathead County Road and Bridge Department and private firms and another on September 29, 2009 of cell phone records and e-mail policies of the Flathead County Planning & Zoning Department. He further stated he has not received a response on either of these requests yet and asked if the county was having a problem in providing this information which he would like to have by November 17, 2009. Crowder then stated he wanted to also bring to their attention that they will be turning over to their attorney concerns in regards to communications being held between Planning Board members through e-mails to the point where they have a quorum actually discussing active issues that are coming before the board.

**TUESDAY, NOVEMBER 3, 2009**  
(Continued)

**MEETING W/ DEREK SKEES**

[10:30:10 AM](#)

Members present:

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

Others present:

Planning & Zoning Director B J Grieve, Dick Skees, Derek Skees, Russ Crowder, Leonard Falk, Clerk Kile

Derek Skees, 119 Sinopah Street read the following letter that he submitted to the Commission, County Attorney & Clerk and Recorder on October 8, 2009:

I recently checked the Flathead County web site under boards and did not find Lakeside Neighborhood Plan Committee listed as a board.

I checked the commissioners file and did not find a copy of the commissioner resolution creating the Lakeside Neighborhood Plan Committee. Under Montana Law MCA 7-1-201(5) board members must be appointed by the County Commissioners. Under MCA 7-1-201(6) the County Commissioners shall maintain a register of appointees, including the name of the board, district, or commission, the date of appointment and confirmation, if any is required. My interpretation would be that the Lakeside Neighborhood Plan Committee does not exist, nor have they ever existed as a board and therefore, does not now or never has had any lawful authority to do anything.

As a result of this situation, I am formally requesting the following:

1. Why is there no record on file for the Lakeside Neighborhood Plan Committees official appointment by the Board of Commissioners on file at the Commissioner's Office?
2. If in your opinion the Lakeside Neighborhood Plan Committee is a lawful board, under which statute were they created and under what procedure?
3. If the Lakeside Neighborhood Plan Committee is not a lawfully appointed board, please explain why the commission has allowed the expenditure of public funds for this so called committee (i.e. full time planner for three years, mailings and misc expenses).
4. If the Lakeside Neighborhood Plan Committee is not a lawful board why is Flathead County defending a lawsuit, using public funds, brought on by approximately 20 citizens asserting that their rights and privileges under Montana Code and the Montana Constitution are being violated?
5. What lawful right does Flathead County have to use my tax dollars in the defense of an unlawful act by anyone?
6. I am hereby requesting a copy of the Official Bonds of the County Commissioners, County Attorney Ed Corrigan, Deputy County Attorney Jonathan Smith and Clerk and Recorder Paula Robinson.

I am sending a copy of this letter to the Commission of Political Practices, the Office of Disciplinary Council, the Commission on Practice, the Montana State Bar, the Department of Administration and the Office of the Governor and the Office of the Montana Attorney General.

Please respond within 10 working days from the date of this letter with your response. You can call me with any questions at 212-5493.

Derek Skees then asked when he could expect a response in which he was informed the commission would be meeting with the County Attorney tomorrow.

**CONSIDERATION OF RELEASE OF COLLATERAL: EAGLE'S CREST VISTAS, LOT 1A OF LOTS 1 & 2**

[10:45:25 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, Dan Fisher, Clerk Kile

Grieve reviewed the final plat condition requirement of a 5,000 gallon recharge tank that an SIA was submitted for. He then explained the current Fire Chief Mr. Boon has submitted a letter that clearly states Trevor Schaefer has agreed to the use of a 10,000 gallon pond nearby this re-subdivision that the fire department says is sufficient. Grieve noted the Planning Department typically defers to whatever the fire chief suggests. He further added that Trevor Schaefer has written a letter that clearly states that Lots 1 & 2 of Amended Lots 1A has full use of the fire suppression system.

Commissioner Brenneman made a **motion** to release collateral on Eagle's Crest Vistas, Lot 1A of Lots 1 & 2. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**CONSIDERATION OF EXTENSION: THE LANDING AT SOMERS BAY**

[10:51:12 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

Commissioner Brenneman made a **motion** to grant an extension to Somers Bay. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

TUESDAY, NOVEMBER 3, 2009  
(Continued)

**CONSIDERATION OF NOTICE OF PASSAGE & ADOPTION OF RESOLUTION OF INTENT: PARKS & RECREATION MASTER PLAN/ GROWTH POLICY AMENDMENT**

[11:00:44 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Assistant Planning & Zoning Director B J Grieve,  
Director Weed & Parks Jed Fisher, Clerk Kile

Grieve reviewed the Parks & Recreation Master Plan which he stated is an implementation of the Growth Policy. He explained the plan has gone through the entire public process and has been to the Planning Board for review to have it adopted into the Growth Policy. He stated the Planning Board made a handful of small changes requested by the public and unanimously forwarded it to the commission for approval.

Fisher explained it is important for them to be able to surplus the undevelopable land that has been acquired and set guidelines as to what type of parkland they should be accepting. He also explained they will work hard to make sure that 85 percent of cash-in-lieu monies go back to the given area it was taken from.

Commissioner Brenneman commented he highly endorsed the plan and said one of his goals is to sell some of this undevelopable land.

Commissioner Dupont said he can see that a lot of time was spent putting the plan together and stated he feels the plan looks good.

Chairman Lauman stated he too feels this is a good document and thanked all those that worked so hard on it. He further stated we need to get some of this property back on the tax rolls.

Commissioner Brenneman made a **motion** to adopt Resolution 2015K and authorized the publication of the Notice of Passage of Resolution of Intent. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 2015 K

WHEREAS, the Board of Commissioners of Flathead County, Montana, adopted the Flathead County Growth Policy on March 19, 2007 and envisioned a Parks and Recreation Plan as being an important component of the implementation of that Growth Policy;

WHEREAS, the Flathead County Parks Board has prepared a Parks and Recreation Master Plan in accordance with the procedures for creating a plan outlined in Chapter 9 of the Flathead County Growth Policy;

WHEREAS, the Flathead County Planning Board held a public hearing pursuant to the provisions of Section 76-1-602, M.C.A., considered the public comment that was received and recommended that the Parks and Recreation Master Plan be adopted as an element of the Flathead County Growth Policy; and

WHEREAS, the Board of Commissioners has determined that the Parks and Recreation Master Plan proposed by the Flathead County Planning Board, should be formally considered for adoption as an element of the Flathead County Growth Policy.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, pursuant to Section 76-1-604, M.C.A., that it intends to adopt the Parks and Recreation Master Plan proposed by the Flathead County Planning Board, as an element of the Flathead County Growth Policy.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Flathead County Growth Policy, by the adoption of the Parks and Recreation Master Plan proposed by the Flathead County Planning Board as an element of the Growth Policy, and will consider any written comments which are received in the Board's Office prior to December 11, 2009. The Board will consider whether to make any further revisions and whether to pass a final resolution adopting the proposed Parks and Recreation Master Plan proposed by the Flathead County Planning Board as an element of the Growth Policy after that date.

Dated this 3<sup>rd</sup> day of November, 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

TUESDAY, NOVEMBER 3, 2009  
(Continued)

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION  
FLATHEAD COUNTY GROWTH POLICY

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-1-604, M.C.A., that it passed a Resolution of Intention (Resolution No. 2015K) on November 3, 2009, to consider an amendment to the Flathead County Growth Policy.

The proposed amendment would adopt the Parks and Recreation Master Plan, prepared by the Flathead County Parks Board and proposed by the Flathead County Planning Board, as an element of the Flathead County Growth Policy. Such a plan was envisioned as an important component of the implementation that Growth Policy. The Parks and Recreation Master Plan is available for public inspection at the Office of the Clerk and Recorder, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and online at [http://flathead.mt.gov/parks\\_rec/master\\_plan.php/](http://flathead.mt.gov/parks_rec/master_plan.php/)

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Flathead County Growth Policy, by adoption of the Parks and Recreation Master Plan, proposed by the Flathead County Planning Board, as an element of the Growth Policy, and will consider any written comments which are received in the Board's Office prior to December 11, 2009. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 3<sup>rd</sup> day of November, 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 November 7 and November 14, 2009.

**FINAL PLAT: SUBDIVISION NO. 196, AMENDED PLAT OF LOT 1**

11:15:20 AM

Members present:

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

Others present:

Planner Dianna Broadie, Erica Wirtala, Clerk Kile

Broadie entered into record final plat FPP 09-21, Amended Plat of Lot 1, Subdivision No. 196; an application submitted by Juanita Rush and Becky Smith with technical assistance from Sands Surveying for a subdivision creating four residential lots located along the eastern edge of River Road in Evergreen. Preliminary plat approval was granted on October 24, 2006 subject to 18 conditions. An extension was granted on August 26, 2009 to October 24, 2010. It was noted a parkland appraisal check for \$10,800.00 was received.

Commissioner Dupont made a **motion** to approve FPP 09-21 final plat of Subdivision No. 196, Amended Plat of Lot 1. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**QUARTERLY "BROWN BAG" LUNCHEON W/ FLATHEAD COUNTY PLANNING BOARD**

12:00:55 AM

Members present:

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

Others present:

Assistant Planning & Zoning Director B J Grieve, Planner Allison Mouch, Gary Krueger, Planning Board Members Marc Pitman, Gordon Cross, Michael Mower, Jeff Larsen, James Heim, Marie Hickey-AuClaire, Frank DeKort, James Heim, Clerk Kile

General discussion was held relative to initiating neighborhood plans and many concerns involved with the existing process.

**4:00 p.m. Commissioner Dupont: RAC meeting @ Forest Service**

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

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**WEDNESDAY, NOVEMBER 4, 2009**

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

**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 November 5, 2009.

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**THURSDAY, NOVEMBER 5, 2009**

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

**8:30 a.m. Commissioner Dupont: AOA TAB meeting @ Eagle Transit**  
**1:30 p.m. Commissioner Brenneman: Interoperability Montana Finance Committee conference call**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 6, 2009.

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**FRIDAY, NOVEMBER 6, 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. 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 November 9, 2009.

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