
MONDAY, NOVEMBER 9, 2009

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

9:00 a.m. Commissioner Brenneman: Interoperability Montana Finance Committee meeting in Helena
1:00 p.m. Commissioner Brenneman: Interoperability Montana Governance Committee meeting in Helena
4:00 p.m. Commissioner Brenneman: Meeting w/ Harold Blattie/ MACo in Helena re: RSID Change

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 10, 2009.

TUESDAY, NOVEMBER 10, 2009

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

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

MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER

[9:26:27 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Juvenile Detention Director Laurie Rebuck, Flathead County Detention Commander Kathy Frame, Clerk Kile

Kathy Frame and Laurie Rebuck reported they have concerns about separation requirements being put on juvenile facilities by the state.

Discussion was held relative to juvenile standards.

Kathy Frame then spoke about the upcoming transition to the 911 New World Program and the need to keep information from Juvenile Detention confidential. She stated her concerns about the cost of the program and the ability of it to do what they need with different criteria coming up continually.

Laurie Rebuck then spoke about bids received for cleaning the air system in Juvenile Detention and reported the recently installed generator works great.

Kathy Frame reported a public access phone for a direct dispatch line is being installed in the lobby for after hour use.

QUARTERLY JUVENILE DETENTION CENTER TOUR

[9:45:09 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Others present:

Juvenile Detention Director Laurie Rebuck, Flathead County Detention Commander Kathy Frame

PUBLIC HEARING: TAX INCENTIVE REQUEST/ TOTAL LABEL USA

[10:00:17 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Deputy County Attorney Tara Fugina, Terry Hensley, Todd Kotila, Clerk Kile

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

Terry Hensley, 1815 8th Ave West, Columbia Falls stated he is employed by Total Label and asked that the tax incentive be granted. He further stated that it seems more and more that just having a job is a real blessing in Flathead County and that Total Label has not only maintained steady employment, but has also increased full-time employment over the past year. Hensley said he feels that by granting the incentive it would give them the message that they appreciate the efforts they have done so far and encourage them to possibly hire more in the future.

Todd Kotila, 133 Wintercrest Drive stated that Total Label has a wonderful plant and is a huge impact to the county. He then encouraged the commission to approve the request and stated we can't tax ourselves into prosperity. Kotila further stated they are a blessing to the county as they employ a lot of people.

TUESDAY, NOVEMBER 10, 2009
(Continued)

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

Chairman Lauman said he has had the privilege of touring the facility and praised them for what they have brought to the valley and stated he feels the tax incentive is warranted.

Commissioner Dupont made a **motion** to approve Resolution 2232. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

RESOLUTION NO. 2232

WHEREAS, the Board of Commissioners of Flathead County, Montana, passed Resolution No. 476 on April 8, 1983, and Resolution No. 476A on February 21, 1984, allowing tax benefits for new or expanding industry in Flathead County;

WHEREAS, Total Label USA, LLC of Whitefish, Montana, has applied for the tax benefits with regard to the additional purchase of equipment and improvements added to the current facility located at 500 Label Lane, Whitefish;

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing under the provisions of section 15-24-1402, M.C.A., on the 10th day of November, 2009, concerning the request for tax benefits filed by Total Label USA, LLC; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, having reviewed the application of Total Label USA, LLC, and the testimony presented at the public hearing, has concluded that the application for tax reduction benefits meets the requirements of the applicable statutes and resolutions.

NOW, THEREFORE, BE IT RESOLVED that the additional \$129,000 worth of new equipment and improvements added to the Total Label USA, LLC located on 500 Label Lane, Whitefish, Montana, shall be granted the tax benefits set forth in Resolution Nos. 475 and 475A and Section 15-24-1402, M.C.A., and the added value will be taxed at fifty percent of its taxable value in the first five years after approval; in each year thereafter, the percentage will be increased by 10 percent until the full taxable value is attained in the tenth year.

DATED this 10th day of November, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By/s/Absent
Joseph D. Brenneman, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

AUTHORIZATION TO PUBLISH REQUEST FOR QUALIFICATIONS: FACILITATOR SERVICES/ WASTEWATER MANAGEMENT WORKING GROUP

[10:05:25 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Mark Liechti, Aaron McConkey, Clerk Kile

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

REQUEST FOR QUALIFICATIONS

The Flathead County Board of Commissioners is requesting interested persons/firms to submit their qualifications for providing facilitator services to Flathead County. 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 P.M. on Nov 27, 2009. All responses will be reviewed by a selection committee appointed by the Board of Commissioners and those persons/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.

TUESDAY, NOVEMBER 10, 2009
(Continued)

SCOPE OF WORK:

The person/firm selected will provide facilitator services necessary to facilitate a working group comprised of elected municipal and county officials, public waste water district board members, citizen members appointed by the Flathead Basin Commission and membership from the Confederated Salish and Kootenai Tribal Council to develop a basin-wide plan that clearly identifies our existing sewage treatment resources and establishes fiscally sound and effective public policy around sewage treatment to protect our water quality resources into the future.

The following identifies some of these challenges, that, when addressed; may serve to enhance the services in the Flathead, in turn, protecting our valuable water resources:

1. Lack of clear sewer service planning areas.
2. Lack of coordination between sewer service entities.
3. Lack of coordination between planning boards and elected officials regarding proposed developments.
4. Compliance with the pending Flathead Lake TMDL and the ramification on all pollution and discharge elimination system permits.
5. Lack of understanding on the contribution of on-site sewage treatment systems to the Flathead Lake TMDL

It is expected that the project will run for two years with monthly meetings. The facilitator will coordinate a series of goal setting sessions and provide meeting leadership to ensure sessions remain on task.

A project description will be available at www.flatheadhealth.org or flathead.mt.gov/commissioner or picked up at the Flathead County Commissioners Office, 800 South Main, Kalispell.

CRITERIA OF SELECTION:

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

1. Location of the office of the person/firm where the work will be conducted.
2. Related experience of the person/firm on similar projects
3. Qualifications of the proposed professional personnel who will be assigned to the project.
4. Capabilities to meet time and project budget requirements.
 - A. Provide a comparison of similar project budgets and final construction bid results.
 - B. Provide change order information for each project listed in less owner scope changes.
5. Present and projected workloads of the person/firm.
6. Recent or current work for Flathead County.
7. Please provide references in the written form indicating name, address and telephone number of owners for similar projects completed.

Please provide six Statements of Qualifications. Questions may be referred to:

Joseph W. Russell, Health Officer, Flathead City-County Health Department at (406) 751-8101 or Flathead County Commissioner Joe Brenneman at (406) 758-5508 or (406) 314-0075 or jbrenneman@flathead.mt.gov

Weighted evaluation criteria will be available upon request.

Dated this 10th 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 14 and November 21, 2009.

COUNTYWIDE YEAR END BUDGET AMENDMENT

10:16:15 AM

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Finance Comptroller Joe Garza, Clerk Kile

Garza reviewed the annual year end county wide budget amendment.

Commissioner Dupont made a **motion** to approve Budget Amendment Resolution #2231. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

TUESDAY, NOVEMBER 10, 2009
(Continued)

BUDGET AMENDMENT
RESOLUTION # 2231

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 10th day of November 2009.

BOARD OF COUNTY COMMISSIONERS

Flathead County, Montana

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

By/s/Absent
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 10, 2009
(Continued)

Account Number	Description	Debit	Credit
2211.000.0259.460430.230	REPAIR & MAINT SUPPLIES	2,100.00	
2211.000.0259.460430.398	OTHER CONTRACTED SERV	2,000.00	
2211.000.0259.460430.932	CAP OUT/PARKS FACILITIES	54,500.00	
2320.000.0209.420110.380	TRAINING SERVICES	5,500.00	
2360.000.0258.460450.398	OTHER CONTRACTED SERV	1,436.00	
2374.000.0224.440180.398	OTHER CONTRACTED SERV	9,000.00	
2374.000.0224.521000.820	TRANSFER TO	70,000.00	
2391.000.0201.420400.236	COMMUNICATIONS REPAIR	4,000.00	
2391.000.0201.420400.380	TRAINING SERVICES	3,000.00	
2391.000.0201.420400.397	CONTRACTED SERV	3,000.00	
2391.000.0201.420400.900	CAPITAL OUTLAY	11,000.00	
2391.000.0201.521000.820	TRANSFER TO	75,000.00	
2394.000.0204.420150.212	SMALL ITEM EQUIP	11,400.00	
2394.000.0204.420150.229	OTHER OPERATION SUPPLIES	1,200.00	
2394.000.0204.420150.337	ADVERTISING	6,800.00	
2394.000.0204.420150.380	TRAINING SERVICES	600.00	
2394.000.0204.420150.397	CONTRACTED SERV	22,000.00	
2394.000.0204.420150.398	OTHER CONTRACTED SERV	5,600.00	
2394.000.0204.521000.820	TRANSFER TO	400.00	
2820.000.0218.430200.470	FAB MATLS ASPHALT	70,000.00	
2840.000.0246.431100.398	OTHER CONTRACTED SERV	3,000.00	
2846.000.0246.431100.398	OTHER CONTRACTED SERV	15,200.00	
2850.000.0209.420750.110	SALARIES	24,040.00	
2850.000.0209.420750.120	OVERTIME	6,500.00	
2850.000.0209.420750.141	UNEMPLOYMENT	75.00	
2850.000.0209.420750.142	INDUSTRIAL ACCIDENT	1,000.00	
2850.000.0209.420750.212	SMALL ITEM EQUIP	2,750.00	
2850.000.0209.420750.215	COMP EQUIP/SFTWR/HDWR	3,700.00	
2850.000.0209.420750.345	TELEPHONE	44,600.00	
2850.000.0209.420750.370	TRAVEL	400.00	
2859.000.0206.411410.311	POSTAGE	100.00	
2901.000.0201.521000.820	TRANSFER TO	122,000.00	
2912.000.0190.420342.397	CONTRACTED SERV	20,000.00	
2912.000.0190.420342.398	OTHER CONTRACTED SERV	19,000.00	
2933.000.0190.420150.120	OVERTIME	1,300.00	
2933.000.0190.420190.120	OVERTIME	3,400.00	
2936.000.0209.420111.398	OTHER CONTRACTED SERV	27,000.00	
2938.000.0190.420600.397	CONTRACTED SERV	5,000.00	
2939.000.0190.410513.229	OTHER OPERATION SUPPLIES	15.00	
2939.000.0190.410513.320	PRINTING/DUPLICATING/TYPING/BINDING	500.00	
2939.000.0190.410513.336	RECOGNITION	500.00	
2939.000.0190.410513.337	ADVERTISING	1,650.00	
2939.000.0190.410513.354	ARCHITECTURAL ENGINEERING LAND	3,500.00	
2939.000.0190.410513.380	TRAINING SERVICES	1,200.00	
2939.000.0190.410513.397	CONTRACTED SERV	13,500.00	
2952.000.0201.430235.933	CAP OUT BIKE PATH	466,000.00	
2953.000.0221.420600.212	SMALL ITEM EQUIP	6,410.00	
2966.000.0190.440110.110	SALARIES	100.00	
2966.000.0190.440110.143	HEALTH INSURANCE	30.00	
2977.000.0190.440155.110	SALARIES	6,000.00	
2986.000.0726.450320.398	OTHER CONTRACTED SERV	100.00	
2989.000.0214.410611.357	PROF SERV	3,400.00	
2989.000.0214.410627.357	PROF SERV	4,000.00	
2994.000.0201.430235.357	PROF SERV	15,000.00	
2994.000.0201.430235.398	OTHER CONTRACTED SERV	110,000.00	
2995.000.0201.430235.357	PROF SERV	13,500.00	
3530.000.0200.490300.610	PRINCIPAL	193,000.00	
3530.000.0200.490300.620	INTEREST	30,305.00	
3530.000.0200.490300.630	BANK CHARGES	8,265.00	
3531.000.0200.490300.620	INTEREST	5,600.00	
3532.000.0200.490300.610	PRINCIPAL	240,618.85	
3532.000.0200.490300.620	INTEREST	80,184.31	
3532.000.0200.490300.630	BANK CHARGES	5,679.76	
3536.000.0200.490300.610	PRINCIPAL	18,000.00	
3536.000.0200.490300.620	INTEREST	2,141.25	
3536.000.0200.490300.630	BANK CHARGES	753.75	
3538.000.0200.490300.610	PRINCIPAL	30,000.00	
3538.000.0200.490300.620	INTEREST	21,450.00	
3538.000.0200.490300.630	BANK CHARGES	300.00	
3539.000.0200.490300.610	PRINCIPAL	31,626.40	
3539.000.0200.490300.620	INTEREST	8,445.65	
3539.000.0200.490300.630	BANK CHARGES	300.00	
3540.000.0200.490300.610	PRINCIPAL	18,625.53	
3540.000.0200.490300.620	INTEREST	4,971.81	
3541.000.0200.490300.610	PRINCIPAL	32,746.07	
3541.000.0200.490300.620	INTEREST	8,740.54	
3542.000.0200.490300.610	PRINCIPAL	15,786.00	
3542.000.0200.490300.620	INTEREST	7,174.54	
3543.000.0200.490300.620	INTEREST	5,419.18	
3544.000.0200.490300.620	SPECIAL IMPROVEMENT BONDS	6,786.89	
3545.000.0200.490300.620	SPECIAL IMPROVEMENT BONDS	4,410.27	
4002.000.0222.440110.900	CAPITAL OUTLAY	650,000.00	
4008.000.0238.460210.921	C/O BLDGS	44,000.00	
4009.000.0209.420110.900	CAPITAL OUTLAY	15,000.00	
4014.000.0231.411010.900	CAPITAL OUTLAY	50,000.00	
4018.000.0201.420400.900	CAPITAL OUTLAY	19,300.00	
4025.000.0221.420750.900	CAPITAL OUTLAY	175,000.00	
4026.000.0209.420750.900	CAPITAL OUTLAY	875,000.00	
4026.000.0221.521000.820	TRANSFER TO	545,000.00	
4243.000.0200.430251.337	ADVERTISING	416.28	
4243.000.0200.430251.352	LEGAL COUNSEL	1,900.00	
4243.000.0200.430251.354	ARCHITECTURAL ENGINEERING LAND	42,299.94	
4243.000.0200.430251.357	PROF SERV	17,200.00	
4243.000.0200.430251.397	CONTRACTED SERV	248,918.50	
4244.000.0200.430251.337	ADVERTISING	416.28	
4244.000.0200.430251.354	ARCHITECTURAL ENGINEERING LAND	53,457.71	
4244.000.0200.430251.357	PROF SERV	21,541.00	
4244.000.0200.430251.397	CONTRACTED SERV	344,738.00	
4245.000.0200.430251.337	ADVERTISING	214.00	
4245.000.0200.430251.354	ARCHITECTURAL ENGINEERING LAND	53,115.37	
4245.000.0200.430251.357	PROF SERV	13,700.00	
4245.000.0200.430251.397	CONTRACTED SERV	203,386.00	
4247.000.0200.430251.337	ADVERTISING	667.00	
4247.000.0200.430251.354	ARCHITECTURAL ENGINEERING LAND	97,515.41	
5410.000.0220.521001.820	TRANSFER TO	40,000.00	
7040.000.0201.430240.341	ELECTRIC	1,650.00	
7055.000.0248.460110.212	SMALL ITEM EQUIP	7,000.00	
7072.000.0209.411100.212	SMALL ITEM EQUIP	4,400.00	
7072.000.0209.411100.305	OPERATING EXPENSES	800.00	
8050.000.0200.500600.351	MED/DENT/PHARMACY	1,075,010.00	
8050.000.0200.500600.510	INSURANCE	44,625.00	
	TOTAL	6,730,607.29	

TUESDAY, NOVEMBER 10, 2009
(Continued)

DOCUMENT FOR SIGNATURE: BUS LEASES/ HAVRE & CHESTER

[10:19:11 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Eagle Transit Director Dave Polansky, Clerk Kile

Polansky reported a Dodge Sprinter is headed to Havre for a one month lease which may be extended and an Optima Bus is headed to Chester.

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

DOCUMENT FOR SIGNATURE: BIKE PATH SNOW PLOWING CONTRACT/ SCHLEGEL & SONS, INC.

[10:22:15 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Public Works Director Dave Prunty, Clerk Kile

Prunty reported five miles of bike paths/ trails will be plowed by Schlegel & Sons @ \$450.00 per time of two inches or more of snow. He explained on the East Evergreen Bike Path where issues were last year that the Road Department will assist if sizeable amounts of snow are received.

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

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

[10:30:47 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Deputy Director OES Cindy Mullaney, Fire Services Area Manager Lincoln Chute, EMS Manager Tim Soule, Clerk Kile

Mullaney reported the final costs of the Baldy Fire in Lakeside came in at a total of \$48,130.00 for 66 people on the payroll with two volunteering their time. She then reported they were notified they received the Hazardous Material Emergency Planning Grant for \$12,000 and will now hire someone through an employment agency to go out and find out where all the hazardous materials are in the county. She then explained a review will be done next week of their Emergency Operation Plan. Mullaney reported she attended an all Hazardous Waste Management Team conference in Houston with 25 states attending.

Chute reported he wrapped up Baldy Fire paperwork with DNRC and the State. He then stated he has been working on a grant for a weather station that will give fuel moisture content on the valley floor which is something we don't have right now in the county. It was then explained the Community Wildlife Protection Plan is close to being wrapped up which he said will be a lot more useful than the last document. Chute also reported the state has a computerized burn permit system that he will be attending a demonstration for.

Soule stated he has been listening to a lot of people and attending many meetings as he tries to understand what resources are available and what kind of needs there are.

11:00 a.m. Commissioner Brenneman: Interoperability Montana Project Director's meeting in Helena
2:30 p.m. Canvass City Election @ Election Department (till noon)
4:00 p.m. Commissioner Brenneman: Meeting w/ Mark Bostrom, et al, @ DEQ in Helena
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 11, 2009.

WEDNESDAY, NOVEMBER 11, 2009

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

COUNTY OFFICES CLOSED – VETERANS DAY

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

THURSDAY, NOVEMBER 12, 2009

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

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

Mark McCrady, 1888 Hodgson Road said his concerns are related to a proposed development project involving a multi-user water and septic system that is to be spider webbed between three non-adjacent lots. He said he and his family live between two of these lots and the only access to their home is a single lane alley. He then stated they have invested thousands of dollars in improving that portion of the alley and continue to plow and maintain it at their own expense. The developer Michael Blend will be here today seeking approval to build parallel sewer and water lines in the alley for a distance of several hundred feet. He also intends to move a pre-built house onto one of his lots via the same alley. Both of these projects if they are approved as proposed will obstruct access to our residence for a period of hours or even days. I believe that would be an infringement upon our basic rights. Although the alley does continue past our home to another gravel street several hundred yards down that section of the road which is basically a dirt trail; vehicles have been stuck to the floor boards in the mud. In fact Public Works Director Dave Prunty commented that his pickup bottomed out Tuesday when he came up for a sight visit, so it won't accommodate normal traffic and certainly wouldn't handle a fire truck. My hope is that the county would put something on paper that would guarantee my 24 hour a day, 7 day a week access. Another concern is based on regulations in regards to sewage treatment systems that state: if the proposed installation or any portion of the sewage treatment system will be located less than 10 feet from the property line, written permission must be obtained from the adjoining owners. I would appreciate it if this point could be explored in greater detail before dig permits are issued. My final concerns are if you decide to approve this without written consent of property owners it would be great if an agreement could be set up to share future road costs between the residents on the alley, that a retaining wall be installed wherever the landscape along the alley is scared to prevent erosion and that all existing drainfields along this alley be located and marked to prevent damage as well as proper notices be given to all impacted property owners prior to digging. What I am asking for is simple and reasonable. Please consider addressing these concerns in writing so that our interests are protected. If a site visit is necessary I hope you will take the time to do so before making an official decision.

Kari McCrady, 1888 Hodgson Road read the following letter from a neighbor that was unable to attend:

Dear members of the board,

My name is Heather Lockhart. I just became aware of the meeting this morning and can not attend, but would like to express my concerns. It is my understanding the gentleman building right next door to us is wanting to close the only access to our house. This of course is a major concern for my family incase of an immediate emergency. If the ally in question is to close my house and children would NOT get appropriate attention at a timely manner. I have two children and I am sure you are aware, their safety is of high priority to me. I am not in favor of the closure/ barricade to my house and my children's safety. Please reconsider and think of all the children on the street that this could affect.

Thank you,
Heather Lockhart



Mike Muldown, 119 Goat Trail stated his property is adjacent to the alley that Mark and Kari McCrady previously addressed. He then said he supports the testimony given by them regarding the egress and ingress for the property. Muldown stated this has been an ongoing issue with the developer and feels the McCrady's should have some guarantees on their egress and ingress for emergency vehicles as well as personal vehicles. He then further stated for the record that since his property is adjacent to the alley in question and will be disturbed by the developer that he would like to make sure that if he disturbs any drainfield or their integrity through this process, that he will be responsible to replace the drainfield to the satisfaction of the County Sanitation Department.

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

THURSDAY, NOVEMBER 12, 2009
(Continued)

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:00:33 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Planning & Zoning Director Jeff Harris, Clerk Kile

Harris presented a draft copy of the Flathead County Transportation Plan Phase II to the commission and explained the procedure that will still follow. Discussion was then held relative to the large tract rural zoning designation going through public review presently and concerns involved. He then presented a report of recent violations and carry over violations that are being followed up on and briefly reviewed the status of them.

MEETING W/ PECCIA & ASSOCIATES RE: TRANSPORTATION PLAN UPDATE

[9:30:00 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Planning & Zoning Director Jeff Harris, Public Works Director Dave Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Peccia & Associates April Gerth & Scott Randall, Clerk Kile

April Gerth presented a timeline for the Transportation Plan which is presently going through a public comment period. She stated after the public comment period closes a final draft will be prepared. It was explained the draft details 23 intersections and roadways that need improvements.

Jeff Harris stated once the document is completed it will become part of the growth policy.

Discussion was held relative to Fairmont Road and Hwy 35 in which Scott Randall commented the hope is to put in turn lanes and then someday it will warrant putting in a signal.

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

[10:01:44 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Finance Comptroller Joe Garza, Clerk Kile

Garza reported A2Z Auditing arrived on Monday to start field work for the FY09 Audit Report in which a complete report is expected by the end of the calendar year. He then explained CSA is working on the last piece of financial software that was purchased and once the claims screen is complete they will begin the budget process all over again. Also noted is proposals from architects are being looked at for the courthouse renovation.

DOCUMENT FOR SIGNATURE: HB 645 HISTORIC PRESERVATION GRANT

[10:15:11 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Grant Writer Debbie Pierson, Clerk Kile

Commissioner Brenneman made a **motion** to authorize the chairman to sign HB645 Historic Preservation Grant. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

THURSDAY, NOVEMBER 12, 2009
(Continued)

CONSIDERATION OF COLLATERAL: HARVEST VIEW SUBDIVISION

[10:17:31 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Assistant Planning & Zoning Director B J Grieve, Clerk Kile

Grieve explained Harvest View Subdivision requested an extension back in July on their SIA for the maximum amount allowed of 18 months. The extension was granted and a business check that was presented for collateral was exchanged for a cashiers check at that time. He then reported as of October 2, 2009 the SIA expired and they were given the standard 30 day grace period to complete the work. At the end of the 30 day grace period Mr. Koenig contacted the Planning & Zoning Office and reported the work had not been completed and was okay with the county cashing the SIA check. He stated he was informed work was still being done and an estimate of approximately two weeks was given to complete the work. Grieve then recommended the check be deposited per standard operating procedures and he will come back before them in one month with a status update.

Commissioner Brenneman made a **motion** to deposit the check and proceed as recommended by Planner Grieve. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

CONSIDERATION OF RELEASE OF COLLATERAL: GLACIER RANCH SUBDIVISION

[10:21:09 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Assistant Planning & Zoning Director B J Grieve, Clerk Kile

Grieve explained a reduction of collateral was done for Glacier Ranch Subdivision in August as well as an extension so both phases would expire on October 31, 2009. He then stated engineer certification from WGM Group has been received for both Phase 1 and Phase 2 which are complete.

Commissioner Brenneman made a **motion** to release collateral for Glacier Ranch Subdivision Phase 1 and Phase 2. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

CONSIDERATION OF RELEASE OF COLLATERAL: BUFFALO MOUNTAIN, PHASE 1

[10:23:32 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Assistant Planning & Zoning Director B J Grieve, Tom Cowan, Tim Hinderman, Clerk Kile

Grieve explained the original phasing plan for Buffalo Mountain called for the intersection of Whalebone Drive and Smith Lake Road to be rebuilt in Phase 1; Smith Lake Road improvements were to be made with Phase 2. He then stated the phases were swapped. It was reported Tom Cowan with Carver Engineering has verified the infrastructure improvements have been completed for Phase 1 and a letter has been submitted for an extension for Phase 2.

Commissioner Brenneman made a **motion** to release collateral for Buffalo Mountain, Phase 1. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DNRC GRANT/ WASTEWATER MANAGEMENT WORKING GROUP

[10:28:11 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Clerk Kile

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

THURSDAY, NOVEMBER 12, 2009
(Continued)

DOCUMENT FOR SIGNATURE: ENCROACHMENT PERMIT/ MICHAEL BLEND

[10:29:11 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Public Works Director Dave Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Patti Vernasky, Mark McCrady, Michael Blend, Rick Breckenridge, Garth Boksich, Michael Barbiari, Jan Arnett, Ken Arnett, Clerk Kile

Michael Blend said he purchased three lots in Happy Valley and designed a community water system for them. He then explained the well is proposed to be on center lot 80 with the water piping down the alley to lot 75 and down the right of way to lot 60. He noted his water and septic systems both were designed by an engineer and have DEQ approval; what they need is to be able to get the piping down the alley since it is a 20 foot right of way. The proposal is to close the alley in two phases where they go from lot 80 to their driveway and put the pipes in, and then close that up and open up the access from Primrose down the alley so they can access from that side while they are working on phase two which would be from lot 75 to lot 79. The alley between lot 80 and Primrose has a number of potholes and they are planning on making it passable for emergency services, and also for the McCrady's to get in and out of their house for an anticipated two days; weather permitting.

Dave Prunty said this is a concern for the Road Department with citizens not being able to access their home and emergency vehicles not being able to get there also. He then said from the McCrady's home to Primrose it is a sizeable distance that is in pretty rough shape and that his truck bottomed out when he visited the site. Prunty stated it was his hope that the two entities could come together and come up with some form of a solution.

Michael Blend said he would definitely fill in all the pot holes and make it passable. He then spoke about concerns in regards to him tearing up the alley and stated that it could be verified by others he has done work for in that he does what he says he will do, and that it will be left in equal or greater condition than it is in now.

Commissioner Brenneman questioned why he didn't continue down Hodgson Road all the way.

Michael Blend said it could be an option but they would still need to run the line for the septic down the alley because of separation issues. If they just put the water up Hodgson Road they would just have one pipe line in the alley.

Commissioner Brenneman commented you will have the separation issue in the alley too.

General discussion continued in regards to different options.

Commissioner Brenneman made a **motion** to delay consideration pending possible relocation of one line and if parties are agreeable to authorize the Road Department to sign, otherwise to bring it back to the commission. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

COS REVIEW: HIMSL

[10:45:20 AM](#)

Members present:

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

Others present:

Planner Dianna Broadie, Allen Himsl, Linda Himsl, Rick Breckenridge, Clerk Kile

Broadie reviewed the proposal to divide a .81 acre parcel into the following:

Parcel 1	.37 Acres to be retained by Allen W. Himsl
Parcel 2	.44 Acres to be transferred to Linda Himsl, Wife

Broadie explained last time this came before the commission they were asked to divide the parcel into three lots for which one split was approved.

Commissioner Brenneman said so basically what they are being asked to approve is what they said was not okay last time it was before them.

Broadie said it was denied last time because it was shown as a retracement and was not okay as a retracement.

Commissioner Brenneman said last time you told us that the one division would meet the needs for what you wanted to do in providing a place for your son to have a home.

Allen Himsl presented a map and explained Lakeside Boulevard runs through the middle of the property and what he wants to do is break the parcel into three lots.

Commissioner Brenneman said the issue for their consideration today is whether or not this complies with state law and whether or not it meets the criteria of an exemption. He then said a family transfer is okay if it isn't used for the purpose of evading subdivision law.

Allen Himsl pointed out the property has sewer and water and they have a home there; what they want to do is some estate planning.

General discussion continued in regards to Resolution 509 criteria.

THURSDAY, NOVEMBER 12, 2009
(Continued)

Rick Breckenridge said a determination by the attorney general in 1981 states immediate family transfer exemptions can be used for and it included your wife, so the law is very clear on that matter. The other one is that this would not be a minor subdivision it would be a major subdivision because we go back to all splits taken prior to after July 1, 1973. The first split was in December of 1989 so we are only one month away from the 509 criteria of a 20 year time frame that the county said is the evasion criteria. Breckenridge stated Mr. Himsl is utilizing what the law clearly establishes he is able to use.

Commissioner Brenneman asked what his intentions were with lot 2.

Allen Himsl said his boat house, dock and city sewer are on the lot; it is their access to the bay.

Commissioner Dupont stated he has known the Himsl family for years and certainly doesn't feel they are intending to evade anything and understands estate planning is important.

Commissioner Brenneman said it came before them because of the matter of its great subjectivity.

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

MEETING W/ DAVE POLANSKY/ EAGLE TRANSIT RE: BUS ADVERTISING

[11:00:41 AM](#)

Members present:

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

Others present:

Deputy County Attorney Tara Fugina, AOA Director Jim Atkinson, Eagle Transit Director Dave Polansky, Carol Blake, Doug Gilbertson, Gary Walrack, Clerk Kile

Dave Polansky reviewed the proposal to start a bus wrap program to generate revenue for Eagle Transit. He explained the wraps would be on three buses over an 18 month period on commuter buses running between Columbia Falls, Whitefish and Kalispell. He stated he would like to have the opportunity to try this to see how it works out over the next 18 months. Polansky said he has spoken to several organizations that started the bus wrap program and it has helped them to grow.

Jim Atkinson said as this has been discussed they looked at what benefit it would be and obviously it will generate money as well as give businesses an opportunity to advertise.

Chairman Lauman asked if any negative responses have been received from the bus stops that are presently out there with advertisements on them.

Gary Walrack stated their company has invested approximately ¼ million up front in giving passengers a place to stay out of the weather as well as giving businesses a place to advertise.

Jim Atkinson noted that Chandler would totally take care of the bus wraps; they will purchase the wraps as well as sell the ads.

Gary Walrack said they basically administer the program and will have final say in handling the advertising.

Commissioner Brenneman asked what criteria they use to pick advertisers for the buses.

Gary Walrack said once the word got out that they have had inquires from a lot of people.

Commissioner Brenneman then asked again how they pick the ones they are going to put on the buses and more to the point if they had advertisers they would refuse to put on the buses; if so what criteria do you use.

Discussion was held relative to criteria used in regards to picking what kind of wraps would be allowed on the buses.

Carol Blake stated she strongly supports the program with the revenue being vital in order to maintain and grow the system. She then said she has received positive feedback for the bus shelter advertising available now and stated companies like North Valley Hospital are scrambling to find billboard advertising room along the highways.

Doug Gilbertson said his general thought would be that they would make sure Chandler; Gary Walrack is doing what they want done with the advertising and not just being loose handed in whatever he thinks is right. He stated it would be a win win situation for the county with ridership continuing to grow in the valley.

Gary Walrack said based upon a 20 year cycle with 10 buses wrapped the total revenue for Eagle Transit would be \$2.8 million.

Tara Fugina stated she has spoken to Dave Polansky and Doug Gilbertson and once with Gary Walrack and they have agreed to disagree on the matter. She explained they are looking at it from a business perspective and she is looking at it from the possible legal risks. The problem she said is advertising by the government always brings up first amendment issues. It is pretty much accepted that the county would be able to say no to advertising of alcohol or tobacco, but other areas could be questionable. Fugina stated she doesn't believe there is a way to fully protect the county.

Commissioner Dupont stated he has gone over this with the committee and feels it is a great plan, yet agrees they need something that tells them what they can and can't do. He further stated there is always a risk but feels it is small.

Tara Fugina said even though Chandler would be handling all the base line material the commission could still have the ultimate final approval.

THURSDAY, NOVEMBER 12, 2009
(Continued)

Commissioner Brenneman said you have stated that the risk is very low for any kind of liable action and I would hope that our agreement with you if we should proceed would have the commitment from Chandler a limitation on advertisements should this be an issue that Chandler would in fact defend our policies and hold blameless Flathead County.

Gary Walrack said he would grant that because in my 38 years I have never run into a problem. He then stated they have four million in liability coverage and are insured to the hilt. Walrack said I'm not in the community all the time talking to people and dealing with governmental agencies and businesses and I just can't imagine something as benign as a bus that has "Subway" or "Got Milk" --- .

Commissioner Brenneman said he agreed with Commission Dupont in that life isn't without risks and this seems within the margin of what would be acceptable. He then stated he would like to see a contract that would contain some language that would be acceptable to the legal department.

Gary Walrack then stated he has the utmost confidence in himself and feels he can handle being on the front line.

Commissioner Brenneman made a **motion** to proceed considering the proposal positively pending an agreement that is agreeable to them. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: SLITER

[11:32:52 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Bailey Iott, Planner George Smith, Peter Hoveland, Clerk Kile

Bailey Iott entered into record FLV 09-02; a Lakeshore Variance Request application submitted by Justin and Jennifer Sliter to allow the expansion and renovation of a grandfathered boathouse within the Lakeshore Protection Zone, and to install a boat rail system to hoist the boat in or out of the lake. The applicant proposes to expand a currently existing grandfathered boathouse an additional four feet further into the LPZ. The renovation would increase the current footprint to 24 feet long by 12 feet wide and vary in height from approximately 13 feet tall near the lake to approximately 8 feet tall. The boathouse would be constructed of unstained and unpainted cedar lap siding to match the existing residence with a fiberglass roof at 326 Flathead Lake Lodge Road in Bigfork.

Commissioner Dupont made a **motion** to approve Lakeshore Permit FLV 09-02. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: HERRON PARK MOU/ WEED & PARKS DEPT.

[11:45:57 AM](#)

Members present:

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

Others present:

Weed & Parks Director Jed Fisher, Clerk Kile

Jed Fisher reported the Weed & Parks Board has approved the acquisition of 40 acres per year behind Herron Park that will be turned over to Flathead County.

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

BOARD APPOINTMENT: TAX APPEAL BOARD

[11:46:01 AM](#)

Members present:

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

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to appoint Martin Gilman to the Tax Appeal Board. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, NOVEMBER 12, 2009
(Continued)

**CONSIDERATION OF HR TRANSMITTALS: MANAGER/ 911 CENTER AND GENETIC INFORMATION
NONDISCRIMINATION ACT 2009/ POLICY & PROCEDURES MANUAL REVISION, MEDICAID LPN AND RN/ HEALTH
DEPT.**

[11:47:10 AM](#)

Members present:

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

Others present:

Health Department Director Joe Russell, HR Director Raeann Campbell, Clerk Kile

Joe Russell reported the transmittals for a LPN/ Case Manager and RN are for the Medicaid Health Improvement Program being provided to the Health Center through block money.

Commissioner Brenneman made a **motion** to approve the job descriptions and to post the position. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Raeann Campbell reported the 911 Center Manager is replacing the training and protocol supervisor position and the Policy Genetic Information Act 2009 is from a new law.

Commissioner Dupont made a **motion** to approve the HR Transmittal and the Policy and Procedures Manual revision. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT.

[11:53:38 AM](#)

Members present:

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

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to approve the print bid from Great Northern Printing for 500 business cards for \$74.85 and 1,000 FCHC appointment cards for \$45.95 for the Health Department. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Dupont made a **motion** to approve the print bid from North Star Printing for 5 prescription books for \$84.00 for the Health Department. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

12:00 p.m. Commissioner Brenneman: Bigfork Steering Committee Public Forum @ Bethany Lutheran
2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Sr. Center
4:00 p.m. Commissioner Brenneman: CDC Board Retreat @ Three Rivers Bank
6:30 p.m. Commissioner Lauman: Mt. Dept. of Transportation meeting @ White Oak re: Truck traffic on
Hwy 35 and 93
7:00 p.m. Road Advisory Committee meeting @ Solid Waste Conference Room

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

FRIDAY, NOVEMBER 13, 2009

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

1:00 p.m. Commissioner Brenneman: Mountain Pine Beetle Bio Control meeting @ Missoula County
Fairgrounds
6:30 p.m. Commissioner Lauman: 4-H Leaders Banquet @ Stillwater Grange

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 16, 2009.
