
MONDAY, NOVEMBER 16, 2009

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

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

9:00:17 AM

Members present:

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

Others present:

- Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Atkinson reported RSVP is ready to start selling candy at the food court at Gateway West Mall and are continuing to work on putting a pizza place at one end of the mall and a grill at the other. Also reported was a dance was held at the Expo Building as a fund raiser for RSVP. He then noted the business plan to present to the City of Kalispell is still being prepared in regards to AOA moving to Gateway West Mall. Atkinson then explained staff is busy helping the elderly with Medicare Part D changes and reported donations are coming in for their mobile home repair program.

MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

9:32:50 AM

Members present:

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

Others present:

- Assistant Mike Pence, Fair Director Jay Scott, Clerk Kile

Scott spoke about a horse racing event held this past weekend in Great Falls that ended up \$50,000 short in revenue. He then reported on shows held and upcoming shows with rental of the Fairground buildings staying busy. Scott noted he is working with some marketing individuals to market the Fairgrounds differently in order to generate more revenue on weekdays. Discussion was then held relative to the cost of holding concerts.

OPEN BIDS: VEHICLES/ SHERIFF'S OFFICE

9:45:29 AM

Members present:

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

Others present:

- Assistant Mike Pence, Jeremy French, Clerk Kile

Bids received with bid bonds enclosed from:

Kari Auto Group	Dodge Charger	\$22,914.00	Price for 6	\$137,484.00
	Jeep Cherokee	\$31,699.00	Price for 2	\$ 63,398.00
DePratu Ford	Crown Victoria	\$22,731.56	Price for 6	\$136,389.36
	Ford Expedition	\$29,132.12	Price for 2	\$ 58,264.24
Bison Ford	Crown Victoria	\$22,337.56	Price for 6	\$134,025.36
	Ford Expedition	\$26,929.31	Price for 2	\$ 53,858.62

Bid received with no bid bond enclosed from:

Bill Jacobs Joliet	Chevy Impala	\$20,642.72	Price for 6	\$123,856.32
	Chevy Tahoe	\$28,699.75	Price for 2	\$ 57,399.50

Commissioner Brenneman made a **motion** to take the bids under advisement and refer them to the Sheriff's Department for a recommendation. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

MONDAY, NOVEMBER 16, 2009
(Continued)

OPEN RFQ: BUS BARN/ EAGLE TRANSIT

10:00:57 AM

Members present:

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

Others present:

Assistant Mike Pence, Eagle Transit Director Dave Polansky, Clerk Kile

RFQ's were received from: SRJ Architecture, Dowling & Sandholm Architects, Grover & Company, Architects Northwest, CTA Architects, Architects Design Group and Jackola Engineering.

Commissioner Brenneman made a **motion** to take the RFQ's under advisement and refer them to Eagle Transit for a recommendation. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: LEGAL ADVERTISING 2010

10:15:05 AM

Members present:

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

Others present:

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

Commissioner Brenneman made a **motion** to authorize the publication of Call for Bids for legal advertising for 2010 and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana will receive bids on Legal Advertising.

Bids are to be submitted on percentage of Code prices as outlined in the Montana Code Annotated, Section 18-7-401, et seq., and the Administrative Rules of Montana, Section 2.67.301, et seq. Bidders shall bid by section.

Each bidder must deposit with their bid, a bid security in the amount of One Thousand Dollars (\$1,000.00) to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the provision of Legal Advertising. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States, a cashier's check, certified check, bank money order, or bank draft issued by a Montana bank, or bid bond executed by a surety corporation authorized to do business in Montana.

The bidder shall include with his bid a signed contract, which will be for a term of one (1) year, commencing **January 1, 2010**, and terminating **December 31, 2010**. The successful bidder will be required to furnish a bond in the amount of Two Thousand Dollars (\$2,000.00) signed by sufficient sureties, to secure the contractor's covenant to faithfully perform all of the conditions of the contract in accordance with the law and that contract.

All sealed bids, plainly marked "**SEALED BID - LEGAL ADVERTISING**" must be in the hands of the County Clerk and Recorder, 800 South Main Street, Kalispell, Montana 59901, at or before 5:00 o'clock p.m. on December 4, 2009. Bids will be opened and read at 10:15 o'clock a.m. on December 7, 2009, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main Street, Kalispell, Montana.

Flathead County reserves the right to accept or reject any bid and to waive any irregularities which are deemed to be in the best interest of the County. Preference will be given to bidders who will receive legal advertising text via electronic transmission.

The award of bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the County Clerk and Recorder.

DATED this 16th day of November, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on November 19 and November 26, 2009.

MONDAY, NOVEMBER 16, 2009
(Continued)

CONSIDERATION OF PROPERTY TAX CANCELLATION: ASSESSOR #T093100

[10:15:39 AM](#)

Members present:

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

Others present:

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

Commissioner Brenneman reported the tax cancellation in question is from a trailer house that recently burned with the occupant perishing.

Commissioner Dupont made a **motion** to cancel the property taxes. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

PUBLIC HEARING: MINIMUM STANDARDS FOR DESIGN & ROAD CONSTRUCTION

[10:30:48 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Public Works Director Dave Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Tom Sands, Dave Hilde, Marc Liechti, Clerk Kile

Prunty reported the Road Advisory Committee put together a sub committee which met and went through the old spec and have made some excellent changes in the revised document. He explained before we had a standard cross section requirement for building roads that caused a lot of problems for both the Road Department and the developer that needed changed. Prunty said the document is centered on engineering design manuals and they will be relied upon in designing new roads as subdivision applications come in for review and approval. It was stated an engineer will now have to design your road regardless of the length of it.

Chairman Lauman opened the public hearing to anyone wishing to speak in favor or opposition of the draft copy of the "Minimum Standards for Design and Road Construction" policies.

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

Commissioner Dupont commented he has spoken to several of the members of the committee and has not found anyone who is in disagreement with the proposed changes.

Commissioner Brenneman stated he feels this is a big step in the right direction and appreciated those that worked on it.

Chairman Lauman commented several years ago when the road standards came out they did work but still needed fine tuned.

Commissioner Brenneman made a **motion** to adopt the Minimum Standards for Road Design & Construction as presented. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 2074 A

WHEREAS, Section 7-14-2101, et seq., M.C.A., provides that the Board of County Commissioners may control and manage County roads within the County and may in its discretion do whatever is necessary in the best interest of County roads;

WHEREAS, it is necessary and appropriate for the Board of County Commissioners to regulate and approve roads within the county;

WHEREAS, on July 2, 2007, the Board of Flathead County Commissioners adopted Resolution 2074 which approved **Minimum Standards for Design and Construction** for roads within Flathead County;

WHEREAS, a sub-committee of the Flathead County Road Advisory Committee has met several times over the last few months and have proposed changes to the **Minimum Standards for Design and Construction**;

WHEREAS, the Flathead County Road and Bridge Department presented the proposed changes to the Board of Flathead County Commissioners;

WHEREAS, the proposed **Minimum Standards for Design and Construction** were made available for public inspection at the Office of the Clerk and Recorder, at the Flathead County Road and Bridge Department, and on-line at the Flathead County Road and Bridge Department's page on the Flathead County website;

WHEREAS, the Board of Flathead County Commissioners, following publication of legal notice on October 31 and November 9, 2009, held a public hearing on November 16, 2009, to consider the proposed **Minimum Standards for Design and Construction**;

WHEREAS, on November 16, 2009, the Board of Commissioners determined at the public hearing that the **Minimum Standards for Design and Construction** as now submitted by the Flathead County Road and Bridge Department should be adopted.

MONDAY, NOVEMBER 16, 2009
(Continued)

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, Montana, that the **Minimum Standards for Design and Construction** as submitted by the Flathead County Road and Bridge Department, and attached hereto, is hereby adopted for use in Flathead County.

DATED this 16th 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

The above referenced attachment can be seen at Flathead County Road Department's website at: http://flathead.mt.gov/roads_bridges/downloads.php or a complete copy is available to view at the Clerk & Records Office.

MEETING W/ DEREK SKEES RE: LAKESIDE COMMUNITY COUNCIL

10:45:10 AM

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planning & Zoning Office Administrator Mary Sevier, Planner Andrew Hagemeyer, Clerk & Recorder Paula Robinson, Derek Skees, Steve Rosso, Marc Liechti, Clerk Kile

Derek Skees stated his meeting today is to follow up on a previous meeting held in regards to the creation of the Lakeside Neighborhood Plan. He said his urgency on this issue is in regards to the county using taxpayer's money to defend a lawsuit that the county should not be defending. He further said he would like to be proved wrong or would like to see the official appointment of the board. He then spoke about the Lakeside Neighborhood Plan not having the right to impose their will, therefore, they don't constitute a government body and only the commission would have that authority.

Jeff Harris presented a copy of the resolution that created the Lakeside Community Council and explained the Lakeside Community Council created their by-laws and in their by-laws it states they may appoint special committees.

General discussion was held relative to by-laws and the committee's authority.

Derek Skees stated the Lakeside Neighborhood Committee is masquerading as a government body and the neighborhood plan was never set up. He further stated that according to MCA that is the only way it would have the authority to come back to the commission for approval.

Discussion continued in regards to by-laws and authority.

BOARD APPOINTMENTS: COLUMBIA FALLS CITY-COUNTY PLANNING BOARD, EGAN SLOUGH PLANNING & ZONING COMMISSION, BOARD OF ADJUSTMENTS, FLATHEAD COUNTY PLANNING BOARD, HELENA FLATS LUAC, MIDDLE CANYON LUAC, RIVERDALE LUAC, ROGERS LAKE LUAC, WEST VALLEY LUAC, WHITEFISH CITY-COUNTY PLANNING BOARD & WHITEFISH LAKESHORE PROTECTION COMMITTEE

11:00:36 AM

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Planning & Zoning Director Jeff Harris, Planner Andrew Hagemeyer, Office Administrator Mary Sevier, Marc Liechti, Gary Krueger, Ardis Larsen, Clerk Kile

Commissioner Dupont made a **motion** to re-appoint Russ Vukonich and Susan Haverfield to the Columbia Falls City-County Planning Board. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman stated Carl Johnson certainly seems well qualified and hoped he would remain interested.

Commissioner Brenneman made a **motion** to re-appoint Gina Klempel, Gary Krueger and Scott Hollinger to the Board of Adjustments. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to re-appoint Gordon Cross, Marc Pitman, James Heim and Frank DeKort to the Flathead County Planning Board. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

MONDAY, NOVEMBER 16, 2009
(Continued)

Commissioner Dupont made a **motion** to appoint Bob Keenan to the Flathead County Planning Board. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to re-appoint Linda Johnson to the Helena Flats Land Use Advisory Committee. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to re-appoint John Gillespie to the Middle Canyon Land Use Advisory Committee. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to re-appoint Scot Hedstrom to the Riverdale Land Use Advisory Committee. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Dupont made a **motion** to re-appoint Linda Winnie to the Rogers Lake Land Use Advisory Committee. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman stated the only reason he would suggest this is that Mr. Krueger has already been appointed to the Board of Adjustments, and it seems as if we have good candidates and should spread our net as wide as possible. He then said Mr. Wheeler an agricultural land owner would qualify for the position as well as Mr. Weyrauch.

Commissioner Brenneman made a **motion** to re-appoint David Weyrauch and to appoint James Scott Wheeler to the West Valley Land Use Advisory Committee.

Commissioner Dupont asked how long Gary Krueger has been on the Board of Adjustments.

Gary Krueger stated he has served one term. He then added they have a good group right now and that Mr. Weyrauch attends regularly and that it is important that members do show up; I have never seen Mr. Wheeler at any of our meetings. Krueger stated they did not have a quorum at their last meeting.

Motion **died** for lack of a **second**.

Commissioner Dupont made a **motion** to appoint Gary Krueger and David Weyrauch to the West Valley Land Use Advisory Committee. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to re-appoint Karen Reeves and Ken Meckel to the Whitefish City-County Planning Board. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to re-appoint Jim Stack to the Whitefish Lakeshore Protection Association. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

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

TUESDAY, NOVEMBER 17, 2009

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

4:00 p.m. Commissioner Dupont: RAC meeting @ Forest Service
10:30 a.m. Commissioner Brenneman: Flathead County River Commission meeting @ Earl Bennett Bldg. 3rd Floor Conference Rm.

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

WEDNESDAY, NOVEMBER 18, 2009

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

9:15 a.m. Commissioner Lauman: RSVP Board meeting @ Heritage Place
10:30 a.m. Commissioner Dupont: Meeting w/ Ray Thompson @ Semitool
11:00 a.m. County Attorney meeting @ Co. Atty's Office
12:00 p.m. Commissioner Brenneman: Safe Kids Safe Community meeting @ Health Dept.

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

THURSDAY, NOVEMBER 19, 2009

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

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.

PUBLIC HEARING: MULTIPLE TEXT AMENDMENTS/ FLATHEAD COUNTY ZONING REGULATIONS

[9:30:21 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT

Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planner Allison Mouch, Deputy County Attorney

Jonathan Smith, Gary Krueger, Clerk DeReu

Allison Mouch reviewed the eleven Text Amendments proposed. The first Text Amendment proposed was on Section 2.08.020 that states applications shall be reviewed under the regulations in place on the date a complete application is submitted to the Zoning Administrator. The second Text Amendment is clearly housekeeping and includes the interpretation of a use or class of use that is not specifically listed in Sections 3.04 through Sections 3.43, and upon request will be determined by the Zoning Administrator per Section 2.01.020. Text Amendment three focuses on clarifying or granting the Board of Adjustments the ability to revoke variances and or conditional use permits when and if the terms and conditions of approval have not been met. Harris clarified this amendment was specifically for conditional use permits. Text Amendment four simply includes a new zoning district R-2.5 in Section 3.31.030(4) (A). Text Amendment five will allow the addition of Fire Stations and Police Stations as permitted uses instead of public zoning districts. Text Amendment six in Section 3.03.020(3) for consistency changes the wording from primary use to principal use throughout the zoning regulations. Text Amendment seven in Section 7.18.045 clarifies four setbacks; front, side, side corner, and rear. Text Amendment eight will add the definition of Tavern to said Section 7.19.005. Allison explained Tavern is a listed conditional use in zoning districts B2, B3, I1 and I1H. Text Amendments nine through eleven focus on changes specifically resulting from HB 486. Amendment nine is regarding posting requirements and state the Notice of Public Hearing shall be posted not less than 45 days before the public hearing in at least five public places and advertised once a week for two weeks in a newspaper of general circulation within the county. Allison explained Text Amendment ten in Section 2.08.040 reflects wholesale changes to the wording in that section. Text Amendment eleven updates the enforcement regulation and states the county will attempt to take voluntary compliance at least 30 days prior to meeting with planning and zoning. According to Allison the Planning Board reviewed the Text Amendments on September 9, 2009 and during that meeting public comment was heard from Tammie Fisher and Gary Krueger. Allison explained there were changes made after public comment and reviewing the Text Amendments. Those changes were to essentially remove Text Amendment three until it could be looked into further. It was also suggested Text Amendment four be further clarified listing the R classifications separately. Text Amendment eleven was to further clarify the 30 day enforcement period say upon receipt of written notice.

Commissioner Brenneman clarified the meeting today was to make a recommendation regarding Text Amendment three and modify Text Amendments four and eleven. There was brief discussion and clarification regarding the modifications.

Deputy County Attorney Jonathan Smith held discussion regarding Text Amendment eleven to possibly not place eleven at all. Before a complaint was filed by his office they would send out a letter to the applicant. Typically, this is all it takes and if it was not addressed it would be a misdemeanor. Smith explained this procedure has always been handled by the County Attorney office through a civil process.

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

Gary Krueger, 805 Church Drive. Krueger commented on Text Amendment two regarding the Zoning Administrators determination of a class of use within certain zones. Krueger questioned if a class of use determination would arise, he asked why the advisory boards are not asked for their advice. As it is stated now the Zoning Administrator would determine a class of use then it would go to the boards and here is the class of use and Krueger feels the board would just have to rubber stamp the decision. Krueger feels the boards should be consulted in a class of use decision. Krueger explained he has read the bylaws of some of the advisory boards and they all state that one of their duties is to put together and get amendments together to take to the Planning Board for consideration. Krueger stated a class of use would be an amendment to a zone.

Krueger commented about Text Amendment six and explained that the word primary is used frequently in the zoning regulations. Krueger questioned why the wording needed to be changed and if it was to be changed he requested it should be primary or principal.

Krueger then commented on Text Amendment three which would authorize the Board of Adjustments to revoke conditional use permits if there is a clear violation. Krueger stated he questions the Board of Adjustments authority and does not think the state law gives the Board of Adjustments the authority to revoke. Krueger stated he feels the county should handle the revocation under the current means. Krueger stated he did not feel comfortable being on the Board of Adjustments and be given the task of revoking permits. The Board does not have that authority now and does not believe they should have that authority.

Deputy County Attorney Jonathan Smith commented with regards to Text Amendment three. The Board of Adjustments is set up by statute and appointed by the Commissioners and has the authority for revocation. Smith stated it is more difficult to go to the court and ask the court to revoke a conditional use permit if there is nothing in the regulations about revoking it. It is a much easier process to go to the Board of Adjustments especially if there is proper evidence the conditional use permit is not compliant. This is an abbreviated procedure and Smith stated he believes Text Amendment three should be left in.

THURSDAY, NOVEMBER 19, 2009
(Continued)

Smith commented regarding Text Amendment two and clarified this is strictly housekeeping. Smith stated the neighborhood planners do not get involved in enforcing zoning regulations that this is the Zoning Administrators job. Smith encouraged Text Amendment two be left in and listed as Sections 3.04 through 3.43.

Jeff Harris stated that when looking at the zoning regulations, often times somebody will come up with a use which is not listed but is substantially similar to one of the uses listed, and one of his jobs is to make a determination if this particular use is allowed. Harris stated they typically do not take these interpretations to an advisory committee.

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

Commissioner Brenneman moved to board discussion and action.

Commissioner Brenneman PT commented on Text Amendment three and inquired in order to prevent a worst case scenario where by the Board of Adjustments have the authority to revoke a conditional use permit and do so because they do not like the applicant, are there regulations and or findings of fact in place to protect the applicant.

Deputy County Attorney Jonathan Smith responded that there are regulations that state how the Board of Adjustments looks at conditional use permits. The zoning regulator would ask the Board of Adjustments to consider revoking the conditional use permit and a letter would be sent notifying the applicant. The decision would be made by the Board of Adjustments on whether to revoke the permit or not. There was continued discussion regarding this process.

Harris stated that once a conditional use permit is granted and has conditions on it and as long as those conditions are met the conditional use permit runs with the land regardless of ownership. Harris explained the only time their department gets involved is if they are notified by a neighbor for example in these cases they typically do an investigation and bring the findings to the commission. Harris also stated they also work with the person holding the permit.

Commissioner Brenneman PT stated it would be words well spent to clarify the process.

Commissioner Dupont made a **motion** to adopt the Text Amendments as presented along with the Planning Board Findings of Fact, except for Text Amendment three which will be sent back for reconsideration of the process and Text Amendment eleven which they feels is not necessary. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a motion to adopt Resolution 955 HB and authorized the publication of the Notice of Passage of Resolution of Intent and authorized the chairman to sign. Commissioner Brenneman PT **seconded** the motion. **Aye** – Brenneman and Dupont. Motion carried by quorum.

RESOLUTION NO. 955 HB

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 19th day of November, 2009, to consider changes to the text of the Flathead County Zoning Regulations proposed by Flathead County and the Flathead County Planning and Zoning Office, by adding cross-references to recently created classifications, clarifying which regulations will apply to a zone-change application, defining "police" and "fire" stations and adding them to the list of public buildings, updating cross references generally, replacing "primary" use with "principal" use for clarification, authorizing the Board of Adjustment to revoke conditional use permits under certain circumstances, clarifying setback definitions, defining Taverns to include casinos, and amending the regulations to comply with statutory changes including posting of notices for 45 days, adopting the new statutory criteria for evaluating zoning proposals, and requiring attempts at voluntary compliance prior to filing complaints for zoning violations;

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on November 5 and November 12, 2009;

WHEREAS, the Board of Commissioners heard public comment on the proposed amendments to the Flathead County Zoning Regulations at that hearing; and

WHEREAS, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendments.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and adopts this resolution of intention to amend the Flathead County Zoning Regulations to add cross-references to recently created classifications, clarify which regulations will apply to a zone-change application, define "police" and "fire" stations and add them to the list of public buildings, update cross references generally, remove "primary" use and replace with "principal" use, clarify setback definitions, defining Taverns to include casinos, and amend the regulations to comply with statutory changes including posting of notices for 45 days and adopting the new statutory criteria for evaluating zoning proposals, as set forth on Exhibit A hereto, and that the Board of Commissioners will not adopt amendments to authorize the Board of Adjustment to revoke conditional use permits under certain circumstances and to require attempts at voluntary compliance prior to filing complaints for zoning violations,

BE IT FURTHER RESOLVED, that notice of the passage of this resolution, stating the general character of the proposed changes to the Flathead County Zoning Regulations, that said proposed changes and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the adoption of the proposed changes, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests to the adoption of the proposed changes will be received from persons owning real property within any zoning district heretofore created by Flathead County, for a period of thirty (30) days after the first publication of that notice, provided that, in order that only valid signatures are counted, the owners of real property who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

THURSDAY, NOVEMBER 19, 2009
(Continued)

BE IT FURTHER RESOLVED, that if forty percent of the owners of real property of the property zoned by Flathead County under Section 76-2-201, *et seq.*, M.C.A., protest the adoption of the proposed changes, the changes will not be adopted.

DATED this 19th day of November, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Absent
Dale W. Lauman, Chairman

ATTEST:
Paula Robinson, Clerk

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

By D DeReu
Deputy

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

Exhibit A

The following sections will be amended as follows (material to be added is underlined, material to be removed is shown with strike-through):

1. Section 2.08.020(4) will be amended to read as follows:

After acceptance by the Zoning Administrator or his designee, the completed application shall be transmitted to the staff of the Planning Board for their review and evaluation. Applications shall be reviewed under the regulations in place on the date a complete application is submitted to the Zoning Administrator.

2. Section 3.03.030 will be amended to read as follows:

In the interpretation of Sections 3.04 through ~~3.33~~ 3.43, where a use or class of use is not specifically listed, its status shall, upon request, be determined by the Zoning Administrator, as per Section 2.01.020, by reference to that listed use, if any, which is so like the requested use in purpose, function, character, and effect as to be substantially similar to said listed use.

3. Sections 3.31.030(4)(A), 4.03.030, and 7.04.120, will be amended by adding a reference to the R- 2.5 classification as a cross-reference, and by listing the appropriate R classifications, *i.e.*, R-1, R-2, R-2.5, R-3, R-4, R-5 and RA-1 in Section 3.31.030(4)(A).

4. Section 3.30.020 will be amended by adding the following subsections:

13. Fire Stations
14. Police Stations.

Section 7.07 will be amended by adding the following subsection: 7.07.055

Fire Station- A building used for fire equipment and firefighters, owned and operated by a duly authorized volunteer fire district.

Section 7.17 will be amended by adding the following subsection: 7.16.075 Police Station- A building used for police, police equipment, administrative offices, open or enclosed storage of patrol vehicles, temporary detention facilities and dispatching services.

5. Section 3.03.020(3) will be amended to read as follows:

Except as otherwise specified in these regulations, only one ~~primary~~ principal use shall be allowed per tract of record in the following zones: AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, R-1 through R-5, RA-1, and B-1. Multiple uses may be allowed on single lots in other zoning districts upon the issuance of a Conditional use permit.

6. Section 7.18.045 will be amended by adding the following subsections:

1. Front- The setback for the front of a lot. For determining the front of a lot, see Section 7.12.070.
2. Side- The setback for the side of a lot, when the side is not adjacent to a road. For determining the side of a lot, see Section 7.12.120.
3. Side Corner- A lot at the junction of and fronting two or more intersecting streets is a corner lot. Corner lots have a increased setback on the side of the lot that is adjacent to a street but is not the "front" of the lot as defined in 7.12.070. For example, a lot which is at the corner of Maple Road and Birch Road, which has a home facing Maple Road and a Maple Road address would have a front setback from Maple Road and a side corner setback from Birch Road.
4. Rear- The setback for the rear of a lot. For determining the rear of a lot, see Section 7.12.110.

7. Section 7.19 will be amended by adding the following subsection:

7.19.005 Tavern- An establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged alcoholic beverages may be served or sold only as accessory to the principal use. For the purposes of zoning, casinos are taverns.

8. Section 2.08.020(7) will be amended to read as follows:

THURSDAY, NOVEMBER 19, 2009
(Continued)

Upon receipt of the recommendation of the Planning Board, the Board of County Commissioners shall hold a public hearing. ~~This hearing shall be advertised twice in a newspaper of general circulation in the community. Notice of this hearing stating the boundaries of the proposed district, the general character of the proposed regulations, the time and place of the hearing and that the proposed zoning regulations are on file for public inspection at the office of the clerk and recorder shall be posted not less than 45 days before the public hearing in at least 5 public places, including but not limited to public buildings and adjacent to public rights of way, within the proposed district and advertised once a week for two weeks in a newspaper of general circulation within the county.~~ Based on the results of the hearing, other public input, the staff report and findings of the Planning Board, the Flathead County Board of Commissioners shall render a decision to grant, amend, or deny the requested amendment.

9. Section 2.08.040 will be amended to read as follows:

When considering an application for amendment to the provisions of these regulations or the zoning districts, the Planning Board and Board of County Commissioners shall be guided by and adopt findings of fact based upon the following:

- ~~1. Whether the new zoning was designed in accordance with the Master Plan.~~
 - ~~2. Whether the new zoning was designed to lessen congestion in the streets.~~
 - ~~3. Whether the new zoning gives reasonable consideration to the character of the district.~~
 - ~~4. Whether the new zoning will secure safety from fire, panic, and other dangers.~~
 - ~~5. Whether the new zoning will promote health and general welfare.~~
 - ~~6. Whether the new zoning will prevent the overcrowding of land.~~
 - ~~7. Whether the new zoning will avoid undue concentration of people.~~
 - ~~8. Whether the new zoning will provide adequate light and air.~~
 - ~~9. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.~~
 - ~~10. Whether the new zoning gives consideration to the particular suitability of the property for particular uses.~~
 - ~~11. Whether the new zoning was adopted with a view of conserving the value of property.~~
 - ~~12. Whether the new zoning will encourage the most appropriate use of land throughout the jurisdiction.~~
1. Whether the zoning regulations are made in accordance with the Growth Policy.
 2. Whether the zoning regulations are designed to:
 - a. Secure safety from fire and other dangers;
 - b. Promote public health, public safety, and general welfare, and;
 - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
 3. Consideration of:
 - a. The reasonable provision of adequate light and air;
 - b. The effect on motorized and nonmotorized transportation systems;
 - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
 - d. The character of the district and its peculiar suitability for particular uses;
 - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.
 4. Whether the zoning regulations are, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intent (Resolution No. 955 HB) on November 19, 2009, to adopt proposed amendments to the text of the Flathead County Zoning Regulations.

The proposed amendments would add cross-references to recently created classifications, clarify which regulations will apply to a zone-change application, define "police" and "fire" stations and add them to the list of public buildings, update cross references generally, remove "primary" use and replace with "principal" use, clarify setback definitions, defining Taverns to include casinos, and amend the regulations to comply with statutory changes including posting of notices for 45 days and adopting the new statutory criteria for evaluating zoning proposals.

The Flathead County Zoning Regulations are 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. Documents related to the proposed amendments to the text of the Flathead County Zoning Regulations are also on file for public inspection at the Office of the County Clerk and Recorder and the Flathead County Planning and Zoning Office.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed amendments to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County whose names appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 19th day of November, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By Joseph D. Brenneman P/T
Dale W. Lauman, Chairman

By D DeReu
Deputy

Publish on November 24 and December 1, 2009.

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(Continued)

AWARD BIDS: BUS BARN/ EAGLE TRANSIT

[10:08:53 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Eagle Transit Director Dave Polansky, AOA Director Jim Atkinson, Clerk DeReu

Dave Polansky explained that after reviewing the proposals he recommends using Architect Design Group for the Bus Barn project. Dave also mentioned that Architect Design Group was originally involved with the current structure and they are aware of what is underground and have good understanding on what will be tied to Kalispell City water.

Commissioner Dupont made a **motion** to approve the contract negotiations with Architect Design Group. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

DOCUMENTS FOR SIGNATURE: EAGLE TRANSIT BUS LEASES/ FORT BELKNAP INDIAN RESERVATION, ROSEBUD COMMUNITY HOSPITAL AND BIG SKY TRANSPORTATION DISTRICT

[10:10:54 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Eagle Transit Director Dave Polansky, AOA Director Jim Atkinson, Clerk DeReu

Commissioner Dupont made a **motion** to sign the lease agreement proposals for the Rosebud Community Hospital and Big Sky Transportation District. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

DOCUMENTS FOR SIGNATURE: DPHHS CONTRACT AMENDMENT NO. 1 #10-07-5-11-008-0 & #10-07-6-11-018-0

[10:13:46 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk DeReu

Commissioner Dupont made a **motion** to approve DPHHS Contract Amendments #10-07-5-11-008-0 and #10-07-6-11-018-0. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

MEETING W/ ERIC MULCAHY/ SANDS SURVEYING RE: POSSIBLE ROAD ABANDONMENT/ HIGH LINE BLVD.

[10:17:52 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Eric Mulcahy, Tom Sands, Clerk DeReu

Mulcahy explained the Lundgren and Thompson family own a series of lots in West Glacier. The subdivision is extremely old and the road is maintained by the MDOT. Essentially there are lots that currently do not have homes on them but the family would eventually like to build a house or cabin on some of the lots. As the lots sit right now the road falls off a steep bank and does not follow the topography. Mulcahy stated they are now showing a new route that would follow the topography more and they will have to go through a planning process to enlarge the lots to replace the road. Ultimately they would like to abandon a segment of road that is not built and rededicate a new road that follows the topography and also reserve an easement through a portion of it due to a high pressure gas main running through the road. Mulcahy said that according to state law and County Attorney Peter Steele because they are amending more than five lots in a single subdivision they have to go through the full subdivision review.

Mulcahy stated that with the expense of going through the full subdivision review, they want to be on the same page with the Commissioners regarding abandoning and rededicating the road discussed. Also Mulcahy explained they would also like to leave the road graveled since they are not creating new lots just enlarging the existing ones.

Commissioner Brenneman PT inquired if any properties used the road that they are asking to abandon.

Sands stated there is a county right of way and the road is also a dead end. Sands explained they would simultaneously abandon the road and rededicate it.

Commissioners Brenneman PT and Commissioner Dupont both agreed they did not foresee an issue with abandoning and then rededicating the road.

THURSDAY, NOVEMBER 19, 2009
(Continued)

AUTHORIZATION TO PUBLISH REQUEST FOR QUALIFICATIONS: THIRD PARTY ADMINISTRATION SELF FUNDED HEALTH PLAN/ HUMAN RESOURCE OFFICE

[10:29:04 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk DeReu

Commissioner Dupont made a **motion** to authorize the publication for Request for Qualifications for a Third Party Administration Self Funded Health Plan/Human Resource Office. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

REQUEST FOR PROPOSALS
FLATHEAD COUNTY
THIRD PARTY ADMINISTRATION OF SELF-FUNDED HEALTH PLAN

Flathead County is requesting proposals from experienced third party administrators to administer the County's Self-funded Health Plan. The Plan currently covers approximately 500 employees and their dependents, offering medical, dental and vision coverage and a prescription card benefit.

Proposal instructions are available from the Flathead County Human Resources Department, 800 South Main Street, Kalispell, Montana 59901 or by fax to 406-758-5905. A schedule, including deadlines for submission of letters of interest and submission of the completed proposal, is set forth in the instructions.

Questions must be in writing, on or before December 18, 2009, and directed, as set forth in the instructions, to Raeann Campbell, Human Resources Director, at: rcampbell@flathead.mt.gov or via fax - 406-758-5882.

Flathead County will evaluate proposals on proposal criteria and reserves the right to negotiate an agreement based upon fair and reasonable compensation for the scope of work and services to be provided. Flathead County also reserves the right to reject any and all responses deemed unqualified, unsatisfactory or inappropriate.

Dated this 19th day of November, 2009.

Board of County Commissioners
Flathead County, Montana

By Joseph D. Brenneman P/T
Dale W. Lauman, Chairman

ATTEST:

Paula Robinson, Clerk

By D. DeReu

D. DeReu, Deputy

Publish: November 24 and December 1, 2009.

TAKE ACTION: WINTERCREST COUNTRY ESTATES

[10:33:22 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk DeReu

Commissioner Brenneman PT read into the record that Wintercrest Country Estates was sent a letter on August 3, 2009 notifying them they had 60 days to submit their information and failed to do so. Commissioner Brenneman PT noted this is a dead file.

THURSDAY, NOVEMBER 19, 2009
(Continued)

MEETING W/ RAEANN CAMPBELL/ HUMAN RESOURCE OFFICE RE: PAYROLL SOFTWARE

[10:45:29 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk and Recorder Paula Robinson, Finance Comptroller Joe Garza, HR Director Raeann Campbell, I. T. Director Vicki Saxby, Clerk DeReu

Campbell reported that a team of county employees have been reviewing responses to RFP for HR/Payroll Software. The committee has narrowed the selection down to two entities, Eden software package provided by Tyler Technologies and Computer Software Associates (CSA). A group of four county employees traveled to three separate sites; Yellowstone County, Gallatin County and the City of Missoula, to view the proposed software and discuss any issues with the entities. The committee has unanimously recommended that we move forward with Tyler Technologies even though the cost to purchase this software package is higher than the CSA software package. The cost to purchase the Eden software package through Tyler Technologies is \$147,000. Campbell informed the Commission they have \$101,000 left over in the software plan. Mike Pence stated this is PILT monies leaving the balance at \$46,000. Tyler Technologies has also agreed to waive the first year of support which is \$15,000. Campbell explained this decision was due to the fact that CSA is currently not able to meet the County's requirements for the correct calculation of overtime and other necessary items. Campbell also stated that at this point, CSA will not pursue the cost of making any changes to their current software program unless the County agrees to use them as their HR/Payroll Software vendor.

There was brief discussion regarding training, how the payroll would be handled electronically and elimination of a lot of redundancy. Campbell stated if this proposal moves forward they are targeting April 1, 2010 as the "go live" date with the new payroll system. Discussion continued on merging the current software with the new proposed Tyler software.

Vicki Saxby from the IT Department commented she did not foresee any problems.

Commissioner Dupont made a **motion** to approve the acquisition of Tyler Technologies Eden Software. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

MEETING W/ JEFF HARRIS RE: NEW NEIGHBORHOOD PLAN PROCESS

[11:01:14 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planner Allison Mouch, Clerk DeReu

Harris reported the Planning Board had their quarterly meeting and passed out handouts regarding the overview of the neighborhood planning process. Harris explained this is just an outline of the steps involved. Harris also stated the issue is when does planning staff get involved? According to the growth policy, the planning staff becomes involved in step one. According to Harris, the first step recommended by the Planning Board is that three land owners from the neighborhood request support from the planning office.

Commissioner Dupont commented that the public's perception is that the Flathead County Planning Board is pushing for neighborhood plans. Dupont suggested initially announcing for a public meeting after three interested land owners have requested assistance.

Commissioner Brenneman PT explained that during the Somers Neighborhood plan meeting there were clearly three land owners that were interested in seeking out a neighborhood plan so the reality is the first step does not work.

Harris briefly summarized the Somers Neighborhood Plan situation. Harris stated there were informational meetings held initially. Harris also stated there was a letter sent notifying the land owners and asking for a response if the community was for or against a neighborhood plan.

Commissioner Dupont inquired how many meetings were held prior to the disruptive meeting at the Somers School.

Mouch replied they had two meetings prior to the one at the Somers School. Mouch stated they had received a lot of letters in support and a lot of attendees in support of discussing a neighborhood plan.

Harris stated they asked the Somers community if they wanted to be interested in learning the process of a neighborhood plan.

Mouch then explained they held a workshop and it was apparent the community did not understand the process and asked the Planning Department to further discuss the process in detail. There was continued discussion in this matter. She stated she contacted Missoula, Yellowstone and Gallatin County planning offices and by and large Flathead County has the clearest set by set process for neighborhood planning. Also explained was the other counties she contacted said when there is community interest in neighborhood planning the Commissioners are contacted first and they request assistance from the planning office. There was continued discussion in this matter.

THURSDAY, NOVEMBER 19, 2009
(Continued)

Commissioner Brenneman PT and Commissioner Dupont agreed the Commission would be contacted initially if there was interest in a neighborhood plan. It was also stated that landowners will still get information from the planning office but it needs to be made clear they need to contact the Commissioner and schedule a meeting to inform them of their intent to seek out a neighborhood plan. Brenneman commented that the Commission will inform whoever scheduled the meeting whether or not the planning department could afford to assist them at this time. There was further discussion in this matter.

CONSIDERATION OF PRINTING BIDS: FINANCE DEPT. AND HOME HEALTH

[11:33:36 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk DeReu

Commissioner Dupont made a **motion** to approve the print bid for 300 each, 2-part forms for four Medicare Beneficiary Notification ABN forms for Flathead County Home Health from Kalispell Copy Center for \$156.00. Commissioner Brenneman PT **seconded** the motion. **Aye**, Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to approve the print bid for 1,500 Payroll Warrants for the Finance Department from Trippet's Printing for \$229.50. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

CONSIDERATION OF RELEASE OF COLLATERAL: MILL CREEK, PHASE 2

[11:34:22 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Planner Dianna Broadie, Clerk DeReu

Broadie reported that all was in order regarding Mill Creek collateral and the engineers have signed off on it.

Commissioner Dupont made a **motion** to release collateral for Mill Creek, Phase 2. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: TRAIL CREEK BRIDGE CONTRACT/ ROAD DEPT.

[11:35:26 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 Manger Road & Bridge Dept. Guy Foy, Clerk DeReu

Foy reported this is a contract to replace the existing timber bridge on the North Fork Road where said Flathead County Road Crosses Trail Creek (mile 49.0). It was also stated the scope of services shall include: preparation of bridge geometrics, invitation to quote, material specifications and dimensional drawings for the fabrication of pre-stressed concrete girders and pre-cast concrete abutments by pre-cast concrete supplier for owner installation. The total compensation for services identified herein is estimated to be \$9,500.

Commissioner Dupont made a **motion** to approve the Trail Creek Bridge contract for the Road Department. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

DOCUMENTS FOR SIGNATURE: MOTOR VEHICLE RECYCLING & DISPOSAL PROGRAM BUDGET FORM/ SOLID WASTE DISTRICT

[11:38:44 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 Manger Road & Bridge Dept. Guy Foy, Clerk DeReu

Prunty explained this is the vendor invoice implementing the grant for FY2010 for the Flathead County Junk Vehicle Program totaling \$123,470.00.

THURSDAY, NOVEMBER 19, 2009
(Continued)

Commissioner Dupont made a **motion** to approve the Motor Vehicle Recycling and Disposal Program Budget Form for the Solid Waste District. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

DOCUMENTS FOR SIGNATURE: MDOT CONSTRUCTION AGREEMENT KALISPELL BYPASS PROJECT/ ROAD DEPT.

[11:38:47 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

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

Commissioner Dupont made a **motion** to approve the MDOT Construction Agreement Kalispell Bypass Project/Road Department. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

CONSIDERATION OF HR TRANSMITTAL: JOB DESCRIPTIONS/ HEALTH DEPT.

[11:47:26 AM](#)

Members present:

Commissioner Joseph D. Brenneman PT
Commissioner James R. Dupont

Members absent:

Chairman Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk DeReu

Commissioner Dupont made a **motion** to approve the Human Resource Transmittal Job Descriptions/Health Department. Commissioner Brenneman PT **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

6:00 p.m. Fair Board meeting @ Fair Office

6:30 p.m. Commissioner Lauman: Kalispell Chamber of Commerce 105th Annual Banquet @ Hilton Garden Inn

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

FRIDAY, NOVEMBER 20, 2009

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

9:00 a.m. Subdivision Review Committee meeting

9:30 a.m. Mental Health Council & CDC meetings in Helena

10:00 a.m. Commissioner Lauman: Flathead County Museum Board 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 23, 2009.
