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**MONDAY, DECEMBER 7, 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.**

Lil Dupree, Director of Northwest Montana Human Resources announced to the commission she accepted a position in Washington DC and would be moving before the end of the year. She reported her new position is the Director of Training for the national office network of Community in Action for Partnership. Dupree then introduced Galen Amy who will be taking over her development director functions and reported Claudine Maroon will be taking over the asset development tax preparation side.

Galen Amy stated she moved here in 2002 after graduating from UM. She then said before working at CAP she worked at United Way as well as being an instructor at FVCC. She explained she has worked with writing grants as well as asset development.

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

**MEETING W/ JEFF HARRIS/ PLANNING & ZONING OFFICE RE: STATUS REPORT ON DRAFT LARGE-TRACT-RURAL ZONING USE DISTRICT**

[10:00:29 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

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

Harris presented a status report on the proposed Large Tract Rural L-T-R Zoning use district that will be put in the subdivision regulations. He stated they have worked with the large land use owners such as Stoltz Lumber and are still going through the process. The permitted uses, conditional uses and density adjustments were then reviewed. He then spoke about relocation of off site density and overall developments plans.

**OPEN BIDS: LEGAL ADVERTISING 2010**

[10:13:35 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

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

Bids were received with bid bonds enclosed from the Daily Inter Lake and Flathead Beacon.

Commissioner Dupont made a **motion** to take the legal bids received for advertising under advisement. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: PEYTON, LLC/ FLATHEAD COUNTY GROWTH POLICY AMENDMENT**

[10:17:55 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Planner Andrew Hagemeyer, Erica Wirtala, Clerk Kile

Hagemeyer reviewed the applicants request to amend the Two Rivers Plan. The amendment will provide for 20 acres of commercial and 20 acres of light industrial use of property covered by the plan that currently is planned for commercial and high density residential use along Trumble Creek and Rose Crossing.

Commissioner Dupont made a **motion** to adopt final Resolution 1822C. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

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(Continued)

RESOLUTION NO. 1822 C

WHEREAS, a property owner has petitioned for an amendment to the Two Rivers Master Plan Amendment, a Neighborhood Plan and addendum to the Flathead County Growth Policy;

WHEREAS, the amendment would provide for 20 acres of commercial and 20 acres of light industrial uses of property covered by the plan that currently is planned for commercial and high density residential use, in order to place the commercial uses abutting Trumble Creek and Rose Crossing Roads and industrial uses abutting Highway 2; and

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt that amendment to the Two Rivers Master Plan Amendment; and

WHEREAS, the Board of Commissioners reviewed the proposal, determined that the proposed amendment to the Flathead County Growth Policy should be formally considered, passed a resolution of intent (Resolution No. 1822B) to adopt the amendment to the Two Rivers Master Plan Amendment, a Neighborhood Plan, and addendum to the Flathead County Growth Policy on October 27, 2009, and gave notice that it would consider public comment received by November 30, 2009; and

WHEREAS, the Board of Commissioners has received no comments since the adoption of that resolution of intent.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Section 76-1-604, M.C.A., that it hereby amends the Two Rivers Master Plan Amendment, a Neighborhood Plan and an addendum to the Flathead County Growth Policy, as recommended by the Flathead County Planning Board, by providing for 20 acres of commercial and 20 acres of light industrial uses of property covered by the plan that currently is planned for commercial and high density residential use, in order to place the commercial uses abutting Trumble Creek and Rose Crossing Roads and industrial uses abutting Highway 2.

DATED this 7<sup>th</sup> day of December, 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

**AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: TALLY BISSELL NEIGHBORS, KLASSEN & LEE V. BOARD OF ADJUSTMENTS**

[10:19:52 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Barb Miller, Clerk Kile

Smith explained the suit involves a gun range in the Olney Bissell area that was zoned after a landowner put a gun range in.

Commissioner Dupont made a **motion** to authorize the County Attorney's Office to accept service. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

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

[10:30:08 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, HR Director Raeann Campbell Clerk Kile

Campbell presented the personnel transactions for the month of November.

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

Campbell then reported the trust fund balance is at \$3.2 million. She then noted the city and county co-sponsored a workshop on "Coping with the Angry Public" with 75 attending. She then reported 911 negotiations are scheduled to be wrapped up by year end. Work related injuries were then discussed with three reported in November.

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(Continued)

**CONSIDERATION OF PRINTING BIDS: TAX APPEAL BOARD**

[10:45:41 AM](#)

Members present:  
Chairman Dale W. Lauman  
Commissioner James R. Dupont  
Members absent:  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve the print bid from North Star Printing for 1,000 return envelopes for \$72.00. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**AWARD BIDS: VEHICLES/ SHERIFF'S OFFICE**

[10:46:06 AM](#)

Members present:  
Chairman Dale W. Lauman  
Commissioner James R. Dupont  
Members absent:  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Mike Pence, Sheriff's Dept. Geno Cook, Finance Comptroller Joe Garza, Clerk Kile

Geno Cook reported they have chosen to award the car bid to Bison Ford who came in with the lowest bid on Crown Victoria's.

Commissioner Dupont made a **motion** to award the car bid to Bison Ford in Great Falls for the price of \$22,337.56. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

[11:31:06 AM](#)

Commissioner Dupont made a **motion** to reject the SUV bids submitted. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

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

[11:00:56 AM](#)

Members present:  
Chairman Dale W. Lauman  
Commissioner James R. Dupont  
Members absent:  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Mike Pence, Public Works Director Dave Prunty, Operations Manager Road and Bridge Dept. Guy Foy, Solid Waste Operations Manager Jim Chilton, Clerk Kile

Prunty reported winter operations have been slow for the Road Department and they have been doing some brush trimming and clean up. He noted the first storm occurred on a weekend and required a couple of trucks to go out on a Saturday. He explained they have in the past plugged in the whole fleet of trucks and are now working with an electrician to put them on electric timers in hopes of saving around \$800 per month. He then reported on a proposed rehabilitation project on eight gravel roads that are in bad shape that they hope to start work on next spring. The roads chosen were Tetrault Road, Trumble Creek Road, Braig Road, Conn Road, Prairie View Road, Monegan Road, Bachelor Grade and Mountain Meadows Road as well as McMannamy Draw where they are still working with right-of-way issues.

Foy then spoke about snow plowing/sanding issues on Big Mountain in which lengthy discussion was held as to the level of service the county will provide to them.

Prunty reported four RAC projects have been approved and dust abatement will be done on four miles of the North Fork Road as well as three miles of Blankenship Road. He explained this will be done with the cost share program with RAC funding one half and the county funding half. Also noted was two miles of crushed with bentonite will be put down on Mountain Meadows Road and approximately two miles of overlay on Star Meadows Road.

Discussion was then held relative to a purchasing a cardboard compactor for the Columbia Falls container site with grant money. Prunty explained the compactor costs approximately \$20,000 and they feel they would save \$500.00 a month in hauling costs. A concern is they would need a 1.5 FTE employee to staff the site in order to operate properly.

**DOCUMENT FOR SIGNATURE: CTA CONTRACT CHANGE ORDER NO. 4 FOR 911 CENTER**

[11:30:23 AM](#)

Members present:  
Chairman Dale W. Lauman  
Commissioner James R. Dupont  
Members absent:  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Mike Pence, OES Director Mark Peck, HR Director Raeann Campbell, Clerk Kile

Peck reviewed the change orders for the 911 Center which included upgrading security cameras from analog to digital, minor modifications to the snow melt system and cabling for the center.

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(Continued)

Commissioner Dupont made a **motion** to sign the change orders for the 911 Center. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**CONSIDERATION OF HR TRANSMITTALS: OAIL RECORDS PRESERVATION; PROGRAM ASSISTANT I/ HEALTH CENTER; LPN CASE MANAGERS/ HEALTH CENTER; PROGRAM COORDINATOR/ HEALTH DEPT.**

[11:35:31 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk & Recorder Paula Robinson, Records Preservation Manager Jan Hardesty, Health Dept. Director Joe Russell, Clerk Kile

Campbell explained the HR Transmittal for Records Preservation is a revised job description in terms of the physical requirements.

Commissioner Dupont made a **motion** to approve the revised job description at Records Preservation. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Russell explained the Health Department positions are a continuation of a request for a Medicaid Program Case Manager. He stated the staffing would be an RN Supervisor, RN Staff person, 2 LPN's and a Health Program Assistant I.

Commissioner Dupont made a **motion** to approve the HR Transmittals for a Community Health Center Program Assistant and 2 LPN's. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Russell then explained the Community Health Service Program Coordinator is an existing position and the job description is being revised.

Commissioner Dupont made a **motion** to approve the Community Health Service Program Coordinator job description. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**DOCUMENTS FOR SIGNATURE: BIG SKY TRANSPORTATION BUS LEASES/ EAGLE TRANSIT**

[11:39:36 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

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

Commissioner Dupont made a **motion** to sign the Big Sky Transportation lease for Eagle Transit. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**TAX REFUND: MOORE**

[11:40:29 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Pence explained a parcel of land was split and they have been paying taxes on the entire piece for the past four years.

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

- 8:00 a.m. Weed & Parks Board meeting @ Weed & Parks Office
- 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 at MACo in Helena

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

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## TUESDAY, DECEMBER 8, 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.

Candy Crow, 1275 Swan Horseshoe Drive, read the following letter:

I live in Bigfork, Montana, and am a proud volunteer at the Flathead County Animal Shelter.

I am here to comment on Kirsten Holland's departure from her job as Director of the Flathead County Animal Shelter. This is truly a sad time for the shelter and the animals that are living there. It is also a sad time for the Animal Shelter employees and volunteers. Ms. Holland has done many positive things for the shelter, the most important being the reduction in the "kill" rate of our shelter. As a community, we should all be proud of this one accomplishment.

I have talked with Kirsten over the year about the many challenges she faces. There are many administrative tasks she has been assigned which have not been completed and for which she has been chastised by members of the Flathead County Animal Advisory Committee. Among them are the completion of a policies and procedures manual for the shelter, grant writing, and an upload and implementation of software. These issues are important and necessary for the shelter. There are simply not enough hours in a day to take care of administrative tasks, the special projects listed above and also make the contacts needed to care for the animals.

I have also learned of the role/ relationship of the Flathead County Animal Advisory Committee. I have seen first hand the contentious relationship between Kirsten and two members of the Committee. I have on occasion heard each of these Advisory Committee members make negative and destructive comments about Kirsten and her ability to adequately manage the shelter. I am enclosing statements from various volunteers and other community members who have had contact with Ms. Holland in her role as the shelter director. They all acknowledge her passion for her job and the animals in her care and emphasize that this job cannot be done with other than a strong heart and voice.

In addition, Ms. Holland has been subjected to divisive and slanderous comments in a letter written to many members of the community. Of particular insult is the statement "*many rescue organizations and individuals and volunteers refuse to work with FCAS because of her unprofessional, rude demeanor, which manifests in hysteria at times.*" I am enclosing statements from EVERY rescue organization the Flathead County Animal Shelter has dealt with in Kirsten's tenure at the shelter. Each and every statement repudiates this statement, re-emphasizes Ms. Holland's importance to this community and the animal community as a whole.

There is no perfection in a county shelter. Every animal brought to the doors must be accepted. Every excuse for turning in a beloved pet must be accepted. Every case of cruelty must be documented, treated and the consequences lived with. The need is so great, emotions run high, mistakes can be made but all in all, the shelter is a lesson to all who love animals. There is compassion among the staff, a strong volunteer effort and a really exciting foster program to get some of the dogs and cats out of the shelter.

Kirsten is direct, no nonsense and ALWAYS puts the animals first. This is how it should be. This is not a human shelter; this is an animal shelter. If at times a human has feelings hurt or Kirsten is too forceful, too bad. The animals suffer abuse and neglect because of lack of concern and carelessness of the human population of this county. Someone has to speak for the animals in your care; Kirsten is their voice.

A packet with e-mails and letters in support of Kirsten's work with the following individuals and rescue personnel was presented to the commission for the record:

Chelsea Papaleo, Panhandle Animal Shelter -- [chelsealovesthedogs@hotmail.com](mailto:chelsealovesthedogs@hotmail.com)

Karen Hertel -- [www.sashaslegacypetfinder.com](http://www.sashaslegacypetfinder.com)

Shauna Depta -- [info@mistycreekdogrescue.com](mailto:info@mistycreekdogrescue.com)

Gail -- [gabirdsong@aol.com](mailto:gabirdsong@aol.com)

Troy Ann Magruder -- [www.animeals.com](http://www.animeals.com)

Lori, Tobacco Valley Animal Shelter -- [palomino@interbel.net](mailto:palomino@interbel.net)

Leslie Ames, R.N. & A.H.T., Frenchtown, MT -- [www.http://bassetrescueofmontana.org](http://www.bassetrescueofmontana.org)

Chris Boothman, Pet Connection, Libby

Dale Peterson, Pet Connection, Troy

Denise Michel, Kalispell [dmichel@kalispell.com](mailto:dmichel@kalispell.com)

Robin Hanson, 206 4<sup>th</sup> Avenue West, Kalispell, MT

Kathy Dutcher, Shelter Volunteer

Joyce Heikens, Shelter Volunteer [joyceh@montanasky.us](mailto:joyceh@montanasky.us)

Joni & Bruce Aronson, 6 Ridge Crest Court, Whitefish, MT Shelter Volunteers

Joey Packwood, Makepeace Mountain Solutions and Pet Fostering

Kathryn Berg, Shelter Volunteer [kathrynberg@yahoo.com](mailto:kathrynberg@yahoo.com)

Angela Allen, Shelter Volunteer [roxy\\_chick404@hotmail.com](mailto:roxy_chick404@hotmail.com)

Dick Haberkern -- [rghntrpz@aol.com](mailto:rghntrpz@aol.com)

**TUESDAY, DECEMBER 8, 2009**  
(Continued)

Katherine List, DVM, 950 Frontage Road, read the following letter:

This statement is made in defense of Kirsten Holland and the Flathead County Animal Shelter. Recent written unfounded allegations (Lori Fisher letter – November 12, 2009 and Carmen O'Brien letter November 13, 2009) have been made against how Kirsten Holland is mismanaging the County Animal Shelter. I have worked down at the shelter for the past two years spaying, neutering, contributing to the wellness program and treating sick animals. Kirsten and I have a great working relationship. The changes that have occurred down at the county shelter are outstanding and yes, the first year was certainly a learning experience for all of us, but the entire operation has overcome various obstacles and is running along quite smoothly as of present. Kirsten brings an energy and drive to the shelter environment that is a rare and wonderful phenomenon and the entire operation of the shelter is behind her. Kirsten is a natural leader and her passion and compassion for her animal charges and makeover of the Flathead County Animal Shelter is unwavering and inexhaustible. She does an incredible job in which she has received very little credit for. The general public is now eager to come to the shelter and seems to enjoy visiting, volunteering and adopting animals from the shelter. Prior to the current management, the shelter was a very scary place for both the animals and the visitors. The present adoption/rescue rates are outstanding and THAT is most certainly due to Kirsten's dedication to the cause. Once someone gets caught up in the atmosphere down at the shelter and really understands what is at stake, it is difficult not to want to help out.

It is too bad that we are going to lose Kirsten's influence down at the shelter. The director's task is a difficult one and it takes a special person to really be effective. The shelter is presently understaffed so it is basically impossible for a director to fully meet their job description because they are so busy trying to do everyone's job except their own. Kirsten manages pretty well and the animals always came first. It will be difficult to find someone who can effectively fill her shoes and she will be sorely missed. Unfortunately, the new director and staff will have to go through the entire learning curve all over again which certainly will not effectively help the animals out much during that period. If something is not broken .... do not fix it (as the saying goes).

Finally, the role of the Animal Advisory Committee itself needs to be re-evaluated. They somehow feel Kirsten Holland and Joe Russell are road blocks in the way of progress for the shelter. That is a concept I just do not understand! Both of these people have been instrumental in getting the wellness programs and animal housing facilities vastly improved. If it was not for Kirsten and Joe none of the progress that has been made at the shelter would have EVER happened. Various members of the committee seem to be caught up in personal vendettas and power plays. As a result the committee has lost sight of what their real function is. Rather than making a positive contribution to accomplishing the goals for the shelter, too often they are a thorn in the side of the people who actually do the hard work of caring for the animals.

Please keep these comments in mind as the future management of the Flathead County Animal Shelter is considered. Thank you all for your time and attention to these matters.

Valerie Kurtzhaltz, 665 Tranquil Valley Trail, Kila, read the following letter:

I am here to comment on how much I appreciate Kirsten Holland, Director of Flathead County Animal Shelter. She has done an incredible job in providing our community with a program we can be proud of.

Having served on an animal control advisory committee for a large community, I come from a position of real knowledge in this field. I had the opportunity to network with neighboring animal control agencies, to attend numerous educational conferences, and as a nurse to work with animal control employees, teaching them how to humanely euthanize by injection. It was quite the experience but the strong take home message for me was that working in animal control could be grueling, thankless and brutally heart breaking. Along with the important role of enforcing animal control ordinances and protecting the public comes the never ending frustration of dealing with callous irresponsible pet owners. In addition surplus and unwanted animals must be dealt with as humanely as possible through adequate sheltering, adoption placement and euthanasia when necessary. I think it is an incredibly difficult position for just about anyone and to find someone such as Kirsten who has been dedicated, hardworking and compassionate can be extremely difficult, if not impossible. I had recently contacted the Animal Shelter to adopt a dog and was so impressed with the website the way the animals were portrayed and how prompt my inquiry was addressed. I have also heard many positive comments about the Animal Shelter, the manner in which animals are treated, and how helpful the animal control employees are. We have been so fortunate to have Kirsten step up to the plate and take on our Animal Shelter that it would be a tremendous loss if she was no longer in that position. I worked with Kirsten when she was an employee in the Planning and Zoning Department and always found her to be very thorough, professional and competent.

Angie McCrorie, 109 Rosebud Lane, Kalispell, read the following letter:

Kirsten Holland entered into the position of Director of the Flathead County Animal Shelter just two short years ago with an insurmountable task ahead of her. To piece together an Animal Shelter which had been grossly neglected for many years, and without any sort of leadership for many, many months prior... a shelter whose euthanasia rate was a staggering 35 percent. This was an astronomical task, which she took on with passion and determination.

Since taking over as Shelter Director, Kirsten has implemented numerous changes at the shelter to make it a safer haven for homeless animals. She has made the shelter more visible and accommodating for the public by implementing more user friendly hours of operation. She has made lasting bonds with volunteers, employees and rescue groups who share her vision to save orphaned, abandoned, abused and injured animals in our valley. She has taken her own personal time to transport countless animals, countless miles, to find hope for a future. She has made life for the resident animals better by implementing more exercise and social attention. Kirsten has refused to let the Animal Shelter be a place of loneliness, heartache and despair for the animals and humans who must give them up. She has shaped our shelter into a place our valley can be proud to support. Without her leadership, I am sincerely afraid for the future of our shelter.

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**(Continued)**

There would be nothing worse than having the progress Kirsten has worked so hard for slide backwards and disappear. Our valley leaders need to continue to strive for better ways to help make life better for pets and their owners, and Kirsten Holland has proven that she is exactly the right woman to lead the way.

Working with homeless animals and their human owners brings to light a supreme mixture of emotions. There are days when your heart can be so full of hope, you think it may burst. But there are other times when your heart aches so badly you are sure it will just stop beating. There are days when one wants to give up on humanity and their lack of compassion for our fellow creatures. Working to help these animals is an extreme mixture of highs and lows. The roller coaster never ends for those who are truly working to better the lives of so many helpless, defenseless, abandoned pets. It is truly the toughest job you will ever love! But anything worth having is worth working for and Kirsten Holland has worked remarkable magic to transform our shelter. Kirsten's vision from the very beginning was to dedicate her heart and soul to this job and make significant changes to better our community's perception of the shelter. And through it all ...she has persevered!

One cannot compare running a typical business to that of running an Animal Shelter. TO do so would be comparing apples to oranges. It is a special job which requires special attention to accomplish very special results. This shelter cannot be allowed to simply SERVE our community and the taxpayers who support it, it should be allowed to blossom under the supervision and leadership of Kirsten Holland.

Cindie Jobe, 230 Hoffman Draw, Kila stated she had already submitted a letter to the commission and reiterated points in the letter sent. Jobe said she also is a volunteer at the Animal Shelter as well as a member of the Advisory Committee. She stated she came today to speak about specific items in that since Kirsten has been the director of the local shelter the live return rate statistics have been incredible. She noted she had statistics from the Animal Shelter that went back to January of 2008 as compared to what the live return rate was under the prior leadership. She then stated the animals at the Animal Shelter have remained remarkably healthy which requires less veterinary care and reduces cost to the county; not to mention reduced stress to staff and to the animals. She then added that Kirsten and Joe Russell oversaw a horrific situation with the 41 huskies that were abandoned and did a remarkable job in addition to the other staff and volunteers. Jobe then stated she is deeply regretful that Kirsten is leaving and hoped that she would be rehired into the position. A copy of the following letter was then presented for the record.

I am writing this in regards to the Flathead County Animal Shelter. As a volunteer for the Animal Shelter and a member of the Flathead County Animal Advisory Committee, I feel it necessary to communicate my impressions and experiences of Ms. Kirsten Holland and Mr. Joe Russell.

Since the Animal Shelter was placed under the auspices of Joe Russell and subsequently Kirsten Holland was hired as the Director, I know of many positive changes that have occurred. The Shelter has had a combined "live return rate" of 87% regarding dogs and cats over the past two years. This is compared to a much lower "live release rate" under Richard Stockdale. This improvement has occurred under the directorship of Ms. Holland with Mr. Russell as her supervisor. Her continuing passion, ingenuity and perseverance in working with a variety of rescue groups regionally in the United States and in Canada has supported the shelter in keeping the "live release rate" at such a high percentage. She has demonstrated not only an understanding that every adoptable animal deserves a "forever home"; she has implemented action time and time again to ensure these animals are placed. Due to her phenomenal commitment to place adoptable animals, she has created a measureable difference in how the shelter is viewed by the community. Repeatedly, I hear stories from individuals stating they are positively impressed with the various progressive changes that have occurred in the past two years. In my experience since Kirsten has been the Director and the shelter has been under the Health Department, it is no longer viewed as a facility to destroy excess animals, but is now a facility that provides shelter for animals being placed into rescue situations, foster care and permanent adoptions. I don't believe this change could have occurred under the previous shelter management. It is my opinion that under Kirsten's leadership with Joe Russell's support and supervision we have a facility that every Flathead County citizen can be proud of.

In conclusion I have the deepest respect, gratitude and appreciation for Ms. Holland's and Mr. Russell's incredible skills, talents and willingness to commit themselves to their respective jobs. As a member of this community, I feel fortunate that I have had the opportunity to work with them in improving our shelter.

Laurie Hunter, 524 Sullivan Crossroads stated she was a volunteer at the shelter and spoke in support of Kirsten. She noted she was a volunteer only because of the low kill rate.

Robin Hanson, 206 4<sup>th</sup> Avenue West stated she too was a volunteer and likewise could not work at a shelter with a high kill rate.

Kathy Dutcher, 1333 Mooring Meadow Road stated she has volunteered at the shelter for two years alongside Kirsten and has witnessed her incredible ability to manage and revive the shelter.

Margie Guest, 495 Valley View Drive stated she was the past Operations Director at the Humane Society and stated Kirsten has done a wonderful job and said it will be a great loss to the county if she walks out the doors.

Cindie Jobe further added she would present shelter statistics to the commission on the kill rate.

Chairman Lauman stated he agreed that Kirsten Holland has done a great job at the Animal Shelter and whatever her future choices are would be her choices. He said he has had the opportunity on occasion to visit the shelter and attended several events held there and has seen a tremendous improvement at the shelter over the past couple of years.

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

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(Continued)

**BI-MONTHLY MEETING W/ KAROLE SOMMERFIELD**

[10:00:36 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, 4-H Director Karole Sommerfield, MSU Extension Agent Pat McGlynn, Clerk Kile

McGlynn reported next years Master Gardner class is full and will begin the first of the year. She then reported she has been working on four grant proposals that are due by the first of the year. It was stated she attended the North West Cherry Review in Yakima for cherry growers and came back with information for our cherry growers as far as changing strategies.

Sommerfield reported she attended the annual conference in Bozeman as well as the National Conference in Rochester, New York. She then reported the Annual 4-H Conference Banquet was held, 200 youth enrolled in the shooting sports program and 35 steers were weighed in for next seasons fair. It was then noted they have received over \$7,000 from the JC Penny's after school program and will be participating in gift wrapping at Murdock's again this year. Sommerfield then explained the board has taken a step in hiring a manager for the Loon Lake facility.

Discussion was held relative to moving the Extension Office to the Fairgrounds.

**TAKE ACTION: HEARTH OF THE VALLEY**

[10:19:36 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Chairman Lauman read into the record that Hearth of the Valley is a dead file.

**TAKE ACTION: WACHSMUTH ESTATES**

[10:23:38 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Chairman Lauman read into the record that Wachsmuth Estates is a dead file.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #476 (LOT 5, BLOCK 11, LAKE PARK ADDITION)**

[10:24:22 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to authorize the publication of the Notice of Public Hearing for Road Abandonment #476. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

TUESDAY, DECEMBER 8, 2009  
(Continued)

**NOTICE OF DISCONTINUANCE  
OF PUBLIC ROADWAY NO. 476**

Notice is hereby given that the Board of Viewers have reported to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

A tract of land located in the Southeast Quarter of the Southeast Quarter of Section 27, T31N, R22W, PM,M, and being an unconstructed public highway located along the western boundary of Lot 5 of Block 11 in the Lake Park Addition.

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **December 23, 2009, at 10:15 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 8<sup>th</sup> day of December 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

PAULA ROBINSON,  
CLERK AND RECORDER

By/s/Diana Kile  
Diana Kile, Deputy

Publish on December 12 and December 19, 2009.

**MONTHLY MEETING W/ CINDY MULLANEY/ OES AND LINCOLN CHUTE/ FIRE SERVICE AREA MANAGER**

[10:30:03 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Fire Services Area Manager Lincoln Chute, EMS Manager Tim Soule, Clerk Kile

Chute reported Mullaney has been working on duty office protocols, an avalanche exercise that will be held with Amtrak this winter up the Middle Fork, special needs pet plan and an after action review report for the Baldy Fire. It was also stated operating guidelines for Type 3 Teams have been worked on and are being reviewed. Chute then spoke about wildland training that will be held with DNRC this winter, evaluating a FEMA grant for training and recruitment and working with Jason in GIS in identifying areas that border fire districts that are in the fire service area. He also stated he is getting ready to set up a MOU with all departments in regards to payments.

Soule reported he has spent a considerable amount of time with dispatch trying to identify gaps and holes. He noted there is a lot they do by memory instead of process and procedures. He stated he is being sensitive in working with agencies and individuals. Soule also said he has been working with the administrative board helping them to understand they are not operational and working with the advisory committee to help them to realize they are not administrative.

**QUARTERLY BIGFORK STORMWATER COMMITTEE MEETING @ EARL BENNETT BUILDING 3<sup>RD</sup> FLOOR CONFERENCE ROOM**

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Public Works Director Dave Prunty, Sue Hanson, Lamont Kinkade, Paul Rana, Thomas Weller, Mike Koppal, Kirby Campbell-Rierson, Bill Myers, Larry VanRinsum, Lindsay Volpe, Margrit Matter, Brett Walcheck, Virginia Sloan, J. Barta, Tip Clark

*This meeting was not recorded.*

The following is the quarterly briefing presented by Sue Hanson to the commission on the status of the Bigfork Stormwater Project and the letter read by Bill Myers.

Sue Hanson, BSAC Chairman, presented a Power Point presentation on the history and progress of the Bigfork Stormwater Project. At the end of the briefing Hanson introduced members of the Committee. She concluded the briefing asking the Commissioners (Lauman and Dupont) if they had any questions. Hanson will be traveling to Helena with Commissioner Brenneman, December 17, 2009, to present the Power Point presentation to the DEQ 319 grant funding committee for consideration of a grant for 2010. Debbie Pierson briefed on the funding avenues and the continuation of efforts to find any and all funding opportunities.

TUESDAY, DECEMBER 8, 2009  
(Continued)

Bill Myers commented on the problems he saw and the efforts he has undertaken to get engineering perspectives in regard to his property and the proximity of Lake Street stormwater outflow. Myers pointed out that his lawyer was also in attendance. Myers stated that he thought he was being ignored in his presentation of facts. Chairman Hanson explained to Mr. Myers that no decisions had been arrived at regarding the type of treatment for stormwater in the Lake Street area that concerns him. Myers stated that Commissioner Brenneman had told him a year ago that there was a plan for the treatment of stormwater. Myers has taken that to mean that actions have already been taken, unbeknownst to him. Hanson countered that his assumptions were incorrect and reminded him he is welcome to attend regular meetings of the Committee so he may have more accurate information.

**LARSEN ENGINEERING & SURVEYING, INC., P.C.**

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780 Two Mile Drive P.O. Box 2071 Kalispell, MT 59903-2071	Tele (406) 752-7808 Fax (406) 257-4051 E-mail: jlarsen@montanasky.net
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Flathead County Commissioners 800 North Main Kalispell, MT 599001	12/7/09
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Re: Bigfork Storm Drain Design Grand Drive and Lake Avenue, above Bayside Park and Marine Center.

Dear Commissioners:

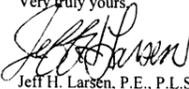
Bayside Park and Marine Center has been my client in the past and I have performed Land Surveying and limited engineering advice on their property. In March of 2009, I visited the property, because my client had concerns with water issues on his property that he thought could be caused by the sewer main above his property. Observation of test holes were inconclusive as to whether water issues were caused by the sewer main above the property. However, based on test hole observation, it did appear that there was shallow ground water flowing in this area based on mottling of the soils. Therefore, I believe my client has valid concerns with regards to any activities above his property that could have the potential to cause impacts with regards to ground water or surface water that may effect his property.

This brings me to the point of this letter. I am aware at this time that a storm drain design is being prepared. That design may include infiltration beds across the street in Lake Avenue. That location is directly above and approximately 20 feet above my client's property. Since we already know that there are issues with subsurface and surface water in this area, we are both concerned about the potential impacts of this design on his property. I have seen some pictures of this area that show pooling surface water from last summer. In addition, this fall Eclipse Engineering visited the site and observed, documented and took pictures. The following quote is from Troy Leistikio, P.E. of Eclipse Engineering: "At the time of my observation, obvious seepage was occurring upslope from the boat slip area. A large patch of muddy top soil was observed in an area where the top soil was completely dry. The muddy patch has small puddles of standing water and the slope above was sloughing."

To say the least, we are quite concerned about the storm drain design and the possible impacts it might have on my clients property. In addition, I have read the meeting minutes of 6/15/06 regarding this potential storm drain issue. The majority of the attendees were county officials, including County Commissioner Joe Brenneman. Those minutes show that the following was planned to be implemented:

- \*\* For BMP Style "Catch Basin" to trap sediment & gravel & have a filter membrane on outflow to catch gas, oil, antifreeze, brake linings, etc.
- \*\* Maintenance of catch basin, etc. by Flathead County Road Dept.?
- \*\* Flathead County Road Dept. will pave Lake Ave. north of Grand Dr. After sewer line relocate. Area paved will include parking along Lake Ave.

The minutes show no proposal of a storm drain infiltration bed across Grand Drive. Therefore, if this proposal is pursued, we would want an full environmental impact analysis of the potential impacts to my clients property. There are a large amount of potential significant impacts from this proposal that could have serious detrimental consequences on my client's ability use and enjoy his property.

Very truly yours,  
  
Jeff H. Larsen, P.E., P.L.S.

**Commissioner Brenneman: Interoperability Montana Governance Committee meeting in Helena**

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 9, 2009.

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**WEDNESDAY, DECEMBER 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.

**11:00 a.m. County Attorney meeting @ Co. Atty's Office**  
**1:15 p.m. Commissioner Brenneman: 911 Board meeting @ OES Conference Room**

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

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## THURSDAY, DECEMBER 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.**

### MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:00:39 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman seated [9:13:35 AM](#)

Others present:

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

Harris updated the commission on three community decay violations they are following up on: Nelson, Olsen and Rodriguez. He then briefly reviewed older zoning and lakeshore violations. It was then reported an orientation training session was held for the LUAB and Planning Board that was fairly well represented with 15 out of 18 committees represented; topics discussed were protocols, advertising, agenda, meeting places, processes for amendments and subdivisions. He then spoke about timing issues being a problem in regards to the LUAB's recommendation being a part of the staff report. Harris then presented a copy of the peer review report and explained they would be reviewing it in house and preparing a draft action plan to present to the commission for their guidance and review. He then explained the Planning Board created a Regulatory Committee and Mapping Committee that are looking at various projects.

Discussion was then held relative to work the Subdivision Regulations Committee has done on the regulations and the procedure that will follow once they are finished. Harris noted most of the changes have been re-organization of the regulations.

Harris then presented the following statistics from a reported done by GIS on the number of vacant lots created by subdivisions: 6300 lots available within subdivisions in the county, 3000 within the city limits and between 1700 – 1800 lots that have preliminary plat approval.

### PUBLIC HEARING: ANNEXATION TO SMITH VALLEY FIRE DISTRICT/ GRACE

[9:30:49 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, Jackie Jung, Jeff Jung, Clerk Kile

**Chairman Lauman opened the public hearing to anyone wishing to speak in favor or opposition of annexation into Smith Valley Fire District.**

Jeff Jung, 143 Crosscut commented he lived in the proposed area to be incorporated. He then said his neighbor had a fire a couple years ago and it was a shock to all of them that they were not covered under a fire district. He further said his neighbor Neil Grace has gone to all the trouble in getting signatures on the petition to annex the property. He then spoke in support of the annexation.

Jackie Jung, 143 Crosscut seconded the earlier comments and also said when you live in a rural area it is nice to be covered.

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

Commissioner Dupont made a **motion** to adopt Final Resolution #2233A. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

#### RESOLUTION NO. 2233 A

WHEREAS, the Board of Commissioners received a petition signed by owners of land in the Flathead County Fire Service Area requesting to be transferred into the Smith Valley Rural Fire District;

WHEREAS, Section 7-33-2401(4), M.C.A., allows the Board of Commissioners to alter the boundaries of a fire service area;

WHEREAS, the property to be annexed is described as follows:

the SW4, S2/NW4 and W2/SE4 Section 25, Section 26, E2/NE4/NE4 Section 34, Section 35, SW4 & W2/NE4, Section 36, all in Township 28 North, Range 23 West, P.M.M., Flathead County, Montana, containing approximately 1860 acres.

WHEREAS, the Board of Commissioners of Flathead County, Montana, adopted a resolution of intention (Resolution No. 2233, dated November 23, 2009) to annex the property into the Smith Valley Rural Fire District and to change the boundaries of the Flathead County Fire Service Area to remove the said property therefrom, and set a public hearing to receive general protests and comments from the public relating to the transfer of the described property into the Smith Valley Rural Fire District;

**THURSDAY, DECEMBER 10, 2009**  
**(Continued)**

WHEREAS, notice of passage of that Resolution and public hearing was published once a week for two weeks, on November 27 and December 4, 2009, the Board of Commissioners conducted the public hearing as noticed and the Board of Commissioners received input from the public on the requested transfer; and

WHEREAS, the Board of Commissioners has determined that the requested transfer is appropriate.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the petition is granted and the properties described above are hereby transferred from the Flathead County Fire Service Area into the Smith Valley Rural Fire District and the boundaries of the Flathead County Fire Service Area are altered to remove said property from those boundaries.

Dated this 10<sup>th</sup> day of December, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

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

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CDBG/ GREEN ACRES RESIDENT OWNED COMMUNITY PROJECT**

[9:46:48 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, Grant Writer Debbie Pierson, Clerk Kile

Discussion was held relative to recycling cardboard at the Columbia Falls container site and a pending grant for equipment needed.

Commissioner Brenneman made a **motion** to authorize Chairman Lauman to sign a letter of intent for the grant for equipment. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Pierson reported the residents living at Green Acres Mobile Home Park located on Haven Drive want to purchase the facility and turn it into a resident owned facility. They propose to do this in coordination with Neighbors Montana (Rock Community) and this notice is for the required second public hearing for a CDBG application that specifically focuses on the project; this would be their opportunity to present the \$450,000 project that they have secured other funds for also.

Pence noted this is an affordable housing project.

Commissioner Brenneman made a **motion** to authorize the publication of the Notice of Public Hearing for the CDBG grant. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

PUBLIC MEETING TO CONSIDER GRANT APPLICATION SUBMITTAL

Flathead County is holding a public hearing at 10:00 am, December 21, 2009 in the Flathead County Commissioner Chambers, 800 South Main Street, Kalispell, Montana, for the purpose of obtaining views of citizens and potential beneficiaries regarding a proposed grant application. The hearing will provide an opportunity to review and comment regarding the proposed submittal of a grant application, up to \$450,000 to the Montana Department of Commerce for a Community Development Block Grant (CDBG) Housing and Neighborhood Renewal Project for the following purpose:

Provide partial funding for the purchase of Green Acres  
Resident Owned Community Housing Project.

At the public hearing, the proposed project will be explained, including the purpose and proposed area of the Green Acres project, activities and budget. At the public hearing, everyone will be given the opportunity to express his/her opinions regarding the grant application submittal. Comments may be given orally at the hearing or submitted in writing by 9:00 am, December 21, 2009.

Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please call the Clerk to the Flathead County Board of Commissioners at 758-5537 to request an accommodation.

Anyone who would like more information should contact the Flathead County Grants Office at 758-2467.

Publish on December 13, 2009.

THURSDAY, DECEMBER 10, 2009  
(Continued)

**DOCUMENT FOR SIGNATURE: EASEMENT TO EMERALD HEIGHTS HOA WATER AND/ OR SEWER DISTRICT**

[9:57:06 AM](#)

Members present:

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

Others present:

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

Smith reported Emerald Heights Sewer District HOA has asked for an easement for a second well. He noted they went before the Parks Board who approved the request and stated it would be reasonable to grant the easement to them.

Commissioner Dupont made a **motion** to grant the easement to Emerald Heights HOA and authorized the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.**

[9:58:57 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Clerk Kile

Garza reported A2Z is asking for only a few documents as they near the end of the audit. He then noted CSA would be here next week to start a week long accounts payable training course for the departments involved. The FY2010 budget was then presented to the commission. He then explained they are in the 3<sup>rd</sup> year with the CIP and he would like to start the process for it next week. Garza also reported vehicle logs have been bought for all county vehicles for auditing purposes.

Discussion was held relative to fund descriptions.

**COS REVIEW: STEPHON**

[10:05:06 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planner Dianna Broadie, Richard Stephon, Helen Jackson, Debbie Shoemaker, Dawn Marquardt, Clerk Kile

Broadie reviewed the proposal to divide an 11.95 acre parcel located west of Kalispell north of Danielson Road and south of Batavia Lane into the following:

Parcel A	4.00 Acres to be transferred to Mark R. Stephon, Son
Parcel B	7.95 Acres to be transferred to Richard T. Stephon, Father

Broadie explained the original tract was 80 acres as shown on COS 12527 and the division resulted in more than four parcels. In 2001 a subdivision left 36 of those acres as a remainder. This division will constitute a 5<sup>th</sup> parcel being created.

Commissioner Brenneman asked Helen Jackson what has happened with the property since 2003.

Helen Jackson said in 2003 the property was purchased and at that time it was her mothers and sons intent to live by them. She explained their original plans changed from the time they started to purchase the property until the deal was closed.

Commissioner Brenneman asked Dawn Marquardt if this in anyway was an evasion of the subdivision and platting act.

Dawn Marquardt said when they first came to her she felt it was, but once she sat done and talked with them it isn't; that it follows the intent of the law.

Commissioner Brenneman asked if Marquardt Surveying was also the surveyor when the property was split in 2003 and if that was done with the intention of .....

Dawn Marquardt said as far as she knows that it was.

Commissioner Brenneman asked if he had their word as a fellow resident that there would not be a for sale sign on the property within the next couple of years barring unforeseen circumstances.

Richard Stephon stated they can't foresee the future, but at this time his son has full intentions of moving here.

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

THURSDAY, DECEMBER 10, 2009  
(Continued)

**COS REVIEW: OLSON**

[10:30:09 AM](#)

Members present:

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

Others present:

Planner Dianna Broadie, Rick Breckenridge, Bernie Olson, Clerk Kile

Broadie reviewed the proposal to divide a 1.2 acre parcel located in Lakeside along Lakeside Boulevard into the following:

Parcel 1 .56 Acres to be transferred to Marilyn A. Olson, Wife  
Parcel 2 .64 Acres to be retained by Bernard T. Olson, Husband

Commissioner Brenneman questioned what the intentions were with the split.

Bernie Olson stated they were doing some estate planning and were balancing out the value of the two estates with the property.

Discussion was held relative to Resolution 509D and estate planning.

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

**TAX REFUND: KURULIAK**

[10:45:05 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Pence reviewed the refund request by Kuruliak that was an assessment made in error.

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

**12:00 p.m. Commissioner Brenneman: NACo Five Star Restoration Grants Webinar**  
**2:00 p.m. Commissioner Brenneman: Health Board meeting @ Earl Bennett Bldg.**  
**2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Sr. Center**  
**4:00 p.m. Commissioner Brenneman: Flathead Development Partnership Party @ Conrad Mansion**  
**6:00 p.m. Fair Board meeting @ Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 11, 2009.

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**FRIDAY, DECEMBER 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.

**12:30 p.m. Commissioner Brenneman: Speaker at Leadership Flathead**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 14, 2009.

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