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## MONDAY, DECEMBER 14, 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.

**11:30 a.m. Commissioner Brenneman: Agency Administrator meeting @ McKenzie River Pizza, Whitefish**  
**1:00 p.m. Commissioner Lauman: Water Quality meeting @ Lake County Courthouse, Polson**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 15, 2009.

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## TUESDAY, DECEMBER 15, 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.**

### **BI-MONTHLY MEETING W/ DEB PIERSON, GRANT WRITER**

[9:18:03 AM](#)

Members present:

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

Others present:

Grant Writer Debbie Pierson, Clerk Kile

Pierson reported a grant for Solid Waste was submitted for \$25,000 for a cardboard compactor for the Columbia Falls container site. She then noted a Historic Preservation grant for the Courthouse was completed in November for over \$750,000. Pierson stated nothing has been heard yet on AFG and the Bigfork Stormwater final draft has been submitted. It was further reported a public hearing will be held in December for the CDBG grant for Green Acres. Discussion was then held relative to the EECBG grant (stimulus money for energy) which will be rolled out by project.

### **MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS**

[9:30:07 AM](#)

Members present:

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

Others present:

Fair Director Jay Scott, Clerk Kile

Scott presented a business plan to the commission and briefly reviewed the plan. He then explained negotiations with the horse trainers are pending in regards to their expenses. Scott then reported on the building usage which included seven Christmas parties held the past two weeks and an upcoming sporting goods show and RV show. Also noted was the plumbing in the 4-H building froze and employees are now working on fixing the broken pipes.

### **TAKE ACTION: FOX RIDGE**

[9:45:12 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, Clerk Kile

Chairman Lauman read into the record that Fox Ridge Subdivision is a dead file.

### **DOCUMENT FOR SIGNATURE: PAYROLL SOFTWARE CONTRACT/ TYLER TECHNOLOGIES**

[9:45:34 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, H. R. Director Raeann Campbell, Clerk & Recorder Paula Robinson, I.T. Director Vicki Saxby, Clerk Kile

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

TUESDAY, DECEMBER 15, 2009  
(Continued)

**MEETING W/ SCOTT WILLIAMS/ DEPT. OF REVENUE RE: CONSERVATION DISTRICT VALUATIONS**

[10:00:45 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, Dept of Revenue Scott Williams, Dept of Revenue Monty Long, Clerk & Recorder Paula Robinson, Finance Comptroller Joe Garza, Plat Room Supervisor Vicki Gallo, Marc Liechti, Pete Woll, Larry VanRinsum, Ron Buentemeier, Clerk Kile

Commissioner Brenneman explained that the fundamental question he has is that it seems counterintuitive that a body such as the Conservation District would expand their boundaries in effect and not realize what it seems would be a logical increase in their tax revenue. He then said it appears there is a valuation increase, but when you go through the worksheet using the formula from 1510 - 420 the allowable mill amount is reduced so that it isn't realized.

Scott Williams explained the amount of newly taxable properties calculated for them are done in Helena with a lot of research going into it with properties going off the tax roll going into the calculations, and properties with valuations that decreased also calculated.

Monty Long stated that MCA 15-10-420 started out in 1986 at which time the legislature imposed upon all governing bodies a requirement that simply said a government entity that is authorized to impose mill levies sufficient to generate the amount of property taxes actually assessed in the prior year plus one half the average rate of inflation for the prior three years. This was done because of reappraisals. They didn't want any taxpayers to pay a disproportionate amount of tax based upon reappraisals. They said the taxing authorities could not add more than they had the year before, unless it was voted on or by the statute increase. Long continued with they are handicapped by this statute and that is why they can't have anymore money than they have.

General discussion continued in regards to taxable values and explaining the formula the Department of Revenue used to calculate the tax base for the Conservation District.

Scott Williams stated their new system with TPR is far more accurate than it has ever been before for calculating newly taxable values. In years past the taxable values were more of a guess and now their system flags properties that are considered newly taxable.

Monty Long explained the legislature changed the tax rate from 3.1% to 2.93% with commercial and residential exemptions going up and the change of taxable values were seen as the reappraisal went into effect.

**CONSIDERATION OF EXTENSION REQUEST: EAGLE'S CREST HEIGHTS**

[10:43:37 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planner Alex Hogle, Marc Liechti, Clerk Kile

Hogle stated Eagle's Crest Heights received preliminary plat approval on March 13, 2007 subject to 27 conditions.

Chairman Lauman reviewed the letter received from Apex requesting a one year extension for Eagle's Crest Heights to March 13, 2011.

Commissioner Brenneman made a **motion** to grant the extension request for Eagle's Crest Heights as requested. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**BUDGET AMENDMENT**

[10:48:59 AM](#)

Members present:

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

Others present:

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

Russell explained an LPN position was requested for the Community Health Center. He stated the budget amendment will reduce the small line item and add the amount into a salary line to fund the position.

Commissioner Brenneman made a **motion** to adopt Budget Amendment Resolution 2237. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**TUESDAY, DECEMBER 15, 2009**  
(Continued)

BUDGET AMENDMENT RESOLUTION # 2237

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

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

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

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

Dated this 15<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/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

DATE OF ISSUE:		12/8/2009		BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:				RESOLUTION #2237		Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT	
2969	0190	440510	110	Salaries	50,517.00		
2969	0190	440510	141	Unemployment	78.00		
2969	0190	440510	142	Ind Accident	171.00		
2969	0190	440510	143	Health insurance	2,894.00		
2969	0190	440510	144	FICA	910.00		
2969	0190	440510	145	PERS	2,109.00		
2969	0190	440510	147	Medicare	1,460.00		
2969	0190	440510	150	Life Insurance	257.00		
2969	0190	440510	212	Small item / equip		25,023.00	
2969	0190	440511	110	salaries		2,973.00	
2969	0190	440511	142	Ind Accident	176.00		
2969	0190	440511	143	Health insurance		646.00	
2969	0190	440512	110	Salaries	1,946.00		
2969	0190	440512	143	Health insurance		2,622.00	
2969	0190	440513	212	Small item / equip	32,488.00		
2969	0190	440513	215	Computer Software	42,222.00		
2969	0190	440513	398	Contractual services	12,900.00		
2969	0190	440513	900	capital equip	153,828.00		
2969	0190	521000	822	CERF transfer	650.00		
<b>Explanation</b>					302,606.00	31,264.00	
Increase salaries to fund additional position, increase staffing for patient care							
Establish CIP budget to reflect capital improvement grant ARRA award							

**CONSIDERATION OF RFQ/ WASTEWATER MANAGEMENT GROUP FACILITATOR**

10:50:30 AM

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman noted one response was received for the RFQ sent out for a wastewater management group facilitator.

Commissioner Brenneman made a **motion** to take the wastewater management RFQ under advisement and refer it to a committee: Commissioner Brenneman, Joe Russell, Kate Cassidy and Jeff Harris. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

TUESDAY, DECEMBER 15, 2009  
(Continued)

**CONSIDERATION OF HR TRANSMITTALS: FINANCIAL TECH/ SUPT OF SCHOOLS AND COOK 1/ AOA**

[10:51:36 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Superintendent of Schools Marcia Sheffels, Clerk Kile

Campbell reported the supervisor position at the Superintendent of Schools Office is being reclassified to a Financial Tech. She explained there is one person that is retiring out of the department and Marcia came to her and asked her to look at reclassifying the position. Campbell stated she looked at both Financial Supervisor positions in which Marcia provided desk job descriptions and books of daily duties. The recommendation is to reclassify both positions as Financial Techs rather than Financial Supervisors, based on what their skills are and actual duties.

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

Campbell reported the AOA request is to hire 2.5 full time cooks at Gateway West Mall for the Pizza Shop.

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

**CONSIDERATION OF PRINTING BIDS: COUNTY ATTORNEY'S OFFICE**

[10:55:28 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve the print bid from Great Northern Printing for 500 business cards for \$24.95. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**CONSIDERATION OF ADOPTION OF RESOLUTION: SUPERINTENDENT OF SCHOOLS**

[11:00:16 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, Superintendent of Schools Marcia Sheffels, Clerk & Recorder Paula Robinson, H. R. Director Raeann Campbell, Clerk Kile

Sheffels spoke about the reclassification of the job descriptions in her office in which she stated she was not apprised to what was being done. She explained when she hired the position there was not a Financial Technician position available and it was advertised as a Financial Supervisor position, and she feels she would have now misled that person if it is going to be reclassified as a Financial Technician. She then stated however, I do realize that management reserves the right to reclassify. Sheffels continued with in the year 2005 when I first came into this office a review was done of the current positions in the office as Mr. Pence requested. In 2006 the Chief Deputy position was discontinued which at that time was figured on 78 percent of the salary of the County Superintendent of Schools. That employee was returned to the previous Financial Supervisor position and that was a money savings to the county. In 2008 a Financial Supervisor was replaced at a lower step because of lack of qualifications, so a person earning \$47,751.00 was replaced with a position that requires \$38,488.00 in salary; that was a \$9,600.00 savings to the county again. Sheffels stated I just want you to know that I worked very hard to be fiscally conservative and responsible in that office.

**TUESDAY, DECEMBER 15, 2009**  
(Continued)

She then thanked them for giving her the opportunity to reply to the consideration of adopting the resolution that seemed to have come out of nowhere as far as she is concerned, with there being no forewarning or discussion with the elected officials to be involved. Please know that I understand that in very difficult economic times you are only trying to do what is best for the financial good of the county and I certainly respect that. Sheffels continued with all of us here have taken the same "Oath of Office", each of us desiring to maintain the trust our voters have put in us. I guard that trust and want to tell my constituents and those that support education from the County Superintendents Office what the plan is that you have for assuring us that all of the statutory services presently provided will continue, while at the same time save money for the county. Flathead is unique in many ways, one being its school districts. Please keep in mind we have 23 school districts, more school districts than any other county in the state and our districts cross all classifications, Class AA, Class A, Class B and Class C Schools. The county with the next largest is Bozeman with 17 districts. So what one county does certainly cannot be applied across the board to another county. This county has implemented an excellent performance budgeting format and it emphasizes strategic planning. In my mind the strategic planning you encourage should come before putting forth a resolution of this nature that could drastically change offices. A resolution to consolidate the County Superintendents Office at this point of time right in under the wire so to speak, to meet the deadline will certainly send a negative message about the commission's decision making process. A major decision about restructuring is being made in to short of time period to have researched it thoroughly. I am not even aware of a written consolidation plan or proposal that exists yet. If this resolution moves forward it will be rushed right into a public hearing, again to meet a deadline at a time of the year when schools are out for Christmas vacation and people are busy with the holiday season; is that fair to the public. Again this appears to be a rushed last minute decision and I have to assume the bottom line here is money. My office presently has a budget of about \$209,000, which is 2.4 percent of the counties general fund and my salary as an office holder is approximately \$60,000. I ask just exactly what is the cost effectiveness going to be. Should there not be some preliminary figures in the planning stages and not just after the fact. These questions need to be asked. Will the receiving office of the consolidation be compensated for the extra duties, and can you guarantee to the paying public that the 56 percent of taxes collected for schools will be distributed accorded to state mandates with checks and balances in place. And can you guarantee the oversight of all 23 school districts budget processes by someone trained in school finance and law. Can money be saved by consolidating when aside from the financial piece the county undoubtedly will have to contract out the educational piece of the County Superintendents Office; qualifications for such office holder are for a purpose. Without that qualifying individual at the very least you will have to contract out for hearings for such matters as teacher terminations, district transportation routes, district consolidations and controversies brought forward by school board decisions, as well as providing resources for the large number of school issues requiring conflict resolutions that the office holder deals with almost on a daily basis; often outside the 8-5 work hour. You will have to provide for home school administration. You will have to contract out for a principal for our one county school that only has a lead teacher and you will have to provide a qualified person to be one half of the administration team for two school whose principals are currently only part-time. This office serves as a fiscal agent for two major educational offices which are the Flathead Special Education Cooperative and Northwest Montana Curriculum Cooperative. The office creates and directs insurance cooperatives in rural schools such as a supply ordering cooperative and a county cooperative, with the office holder sitting on a number of community wide kids programs to be a liaison between schools, county and the state. Sheffels stated the resolution should not be adopted until time has been given to study and research the action.

Adele Krantz stated she just learned this involved the Treasurer's Office yesterday and relayed to those concerned that she personally does not have the qualifications. She said from her understanding the functions would have to be contracted out as she does not have a three year teaching/ administration certificate. Krantz further said this does seem rushed and she questioned the plan. She then added that she hoped all the different avenues have been thought out for the sake of the schools and taxpayers, with her office not having the qualification to fulfill the duties.

Commissioner Brenneman stated he wanted to make it clear that the consolidation has nothing to do from his perspective with Marcia's performance as the Superintendent of Schools, and if the position remains he has every belief and likelihood that he would vote for her to continue in the position. He then said over the past five years it has been brought to his attention that there may be value in considering a consolidation. Within the private industry when times get tough there is a natural winnowing of necessary duties and in government it is difficult to have that kind of economic incentive quite as apparent. I think it is our job as commissioners to ask ourselves is the function of this office still needed, so I do think we should pass this resolution today. I do think this will provide us time to do our due diligence and I genuinely don't know where I will come out on this in the next two to three weeks. If it is of my opinion that a consolidation would be of value then I would bring a plan to the commission as to how the duties would be performed. Brenneman then asked Marcia how many districts right now don't have a principal.

Marcia Sheffels said Pleasant Valley was the only one without an administrator and there are two other school districts that have part-time principals. When there are part-time principals in order to meet accreditation standards the administrative team becomes the County Superintendent.

Commissioner Brenneman asked how many students attend Pleasant Valley School.

Marcia Sheffels stated they presently have 14 students.

Commissioner Brenneman then asked Marcia how many hearings have been conducted for disciplinary action in the past four years.

Marcia Sheffels said she would hope that she had perhaps cut off at the pass 20 some situations that could have gone to a hearing, but through conflict resolution and working face to face with people they were obviously disseminated. The hearing that did cost the office some money was settled the night before after having gone through all the pre-conference and pre-hearings. The night before the hearing the complainants called and dropped the charges.

Commissioner Brenneman then questioned MCA 20-3-201, 20-3-205 & 20-3-207.

Discussion was held relative to MCA code.

**TUESDAY, DECEMBER 15, 2009**  
**(Continued)**

Commissioner Dupont said people have been thinking about this for the past four years and now we have waited until the very last minute to do this which seems totally inappropriate and rushed. He then stated I don't like to do things that are rushed in this manner and don't even know if I object to the consolidation with not having had time to look at it at all. Dupont said by looking at MCA I know the Superintendent of Schools duties are extensive. He further said I haven't seen any kind of spreadsheet on cost savings with that being the critical factor. Overall the time factor is too short and having the public hearing in the middle of the holidays would be difficult at best to get people to come out. He then added I take a lot of pride in elected officials and feel our forefathers wanted elected officials that answered to the public, and as we can see over the last several years in the United States the buck always seems to be passed to somebody that is a non-elected entity and no questions are ever asked. Dupont then stated he is opposed to the action at this time, yet would consider the consolidation in the future when the appropriate time can be taken to study the proposal and involve the public.

Chairman Lauman re-emphasized he too respected Marcia Sheffels who has done a wonderful job. He then said we need to look at all cost savings for county tax payers. He went on to say in the last three years the county has consolidated the Road & Bridge Department with Solid Waste to have one general manager and have changed the Animal Shelter over to the Health Department and Sheriff's Department for cost savings and more efficiency. The RSVP Director position was eliminated with a county manager under the AOA Department several years ago and the Surveyor/ Auditor was consolidated to the Clerk and Recorder's Office. Lauman stated we owe it to the taxpayers to look at a consolidation and said he would support passing the resolution in order to hear the public input.

Commissioner Brenneman made a **motion** to adopt Resolution 2238 and authorized the publication of the Notice of Passage of Resolution of Intent and authorized the chairman to sign. Chairman Lauman **seconded** the motion.

Commissioner Brenneman said Commissioner Dupont has a good point in that it appears this is being brought forth rather quickly, however, in some situations such as this there never is a good time and the important thing to consider is as Chairman Lauman said is to look at this with all good diligence an openness and do the right thing.

**Aye** – Lauman and Brenneman. **Opposed** - Dupont. Motion carried by quorum.

Resolution No. 2238

WHEREAS, Part 23 of Chapter 4, Title 7, Montana Code Annotated, allows the Board of Commissioners to consolidate certain offices of the County after notice and opportunity of the public to comment on the proposed consolidation;

WHEREAS, the Board of Commissioners of Flathead County, Montana, believes it may be in the best interest of Flathead County to consolidate the Office of the County Superintendent of Schools with the Office of the County Treasurer; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, will consider consolidating those two offices.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 7-4-2305, M.C.A., hereby adopts this resolution of intention to consider the consolidation of the Office of the County Superintendent of Schools with the Office of the County Treasurer.

BE IT FURTHER RESOLVED that the Board of Commissioners of Flathead County, Montana, shall hold a public hearing on the proposed consolidation on the 4th day of January, 2010, at 10:15 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, and notice that a public hearing on the proposed consolidation of the Office of the County Superintendent of Schools with the Office of the County Treasurer is to be held, shall be published as required by Section 7-4-2307, M.C.A.

BE IT FURTHER RESOLVED that upon said hearing any registered elector of Flathead County, Montana, shall have the right to appear and be heard upon the consolidation proposal.

DATED this 15<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/Joseph D. Brenneman  
Joseph D. Brenneman, Member

By/s/Opposed  
James R. Dupont, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

**TUESDAY, DECEMBER 15, 2009  
(Continued)**

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION  
AND NOTICE OF PUBLIC HEARING**

**CONSOLIDATION OF OFFICE OF FLATHEAD COUNTY SUPERINTENDENT OF SCHOOLS WITH OFFICE OF  
FLATHEAD COUNTY TREASURER**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 2238) on December 15, 2009, to consider the consolidation of the Office of the County Superintendent of Schools with the Office of the County Treasurer.

In accordance with that Resolution of Intent, and pursuant to Section 7-4-2307, M.C.A., the Board of Commissioners further gives notice that it will hold a public hearing to consider the consolidation of the Office of the County Superintendent of Schools with the Office of the County Treasurer, on the 4<sup>th</sup> day of January, 2010, at 10:15 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At that public hearing, the Board of Commissioners will give the registered electors of Flathead County an opportunity to be heard regarding the proposed consolidation.

Further information concerning the proposed transfer may be received from, and written comments may be sent to, the Board of Commissioners, 800 South Main, Kalispell, Montana 59901, telephone 758- 5503.

DATED this 15<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/Diana Kile  
Diana Kile, Deputy

Publish on December 19, 2009, and December 26, 2009.

**12:00 p.m. Commissioner Brenneman: NACo Five Star Restoration Grants Webinar**

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

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**WEDNESDAY, DECEMBER 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.

**7:00 a.m. Commissioner Brenneman: Flathead Business Network International at Red Lion Inn**  
**9:15 a.m. Commissioner Lauman: RSVP Board meeting at Heritage Place**  
**11:00 a.m. County Attorney meeting at Co. Atty's Office**  
**12:00 p.m. Commissioner Brenneman: Safe Kids Safe Community at Earl Bennett Building**  
**2:00 p.m. Commissioner Brenneman: Engineer's Report for Bigfork Stormwater Project @ 48 North Engineering Office**

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

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**THURSDAY, DECEMBER 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.

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

Janelle Gentry, 948 7<sup>th</sup> Avenue East Kalispell. Janelle commented she is aware the Fair Board appointments are coming up and feels it is time to make a change on the board. Janelle has had a business on Meridian Road for 16 years and gets thousands of comments constantly especially around fair time that there needs to be a change on the board.

Michelle Gentry, Columbia Falls Stage Road. Michelle commented that she also feels it is time for a change on the Fair Board.

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

THURSDAY, DECEMBER 17, 2009  
(Continued)

**BI-MONTHLY MEETING W/ JED FISHER, WEED/ PARKS/ MAINTENANCE**

[8:59:45 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Weed/Parks/Maintenance Supervisor Jed Fisher, Clerk DeReu,

Fisher updated the Commissioners regarding the Justice Center and the air handling system issues. Fisher explained that Air Pro is the only business in town that handles these issues and the bid came back at \$45,000. According to Fisher after calling around the country they could purchase their own system consisting of two units for \$22,000.00. Fisher stated this would save the tax payers money to purchase this equipment instead of paying \$45,000 for a one time ventilation treatment. Fisher has been working with Assistant Mike Pence regarding a possible purchase of this equipment along with comparable prices, and training on the equipment. There was continued discussion regarding the importance of proper maintenance of air vents.

Fisher also reported that with the remodel coming up at the Treasurer's Office in the blue building that he would be able to save the tax payers money by doing the work in house. He explained to the Commissioners this could be accomplished by hiring temporary employees. Also that there are employees that get laid off in the winter who are very capable of doing the work and this would alleviate the cost of having a temp service being involved. Fisher reiterated these employees would only be temporary and would not take the current maintenance employees from their daily job duties

Fisher wanted the Commissioners to take under advisement there is a possibility the Stillwater Christian School may go back on the market. Fisher inquired on whether the Commissioners want him to spend time on pursuing purchasing this property for recreational activities. Commissioner Lauman stated he feels with the economy the way it is to put this project on hold until it was actually listed and then look to see if it is a possibility. Fisher agreed and stated that parks and recreation activity is down 20 percent.

Fisher brought up the issues of leased buildings for example Kalispell Feed and Grain. Fisher explained that the last leasers left the Kalispell Feed and Grain in an absolute mess and it took employees from his department two days to clean the building. There was brief discussion regarding the amount charged for leasing these buildings.

There was discussion about Lakeside property donated to Flathead County. There was also discussion regarding dock issues and parking issues.

Fisher discussed with the Commissioners issues with the current vendor policy. Fisher explained they may pull away completely from this policy due to these issues. He briefly explained a few of the issues for example the trash and garbage left behind, the hassle with auditing the percentage of sales the county receives from the vendors, and liability issues with one time vendors not knowing the policies at all compared to those vendors that are aware.

Fisher held brief discussion regarding the janitorial services for the new 911 Center.

Fisher mentioned to the Commissioners there would be a proposal regarding the Hutton's requesting an overlook that ties in with the trail in Kila. According to Fisher, the Kila residents will try and raise money to provide a rest area and or picnic area for those enjoying the trail. There was further discussion regarding the old mill in the Kila area. Commissioner Lauman stated he would be in support of this idea, but stated that the community should consider forming a community group to raise the money since it is community ownership. Commissioner Dupont agreed with this suggestion.

**MEETING W/ ANDREW HAGEMEIER/ PLANNING & ZONING OFFICE RE: ASHLEY LAKE NEIGHBORHOOD PLAN**

[9:30:49 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, Assistant Planning & Zoning Director BJ Grieve, Planner Andrew Hagemeyer, Parks & Recreation/Maintenance Director Jed Fisher, Dick Ramos, Ron Buentemeier, Clerk DeReu

Hagemeyer explained this meeting was to update the Commissioners on the Ashley Lake Neighborhood Plan. Hagemeyer stated they started working on this neighborhood plan approximately a year ago and want to update it to be consistent with the growth policy. Ashley lake homeowners have been working with the Land Use Advisory Committee. Hagemeyer explained the steps taken so far from LUAC are written, distributed and they have received results from the survey that was sent out in 2008. They have held informational meetings with LUAC and the public. Most recently the Ashley Lake HOA have recently revised their bylaws in the fall of 2009. Hagemeyer stated the property owners now feel they are ready to move forward on the Ashley Lake Neighborhood Plan and he has been working with members and providing informational guides. He discussed the Action Plan handout that talks about the steps they need to take, how to conduct public meetings, and different ways to get the public involved in the revisions of the plan. Hagemeyer stated he looked at the Ashley Lake Neighborhood Plans compliance with the growth policy and outlined things they may need to do, steps they may need to take in the revision process and also created a time line. Hagemeyer also explained he wanted them to understand the scope of what a neighborhood plan can do for the property owners.

Ramos explained they have made sure all the property owners and public is made aware of any and all meetings held. Ramos also explained there are 250 plus property owners and approximately 30 families that live there full time. He stated the committee is made up of seven people and two of them are in California at this time.

**THURSDAY, DECEMBER 17, 2009**  
**(Continued)**

Commissioner Dupont inquired if all owners are made aware of any revisions. Ramos assured the Commissioners that they have been notified.

Harris explained to the Commissioners there are a few less than 20 neighborhood plans in effect. There was discussion regarding neighborhood plan revisions and their compliance with the growth policy. Harris explained reviewing existing neighborhood plans is obviously much different than creating a new plan. There was continued discussion regarding reviewing completed plans.

Ron Buentemeier, an Ashley Lake land owner for over 40 years stated he was involved in the original neighborhood plan. He commented the original plan presented at least two mailings to every land owner of what was being proposed in the plan. The original plan was well advertised which created good strong footing. Buentemeier stated that with the current notifications only he and one or two other people are all that show up to the meetings. The other issue that concerns Buentemeier is there appears to be some folks that want to do more regulatory things with septic systems with this plan. Buentemeier suggested the Planning Office get some legal interpretations on what is being asked for.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: PARKS & RECREATION MASTER PLAN AMENDMENT/  
FLATHEAD COUNTY GROWTH POLICY**

9:45:47 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, Assistant Planning & Zoning Director BJ Grieve, Planner Andrew Hagemeyer, Parks & Recreation Supervisor Jed Fisher, Pete Woll, Ron Buentemeier, Clerk DeReu

Grieve explained he is attending the meeting to answer any questions or issues pertaining to the growth policy. He stated it was his understanding it was at final resolution at this point.

Harris stated this final resolution would be an element of the growth policy.

Commissioner Dupont commended the board on their thorough work on this Master Plan Amendment.

Chairman Lauman also stated he appreciates the people who have worked on this plan so diligently.

Ron Buentemeier commented this has been a tremendous effort by all and stated he was sitting through the Planning Board meeting when they were discussing this. He stated one of the things several of the speakers talked about was the problem with using volunteers to do some of the work out there. Ron stated it would behoove that board to get some legislation passed that would allow you to use volunteers to help and it will not happen unless a bill is passed. It was stated that you cannot do this under current regulations. Buentemeier commented to have a successful Parks and Recreation program you have to have the help of volunteers.

Jed Fisher stated that he has recently spoken with Mr. Blasdel. Mr. Blasdel is going to meet up with Mr. Sonju and so this process is already in progress.

Commissioner Dupont made a **motion** to adopt Final Resolution: Parks & Recreation Master Plan Amendment/Flathead County Growth Policy. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

RESOLUTION NO. 2015 L

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

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

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

WHEREAS, the Flathead County Board of Commissioners reviewed the proposal and determined that the Parks and Recreation Master Plan should be formally considered, passed a resolution of intent (Resolution No. 2015 K) to consider the adoption of the Parks and Recreation Master Plan as an addendum to the Growth Policy on November 3, 2009, and gave notice that it would consider public comment received prior to December 11, 2009; and

WHEREAS, the Board of Commissioners has received no comments since the adoption of the resolution of intent and has determined that it should be adopted as an addendum to the Growth Policy.

**THURSDAY, DECEMBER 17, 2009**  
**(Continued)**

NOW THEREFORE, IT IS HEREBY RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it hereby adopts the Parks and Recreation Master Plan as an addendum to the Flathead County Growth Policy, as recommended by the Flathead County Planning Board and attached hereto.

Dated this 17<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/D. DeReu  
D. DeReu, Deputy

The attachment can be seen at: [http://flathead.mt.gov/planning\\_zoning/growthpolicy/Chapter%204%20April%2010.pdf](http://flathead.mt.gov/planning_zoning/growthpolicy/Chapter%204%20April%2010.pdf)

**TAX REFUND: SHORS**

[10:02:16 AM](#)

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

Pence explained a structure on the Shors property was mistakenly assessed from 2006 to 2009 in the amount of \$1453.21.

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

**AWARD BID: LEGAL ADVERTISING 2010**

[10:14:13 AM](#)

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

Pence reported the recommendation was legal advertising through the Daily Interlake. The deciding factor was the Daily Interlake publishes daily versus weekly. The contract awarded was at 75 percent of the process outlined in the Administrative Rules of Montana.

Commissioner Dupont made a **motion** to award bid for legal advertising 2010 to the Daily Interlake. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**MEETING W/ SHANE STACK/ MDOT RE: COURTHOUSE COUPLET/ HWY 93 AND BIGFORK NORTH & SOUTH/ HWY 35**

[10:59:49 AM](#)

Members present:  
Chairman Dale W. Lauman  
Commissioner James R. Dupont  
Members absent:  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Mike Pence, MDOT Shane Stack, MDOT Ed Toavs, Clerk DeReu

Stack passed out a handout and explained what they are trying to do is complete the environmental assessment for widening U.S. 93 from 13<sup>th</sup> Street to just north of the Flathead County Courthouse couplet. Stack stated the reason for this meeting is due to the completion of this FONSI. With the completion of amenities there will be discussion of the maintenance of landscaping, bike paths, etc. Summer maintenance would involve grooming and removing of rocks. As far as any chip sealing and or an overlay in the future the MDOT would take care of that. Maintenance of the landscaping would be simplest if it involved an irrigation system. The biggest problem with the landscaping on the highway medians is keeping it from drying up. There was continued discussion on the maintenance of amenities.

**THURSDAY, DECEMBER 17, 2009**  
(Continued)

Commissioner Dupont inquired about plowing the bike paths from the bridge south and the purpose in that. Stack explained that bike paths are plowed in the winter for example Ravalli County plows their bike paths. There was discussion held regarding the time and money needed to maintain bike paths by the Parks Department and Road Department. Commissioner Dupont suggested having a community project take care of the bike path. Stack commented that this project is way out and they are still in the preliminaries. There will be a final draft on the FONSI in the next few months. Commissioner Lauman stated that at this point and time the Commissioners will have the parks board along with Jed Fisher look at this plan.

Toavs explained that design options one, two and three do not meet criteria due to a traffic issue with the heavy truck loads and turning movements around the Courthouse. Toavs discussed with the Commissioners the other four options, concerns with eliminating existing trees on the west side, the risk of the root system of trees, which buildings would need to be removed to allow for the highway expansion. Stack asked the Commissioners how they would want the properties on the east and west sides developed. Stack also asked if landscaping or if parking was the priority. Commissioner Lauman asked Stack to provide some distances from the curb line since they are looking at doing some revamping of the Courthouse and addressing the parking issue in this area versus the highway. Toavs explained to the Commissioners option five would revamp all four lanes to the east side around the couplet and would take out the McGarvey Law office building and other neighboring businesses. There was also discussion of another option which would take out the line of trees on the west side but spare the Commissioners' building. There was continued discussion on the aesthetics of building the highway on the west side.

According to Stack, this couplet project may not be possible until the year 2013 or 2014.

**6:15 a.m. Commissioner Brenneman: Travel to Helena**  
**11:30 a.m. Commissioner Brenneman DEQ 319 testimony in Helena**  
**2:00 p.m. Health Board meeting at Earl Bennett Bldg.**  
**3:30 p.m. Commissioner Lauman: GNEA meeting @ Fish, Wildlife & Parks**

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

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**FRIDAY, DECEMBER 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.

**NO MEETINGS SCHEDULED**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 21, 2009.

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