
MONDAY, JANUARY 18, 2010

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

COUNTY OFFICES CLOSED – MARTIN LUTHER KING, JR. DAY

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 19, 2010.

TUESDAY, JANUARY 19, 2010

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

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

[9:01:03 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, RSVP and AOA Director Jim Atkinson, Clerk DeReu

Atkinson reported a quick overview of what is happening with Agency on Aging along with ridership and transportation. Atkinson stated they are not providing as many units of service in the independent living services. The meals are down from last year also. RSVP has the Sweet Expectations store now in Gateway West Mall according to Atkinson. It was also reported they are hoping to pay off the expense of putting this chocolate store in the mall. Atkinson stated they are about \$7,000 in the hole and this includes building materials and inventory. The goal is to get the sales up and as soon as the pizza shop, café and espresso shop are available there will be a lot more money generated.

Atkinson then discussed with the Commissioners moving AOA. Atkinson stated in their last Leadership Connection meeting they were informed that the business plan will be presented to the city regarding moving to Gateway West Mall. They are just waiting for a time to make the presentation and the City Council could decide if they wanted to send it to the Planning Board or act on it at that time themselves.

Assistant Mike Pence commented there are issues that will need to be addressed. There was discussion regarding paying to lease versus ownership. Pence stated the theory was for the lease part to drop off on this project. Atkinson agreed that was the theory and once the tax increment funds are in place they are going to use that as the first domino for writing grants for this project. Atkinson stated there are questions still unanswered and as time goes on we may have to ask ourselves should we be looking elsewhere.

Atkinson stated he has spoken with Doug and went to Architects Design Group, along with the City and got a few numbers together regarding demolition. Atkinson stated the asking price for two thirds of the block is \$950,000. There was discussion regarding possible demolition of Valley Bank for \$86,000. Atkinson also stated that Sykes footprint is thirty five percent larger than Valley Banks and it has a second story. It was commented that to demolish Sykes was estimated at approximately \$172,000. Atkinson reported after talking with ADG it was estimated it would cost \$160.00 a square foot to build an 11,000 square foot building for a total cost of \$1.76 million dollars. Atkinson stated they should be able to pay this off in twenty years with a conventional loan, and the income from the rentals on the property. These rentals consist of Jungle Rama, the hair cutting place and the pharmacy.

Atkinson commented to the Commission regarding Commissioner Lauman's suggestion to have AOA Advisory Council create a Relocation Committee. There was discussion on specific professions being a part of this committee for example an attorney, banker, architect, real estate agent, a representative from FVCC, a pastor and a commissioner to name a few suggestions. Atkinson stated that Brenda Lynch did request to be on the board. Commissioner Lauman stated he still thinks a committee is a good idea to look at all options, formulate different packages and costs related to these packages. This would involve more people in the community and all agreed this is an important part. Commissioner Dupont inquired on who will facilitate this committee. There was continued discussion in this matter.

Assistant Pence inquired about the construction of the building for the bus barn. Atkinson stated they will start construction in the spring.

Commissioner Dupont commented he has received two calls regarding the Eagle Transit bus driving around empty. Atkinson explained that typically when running the big busses they are mostly fully occupied in the mornings when people are transporting to work and students going to FVCC. Rather than transferring to a smaller bus it makes more sense to continue running the bigger bus since it ultimately saves time and gasoline. There was continued discussion regarding upcoming permanent routes in the Evergreen area.

TUESDAY, JANUARY 19, 2010
(Continued)

CONSIDERATION OF EXTENSION: SPURWING CREEKSIDE

[9:27:52 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Assistant Planning & Zoning Director BJ Grieve, Charles Lapp, Jeff Larson, Ardis Larson, Clerk DeReu

Grieve reported preliminary plat for Spurwing Creekside was granted on July 12, 2007. Grieve stated they are comfortable to go with the one year extension to July 12, 2011.

Lapp explained to the Commissioners that they received a letter from DEQ inquiring about whether they had submitted a letter stating the moratorium for the Lakeside Sewer and Water had been lifted for this subdivision, and that the water system improvements have been constructed or have been submitted for review. According to Lapp due to the economy at this time they decided to back off and just wanted the Commissioners to be aware of the reason for this request.

Commissioner Lauman made a **motion** to grant a one year extension for Spurwing Creekside to July 12, 2011. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

CONSIDERATION OF EXTENSION: SPURWING, PHASE 2

[9:35:22 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Assistant Planning & Zoning Director BJ Grieve, Charles Lapp, Jeff Larson, Ardis Larson, Clerk DeReu

Grieve reported this is a request for an extension until September 2, 2011. Lapp explained they would most likely receive the same letter from DEQ regarding the water and sewer as they did with Spurwing Creekside.

Commissioner Dupont made a **motion** to grant a one year extension for Spurwing, Phase 2 to September 2, 2011. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: PROVIDE BUDGET AUTHORITY FOR ACCEPTANCE FOR FY09-10 CDBG FUNDS FOR MT DISTRESSED WOOD PRODUCTS INDUSTRY RECOVERY & STABILIZATION PROGRAM/ JOBS NOW, DBA MONTANA WEST ECONOMIC DEVELOPMENT

[9:38:06 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Charlie Wright, Clerk DeReu

Deputy County Attorney Fugina asked the Commissioners to combine this agenda item with agenda item (f) since they both concern John Jump Trucking Company.

There was a brief explanation by Charlie Wright and Deputy County Attorney Fugina of the documents requiring a signature.

Commissioner Lauman made a **motion** to adopt Resolution #2243 to provide budget authority for acceptance for FY09-10 CDBG Funds. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

BUDGETARY AUTHORITY RESOLUTION
RESOLUTION NO. 2243

WHEREAS, on December 10, 2009, Flathead County was awarded CDBG and EDA Revolving Loan funds in the amount of \$350,073.00, for which no provision was made in the fiscal year 2009-2010 budget; and

WHEREAS, Flathead County may appropriate federal or state money received during the fiscal year by formal resolution;

NOW, THEREFORE, BE IT RESOLVED that the Flathead County Board of Commissioners hereby appropriates the sum of \$350,073.00 and directs the County Clerk and Recorder to allocate said amount to the following program activities:

<u>ADMINISTRATION COSTS</u>		<u>ACTIVITY COSTS</u>	
Jobs Now, Inc.	\$16,670	John Jump Trucking, Inc.	\$333,403
Totals	\$16,670		\$333,403

BE IT FURTHER RESOLVED that the above appropriate shall become effective on January 19, 2010.

TUESDAY, JANUARY 19, 2010
(Continued)

PASSED AND ADOPTED by the Board of County Commissioners of Flathead County, Montana, this 19th day of January, 2010.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/D. DeReu
D. DeReu, Deputy

DOCUMENT FOR SIGNATURE: COUNTY BONDING AUTHORITY APPLICATION FOR RECOVERY ZONE FACILITY BONDS

[9:45:57 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Charlie Wright, Clerk DeReu

There was a brief explanation by Deputy County Attorney Fugina of the documents requiring a signature.

Commissioner Dupont made a **motion** to approve Document for Signature: County Bonding Authority Application for Recovery Zone Facility Bonds. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: SUB-RECIPIENT & MANAGEMENT PLAN/JOHN JUMP TRUCKING

[9:47:37 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk DeReu

There was a brief explanation by Deputy County Attorney Fugina of the documents requiring a signature.

Commissioner Lauman made a **motion** to approve Document for Signature: Sub-Recipient & Management Plan/John Jump Trucking. Commissioner Dupont **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

MEETING W/ ALEX HOGLE, PLANNING & ZONING OFFICE RE: CTEP ALLOCATION, SAM BIBLER MEMORIAL TRAIL AND TRAILS MASTER PLAN

[9:48:07 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Allen Sieler, Steven T. Welder, Clerk DeReu

Hogle wanted to update the commissioners regarding the CTEP program funding allocations, the Sam Bibler trail and efforts with the Bigfork Rotary Club regarding the Swan River trail. The allocation report in the fall indicated approximately \$918,000 of accumulated allocations that have not yet been programmed. Hogle reported while they were finishing up the East Evergreen CTEP project they were anticipating extra costs incurred on that project to bring down that allocation. Hogle stated the current allocation is approximately \$880,000. The current allocation monies are not currently programmed for any specific project at this time.

Hogle commented to the Commissioners the county had not originally signed the contract for the Sam Bibler trail in 2007 and the state incorporated a program for recapturing indirect costs called ICAP. The state had them redraft the Sam Bibler trail agreement in addressing how the county would pay a portion of ICAP. The state has clarified that process and issued a letter recently informing us that any new project adopted after October 1, 2009 the state would be picking up those costs.

**TUESDAY, JANUARY 19, 2010
(Continued)**

Hogle reported the city and county have signed the interlocal agreement regarding the Sam Bibler Memorial trail and there has been some substantial work on the design of the project. Hogle wanted to update the Commissioners on a right of way easement and a design element. On the south half of the route adjacent to Leisure Heights Subdivision there is a banked slope and the easement was lifted during the preliminary plat process. The engineer on the project has tried to communicate with resident owners to see if they would have an interest in donating an easement because the space is there. According to Hogle the engineer has had mixed responses. One resident adamantly refuses to cooperate and the other three residents are willing to sell to provide an easement. There is an alternative and would require excavation where the bank comes in and an installation of a block retaining wall. Hogle stated due to safety issues they were hoping to have cooperation with the residents to place the trail up higher. Hogle stated they have directed the engineers to keep designing the project to stay within the right of way. Commissioner Lauman stated he would favor staying within the right of way.

Sieler and Welder both stated they were fine with the idea to move forth. Sieler also commented that he recalls the city stating this right of way was there and was available to be bought at market price. Welder commented to the Commissioners that he felt the bike path on Woodland Drive is beautiful and way more than what he ever expected.

Hogle reported that they have been working on the design for the Sam Bibler trail to navigate the hill portion directly north of Woodland Avenue. By doing so they would be able to connect with the cities trail which terminates at the bottom of that hill. The engineers have undergone core sampling on the road. Hogle explained the road has been built on fill and there has been some concern about the stability of the sides of that fill and there are visual indicators that it is eroding away. The core sampling is not particularly favorable. The engineering firm has been looking at some alternatives and has a plan which will cost more. This is the first estimated bump up in price on this project. There was continued brief discussion regarding possible construction techniques

Hogle explained he is working on a Memorandum of Understanding with the president of the Bigfork Rotary Club. There has been an effort to connect the existing portions of trail that run south of the Echo Lake Café and then the wild mile portion. The Bigfork Rotary Club has been pursuing work at their cost using an available easement and also easements they have acquired privately. There was discussion regarding the County performing a survey and they would sketch a plan that would be reviewed and approved by the planning office. Hogle stated he would get a draft memorandum out next week that would be reviewed by the County Attorney's office and sent forth to the Commissioners.

QUARTERLY MEETING W/ MIKE MEEHAN, SHERIFF

[10:03:50 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Sheriff Mike Meehan, Rick Blake, Clerk DeReu

Sheriff Meehan reported they are switching the radio system from digital to analog. They have received some complaints from citizens regarding scanner land. It is pretty clear if someone wants to go buy a digital scanner they certainly can and will be able to hear the dispatch transmission, however they will not be able to hear the deputies. Sheriff Meehan stated the issue is identity theft. Many times during a traffic stop when checking for warrant information social security numbers and or birth dates for example are given out and this information should not be out in the airways. Sheriff Meehan stated this is critical information the deputies need at the time of the stop. There was general discussion regarding scanners and liability issues along with identity theft issues.

Meehan stated the budget is looking good and the percentages are even or below.

There was general discussion on the crime rate and it was stated it has been fairly slow with the deputies being steady, but the night shifts have been pretty quiet.

Assistant Mike Pence inquired about Columbia Falls closing their city jail.

Sheriff Meehan stated they are expecting the closure to be in February when the county dispatch center will take over the Columbia Falls dispatch center. There was continued discussion regarding this matter.

PERSONNEL MATTER

[10:03:50 AM](#)

Members present:

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

This was a closed meeting.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 20, 2010.

WEDNESDAY, JANUARY 20, 2010

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

7:00 a.m. Annual Commissioners' Workshop @ Solid Waste District Conference Room (till 1:00 p.m.)
9:15 a.m. RSVP Board meeting @ Heritage Place

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 21, 2010.

THURSDAY, JANUARY 21, 2010

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

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

Del Manicke, 355 Grand Drive, Bigfork spoke about concerns regarding the proposed Bigfork Stormwater Project along Lake Avenue in Bigfork in which he stated he is opposed to a leach field being put there and feels there are other options. Manicke explained clay doesn't let water through and feels if a leach field is used there is a possibility the leach field will back up and create a lake under the ground, and if it does that it will encroach on his property as well as adjoining neighbors.

Bill Myers, representing Bay Side Park and Marine Center, 450 Grand Drive in Bigfork presented a map to the commission and pointed out where his concerns were in regards to drainage onto his property. He then reviewed the history of issues and explained a new seep has been documented opposite the west end of the driveway of Saddlehorn. Myers stated he expressed his concerns on May 27, 2009 at a meeting held at Trails West and again on December 7, 2009 when he visited with Commissioner Lauman and Dupont. On December 8, 2009 he spoke at the Bigfork Storm Water presentation held at the Earl Bennett Building where he read a report prepared by Jeff Larsen, and on December 10, 2009 he visited and toured the property with Thomas Weller and Lamont Kinkade who are both on the Bigfork Stormwater Committee. At that time he showed them a report prepared by Morrison and Maierle and they knew nothing about his concerns. He then stated on December 16, 2009 he attended a meeting at 48 North and a preliminary report was given of the work that Brett assembled at which time he asked him if he would be including all the comments and pictures that were not in the report when he published a final report. Myers questioned why everything he submitted has not been included in the final report that was to be published. Sue Hanson from the committee said it was not necessary that the report was exactly what they were looking for and that the publication should take place within the week. Myers further said he made numerous comments at the end of the meeting regarding all these issues and more. When this committee was formed they had two assignments from the commission: to deal with flooding on adjacent property owners land and reducing pollution and sedimentation in Bigfork Bay. The report was published on December 22, 2009 and on January 20, 2010 a meeting was held at Bethany Library where concerns were expressed by Margaret Matter, Del Manicke and I to the committee. He explained Jeff Larsen has dug test pits on his property and documented what you call mottling (scientific term for underwater ground flow). Myers stated I have done everything I know to document there is a problem down there, and yet the committee has continued to ignore my polite request for assistance and analysis; the engineer did not include anything in the whole report despite my trying to work with him from October on in providing information. Myers said it has only been this past year that flooding has been seen in the area below the wall. He noted that he has spoken to a lawyer as well as his insurance company who told him that any action or change uphill that causes a consequence or damage to his property that someone else will be responsible; that they need to trap their issues on their property or guarantee that they will not cause a problem for him. He stated when a decision is made that they would oppose the infiltration bed and urge them to use a cartridge system.

OPEN RFQ: FACILITATOR SERVICES FOR WASTEWATER MANAGEMENT

[10:43:51 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner James R. Dupont

Others present:

Clerk Kile

Proposals received were from Fifth Way Leadership, Strategic Development and Consensus Associates.

Commissioner Lauman made a **motion** to take the facilitator services for wastewater management bids be taken under advisement and referred to the committee. Chairman Brenneman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

THURSDAY, JANUARY 21, 2010
(Continued)

CONSIDERATION OF RELEASE OF COLLATERAL: WAPITI ACRES, LOT 13

[10:45:23 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner Dale W. Lauman

Members absent:

Commissioner James R. Dupont

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to release collateral for Wapiti Acres, Lot 13. Chairman Brenneman PT **seconded** the motion. Motion carried by quorum.

11:00 a.m. County Attorney meeting @ Co. Atty's Office

2:00 p.m. Commissioner Brenneman: Health Board meeting @ Earl Bennett Bldg.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 22, 2010.

FRIDAY, JANUARY 22, 2010

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

9:30 a.m. Commissioner Lauman: Mental Health Council & CDC meetings in Missoula

9:30 a.m. Commissioner Brenneman: EMS meeting @ Commissioners' Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 25, 2010.
