
MONDAY, FEBRUARY 8, 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.

8:00 a.m. Weed & Parks Board meeting @ Weed & Parks Office
11:30 a.m. Commissioner Brenneman: Animal Advisory Committee meeting @ Earl Bennett Bldg.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 9, 2010.

TUESDAY, FEBRUARY 9, 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.

QUARTERLY JUVENILE DETENTION FACILITY TOUR

[9:30:17 AM](#)

Members present:

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

The commission conducted a quarterly Juvenile Detention Facility tour.

BI-MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE

[10:00:06 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, MSU Extension Agent Pat McGlynn, Clerk Kile

McGlynn reported the Master Gardner classes she teaches are full even after adding additional classes. She then spoke about a cherry growing research grant she applied for in which she will be doing a presentation in Helena for. McGlynn then reviewed various other projects being worked on.

OPEN BIDS: GAS & DIESEL, PROPANE, EMULSIFIED ASPHALT, LIQUID ASPHALT/ ROAD DEPT.

[10:15:15 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Manager Road & Bridge Dept. Guy Foy, Shop Foreman Corey Pilsch, Road Foreman Ovila Byrd, Bruce Atkinson, Dell McManus, Clerk Kile

Bids received with bid bonds enclosed for:

Propane

City Service /Valcon Delivery Cost Per Gallon \$.045 Old Steel Bridge Pit w / \$1.00 Rental Fee

Liquid Asphalt

Montana Refining	PG 64-22	\$511.00 / Ton
	PG-58-22	\$511.00 / Ton
	SS I Tack Oil	\$500.00 / Ton
	CRS 2	\$506.50 / Ton

TUESDAY, FEBRUARY 9, 2010
(Continued)

Gasoline – Regular No. Lead/ Red Dyed Low Sulfur Diesel #2/ Red Dyed Low Sulfur Diesel #1/ Red Dyed Ultra Low Diesel #1

City Service /Valcon	Reg No. <u>Lead</u>	Red Dyed <u>Diesel #2</u>	Red Dyed <u>Diesel #1</u>	Red Dyed Ultra Low <u>Diesel #1</u>
Delivery cost				
Martin City -	.229	.229	.229	xxxx
Columbia Falls	.189	.189	.189	xxxx
Busch Pit	.259	.259	.259	xxxx
County Shop	.159	.119	.119	.119
Bigfork – Sullivan	xxxx	.219	.219	xxxx
Sheepherder Pit	xxxx	.189	.189	xxxx
Mixing Plant	xxxx	.159	.159	xxxx
Solid Waste, Dump	.159	.129	.129	.129

Commissioner Lauman made a **motion** to take the bids under advisement. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

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

[10:30:27 AM](#)

Members present:

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

Others present:

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

Mullaney reported an avalanche exercise will be done with Amtrak and BNSF on March 20, 2010. She then explained a table top exercise was done on January 30, 2010 with 80 participants from 25 different agencies participating. Mullaney noted meetings were held with the Forest Service and DNRC to refine procedures and eliminate repetitive finance work being done.

Chute reported he met with the Subdivision Review Committee to review subdivision regulations pertaining to fire chiefs. He then reported DNRC is hosting wildland training classes with experience now a requirement and explained the Annual Operating Plan is close to being wrapped up for the year. He then spoke about local burning permit procedures that need improved and the need for a general public information person in the county.

Discussion was held relative to liability concerns in regards to use of county equipment in the North Fork and procedures for forming a fire company.

Soule met with the commission and reported the advisory committee began redrawing response areas which will be implemented after a couple of month's time if they seem to fit after being used.

MEETING W/ BIGFORK STORMWATER ADVISORY COMMITTEE RE: ENGINEER FOR STORMWATER PROJECT

[11:01:49 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Dave Christensen, Clerk Kile

Christensen reported three engineering statement of qualifications were received which were reviewed on a point system by the review committee. He then stated 48 North was the clear choice based on their analysis.

Chairman Brenneman made a **motion** to proceed with negotiations for a contract with 48 North as the recommended engineering firm. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DUST CONTROL COST SHARE PROGRAM/ PECCIA & ASSOCIATES

[11:15:06 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Commissioner Dupont made a **motion** to authorize the chairman to sign the dust control cost share program document. Commissioner Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

TUESDAY, FEBRUARY 9, 2010
(Continued)

DOCUMENT FOR SIGNATURE: MOU/ BOARD OF COMMISSIONERS AND CLERK & RECORDER

[11:15:32 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Deputy County Attorney Tara Fugina, Clerk & Recorder Paula Robinson, Superintendent of Schools Marcia Sheffels, Treasurer Adele Krantz, HR Director Raeann Campbell, I.T. Director Vicki Saxby, Public Works Director Dave Prunty, Finance Comptroller Joe Garza, Cindy Dooley, Clerk Kile

Commissioner Lauman stated he has read the MOU as well as the letter from Paula Robinson and made a **motion** to approve the MOU. Commissioner Dupont **seconded** the motion.

Chairman Brenneman stated he appreciated Clerk & Recorder Paula Robinsons willingness to do things that he feels will be better.

Aye - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF HR TRANSMITTAL: FINANCE DIRECTOR & TEMPORARY EMERGENCY MANAGEMENT PLANNER/ OES

[11:16:31 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Deputy County Attorney Tara Fugina, Clerk & Recorder Paula Robinson, Superintendent of Schools Marcia Sheffels, Treasurer Adele Krantz, HR Director Raeann Campbell, I.T. Director Vicki Saxby, Public Works Director Dave Prunty, Finance Comptroller Joe Garza, Cindy Dooley, Clerk Kile

Chairman Brenneman noted H.R. Director Raeann Campbell has recommended approval of the Finance Director position.

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

Mullaney reported funding for the temporary Emergency Management Planner position will come from a grant from the Emergency Operations Plan. She explained the person hired will help her update the EOP.

Chairman Brenneman clarified the person hired would be hired with the understanding that when the work is completed the job is done.

Commissioner Dupont made a **motion** to approve the HR Transmittal for a temporary Emergency Management Planner/ OES. Commissioner Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Lauman made a **motion** to approve the classification of an Emergency Management Planner/ OES. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DESERT MOUNTAIN COMMUNICATION SITE COST RECOVERY AGREEMENT/ FOREST SERVICE

[11:19:24 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Deputy County Attorney Tara Fugina, Deputy Director OES Cindy Mullaney, Clerk Kile

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

TAKE ACTION: STAR MEADOW LOGAN CREEK

[11:20:25 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, Deputy County Attorney Jonathan Smith, Deputy County Attorney Tara Fugina, Clerk Kile

Harris noted preliminary plat expired on January 16, 2010.

TUESDAY, FEBRUARY 9, 2010
(Continued)

Chairman Brenneman noted a letter was sent on October 1, 2009 and no reply was received. It was then read into the record Star Meadow Logan Creek is declared a dead file.

TAKE ACTION: CROWN JEWEL ESTATES

[11:21:27 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, Deputy County Attorney Jonathan Smith, Deputy County Attorney Tara Fugina, Clerk Kile

Harris noted preliminary plat expired on January 23, 2010.

Chairman Brenneman noted a letter was sent on October 1, 2009 and no reply was received. It was then read into the record that Crown Jewel Estates is declared a dead file.

TAKE ACTION: RIDGEVIEW PARK

[11:22:23 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, Deputy County Attorney Jonathan Smith, Deputy County Attorney Tara Fugina, Clerk Kile

Chairman Brenneman noted a letter was sent on November 2, 2009 and no reply was received. It was then read into the record Ridgeview Park is declared a dead file.

CONSIDERATION OF PRINTING BIDS: SUPT. OF SCHOOLS

[11:23:02 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve the print bid from Trippet's Printing for 1,000 gold seals for \$89.50 and 2,000 #10 envelopes for \$94.00. Commissioner Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: CONTINUITY OF OPERATIONS PLAN/ OES

[11:25:20 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Deputy County Attorney Tara Fugina, Planning & Zoning Director Jeff Harris, Deputy Director OES Cindy Mullaney, Clerk Kile

Commissioner Lauman made a **motion** to adopt Resolution 2245. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Resolution No. 2245

WHEREAS, a critical component of an emergency preparedness program is a continuity of operations (COOP) plan that ensures mission essential functions continue when normal operations are impaired;

WHEREAS, a Continuity of Operations Plan would provide a framework for facilitating the performance of essential functions and services for a period of up to 30 days during all-hazard emergencies or other situations that may disrupt normal operations;

WHEREAS, departments and agencies of the County must be prepared to continue their minimum essential functions throughout the spectrum of possible threats from natural disasters through acts of terrorism;

WHEREAS, many departments provide vital services to the residents of Flathead County and any cessations of these services can have a devastating effect on individuals;

WHEREAS, it is a best practice for county government to have a continuity of operations plan in place to ensure organizational obligations are met in the event of an emergency or incident;

WHEREAS, Flathead County currently does not have a completed continuity of operations plan.

**TUESDAY, FEBRUARY 9, 2010
(Continued)**

NOW, THEREFORE, BE IT RESOLVED, that each County department and agency (hereinafter "department") shall carry out the continuity of operations responsibilities described in this Resolution.

1. The head of each department shall be accountable for the execution of the responsibilities described in this Resolution.
2. The head of each department shall provide continuity of government for sustaining time-sensitive operations and staffing, at a minimum developing and maintaining a written continuity of operations plan which provides for:
 - a. Identifying and prioritizing essential functions;
 - b. Establishing, promulgating and maintaining orders of succession for key positions;
 - c. Delegating authorities for making policy determinations and other decisions at the field, satellite and other organizational levels, as appropriate;
 - d. Identifying continuity facilities, alternate uses for existing facilities, and as appropriate, virtual office options including telework;
 - e. Identifying available and redundant critical communications and information technology to support connectivity among internal and external stakeholders;
 - f. Identifying, protecting and assuring availability of electronic and hardcopy documents, references, records, information systems and data management software and equipment to support essential functions in a continuity situation;
 - g. Identifying and assigning continuity personnel to perform assigned response, and planning for workforce response to a continuity situation including situations which impact the workforce directly, such as a pandemic;
 - h. Implementing an effective training, testing and exercise program;
 - i. Identifying the need for transfer of legal authority and responsibility from the department's primary operating staff and facilities to other organizational staff and facilities, and to sustain that operational capability for an extended time; and
 - j. Providing for the reconstitution of normal operations by existing or replacement personnel at the original or replacement primary operating facility.
3. The head of each department shall commit resources for the development and maintenance of a departmental all-hazard COOP.
4. On an annual basis, each department shall notify the Office of Emergency Services and Management of the location of, and date of the most recent revision to, their COOP.

Dated this 9th day of February, 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/Diana Kile
Diana Kile, Deputy

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 10, 2010.

WEDNESDAY, FEBRUARY 10, 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.

- 9:00 a.m. Commissioner Lauman: AIS (Invasive Species) meeting @ Red Lion**
- 11:00 a.m. County Attorney meeting @ Co. Atty's Office**
- 11:30 a.m. Commissioner Brenneman: MSU Day @ Apgar Room, Hilton Garden Inn**
- 1:15 a.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 February 11, 2010.

THURSDAY, FEBRUARY 11, 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.

Kevin Coates, 670 Swan River Road said he met with the Planning and Zoning Office and familiarized himself with the process he needs to go through in order to develop his property. He invited the commission to look at his property at 307 Chapman Hill Road which he wishes to develop, and asked that they look at the surrounding level of development with lot sizes of less than 3/10th of an acre with multi family dwellings. Coates stated he plans to move forward with an application to develop a senior retirement type building.

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

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:00:30 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner Dale W. Lauman

Commissioner James R. Dupont

Seated [9:21:04 AM](#)

Others present:

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

Harris presented an updated monthly violation/ community decay report to the commission. He then reviewed an end of the year report, explained the work being done on floodplain regulations, spoke about the progress with the transportation plan and noted they are continuing to go through their budget looking for areas to save money. Discussion was held relative to controlling reader boards and signs.

MEETING W/ JAMES FREYHOLTZ/ MDOT RE: HWY 35 SPEED STUDY (NEAR FAIRMONT ROAD)

[9:30:18 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner Dale W. Lauman

Commissioner James R. Dupont

Others present:

Assistant Mike Pence, James Freyholtz, E.D. Sievers, Kristin LeCleng, Mark Holcomb, Clerk Kile

Freyholtz reported a follow-up speed study was done in the Fairmont Road area east of Kalispell near milepost 48 and the intersection of US Hwy 2. He noted they found a discrepancy in the existing posted 55 mph speed limit east of the Shady Lane signal where it is posted at 55 mph to quickly. He then reviewed a three year crash history which involved three fatalities each involving different circumstances.

General discussion was held relative to the advantage of having a traffic light at the intersection of Fairmont Road.

Freyholtz noted a design study is being done to install a left turn lane. He stated their recommendation is to extend the 55 mph speed limit out past Fairmont Road and correct the existing 45/ 55 mph transition to match what it is suppose to be according to the previous Transportation Commission.

Discussion was held relative to the petition that has been circulated by citizens in the Fairmont Road area in regards to safety concerns.

Chairman Brenneman said he would like to see Mr. Lynch meet with the residents in the area and explain to them how decisions are made and what the progress is in addressing these issues. He then said if they couldn't schedule a meeting with Mr. Lynch that a community meeting possibly could be held.

Discussion was then held relative to turning left off of (westbound) Hwy 35 onto Montford Road.

Commissioner Lauman made a **motion** stating they concur with the recommendation presented. Commissioner Dupont **seconded** the motion.

Commissioner Dupont then asked if there was any opposition to leaving the speed limit at 55 mph.

Freyholtz said that it was just standard procedure in order to change the speed.

Chairman Brenneman noted the neighborhood concern is that the traffic light at least made them feel safer.

Freyholtz noted the study reiterates there is no justification for a traffic light staying there.

Chairman Brenneman questioned if the road would be widened.

Freyholtz said the road would be widened so vehicles could move over and get out of the through traffic.

General discussion continued in regards to design of a left turn lane.

Aye - Lauman, Brenneman and Dupont. Motion carried unanimously.

Kristin LeCleng stated she wanted to make sure the communities voice was represented by the petition; which was acknowledged.

THURSDAY, FEBRUARY 11, 2010
(Continued)

CONSIDERATION OF EXTENSION REQUEST: WIND SONG ACRES

[9:45:40 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, Clerk Kile

Harris reported Wind Song Acres received preliminary plat approval on June 12, 2007 and a one year extension is being requested.

Commissioner Dupont made a **motion** to grant a one year extension to Wind Song Acres. Commissioner Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF EXTENSION REQUEST: LOGAN ESTATES

[9:45:45 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, Clerk Kile

Harris reported Logan Estates received preliminary plat approval on July 2, 2007 and a one year extension is being requested.

Commissioner Lauman made a **motion** to grant a one year extension to Logan Estates. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

AUTHORIZATION TO PUBLISH REQUEST FOR QUALIFICATIONS: ENGINEER/ EARL BENNETT BLDG. PARKING LOT

[9:46:40 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to authorize publication of the RFQ for engineering qualifications and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

REQUEST FOR QUALIFICATIONS

Flathead County is seeking proposals from qualified engineering firms for engineering services to assist in the design engineering, bidding and oversight of construction for a new parking lot located adjacent to the Earl Bennett Building in Kalispell, MT. The parking lot is to include approximately 64 parking stalls, storm drainage facilities, parking lot lighting, landscaping and irrigation. A site survey and some preliminary engineering have been completed and are available upon request.

The services to be provided, at a minimum, may include:

- Design engineering;
- Preparing construction drawings, specifications, and bid packages;
- Preparing engineering reports, submittals and permits as required;
- Assisting with advertising, bid openings, and award recommendations;
- On-site observation of construction activities;
- Preparing construction observation reports;
- Providing record drawings of the as-built conditions.

Responses to be considered must address the following items with a clear understandable methodology.

- The firms legal name, address and contact information.
- History and experience with design and construction of parking lot improvements.
- Experience and qualifications of ONLY the staff to be assigned to the project.
- Description of the individuals assigned to the projects prior experience with preparation, similar designs, plans, etc.
- Summary of successful construction projects.
- Present and projected workloads of the assigned personnel and firm.
- Capability to meet time and project budgets.
- Recent or current work for Flathead County.
- References for similar projects.

Interested respondents may contact Dave Prunty, Public Works Director, at 1249 Willow Glen Drive, Kalispell, MT 59901, or at 758-5790 between the hours of 8 AM and 4:30 PM to discuss this project. All responses must be submitted to the above address no later than 4:30 PM, March 5, 2010 to be considered.

THURSDAY, FEBRUARY 11, 2010
(Continued)

All submittals received by 4:30 p.m. on March 5, 2010 will be evaluated in accordance with the following factors:

1. Firm's proximity to the project / Flathead County.
2. Quality of firm and personnel.
3. Capability and capacity of firm.
4. Record of past performance on Flathead County projects.

Following the review and evaluation of the RFQ submittals, the list of interested firms may be narrowed to an appropriate short list for interviews. The County may just select the best qualified firm based on the written materials submitted, without conducting formal interviews.

Flathead County is an Equal Opportunity Employer.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

Publish on February 16 and February 23, 2010.

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

[10:00:19 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Joy Strubble, Clerk Kile

Garza met with the commission and reviewed the FY10 Mid-Year Report.

MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

[10:15:12 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Fair Manager Jay Scott, Joy Strubble, Ray Sanders, Randy Ogle, Clerk Kile

Scott presented an expense report to the commission in regards to costs for maintaining the track. He reported Missoula will be racing two days this year and Kalispell will be the only training track in the state which means there potentially could be 100 horses training here.

Commissioner Dupont asked if insurance costs would be higher with them using the track.

Scott stated he has checked with Jonathan Smith and the cost is no different than anyone else using the track; they do get proof of their insurance. He then spoke about the Fair advertising premium/ rodeo book, sponsorship of the concert by Toyota and sponsorship of various other Fair events. Scott noted the Fair Board would be discussing the use of the Trade Center building for baseball practice and roller derby.

General discussion was held relative to trade shows and home builder's shows in regards to a 90 day clause.

TAX REFUND: PROMACH MANUFACTURING

[10:32:34 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

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

DOCUMENTS FOR SIGNATURE: CDBG CONTRACTS/ MONTANA DISTRESSED WOOD PRODUCTS INDUSTRY RECOVERY & STABILIZATION PROGRAM

[10:34:38 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to authorize the chairman to sign the documents related to the CDBG grant. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, FEBRUARY 11, 2010
(Continued)

**DOCUMENT FOR SIGNATURE: FOREST SERVICE COMMUNICATIONS USE LEASE TAL189 AMENDMENT NO. 1/
BIG MOUNTAIN COMMUNICATIONS SITE**

[10:37:23 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve the Forest Service communications use lease and authorized the chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DEDICATION OF PARK IN LAKESIDE BY BRUCE ENNIS & MAGGIE DAVIS

[10:45:32 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Legal Assistant Debbie Boreson, Planning & Zoning Director Jeff Harris, Planning & Zoning Office Administrator Mary Fisher, Bruce Ennis, Margaret Davis, Randy Ogle, Ray Sanders, Jim Watson, Jena Ponti, Bruce Boody, C. Magnotta, John Ulrich, Mayre Flowers, Tamara Tanberg, Clerk Kile

Fisher reported Bruce Ennis and Maggie Davis have offered the county one and a half acres of prime lakefront property to be fully developed. He stated after a year of planning a MOU is before you today for your consideration.

Pence highly recommended approval to accept and maintain the eventually developed park. He thanked Bruce and Maggie for their amazing gift.

Bruce Ennis stated his wife Maggie, Bruce Boody and Jena Ponti have helped with the project, not only as designers, but inspiration as well. He explained the Lakeside Parks Committee has been very encouraging and helpful with their input causing them to do things differently than they might have otherwise. He then reviewed the history of the property purchased and stated the agreement before them was drafted in collaboration by his attorney Randy Ogle and County Attorney Jonathan Smith. Ennis said the MOU is an agreement between Mashie-Niblick LLC, which is owned by Oro Y Plata Foundation. He explained the park will have 190 feet of lakeshore frontage if the county's property is included with a men's and women's restroom, a large pavilion, two smaller pavilions and parking for 37 vehicles. He reviewed 12 reasons why he feels this is the best place you will ever find to put a park on Flathead Lake: it is in the center of a growing community, it is a permitted use in an area zoned commercial, it is a safe location, its adjacent to a dock, it can be accessed by bike, foot, or stroller from any place in Lakeside, it can be accessed by the water with a canoe and kayak rack included, it is near a public school, restroom facilities and parking will be provided, and most importantly the typography is unique in that Lakeside Boulevard is between the houses and lake.

Commissioner Lauman thanked Bruce and Maggie for their contribution to the community of Lakeside and stated he feels it will be a tremendous asset. He reviewed the sequence of events leading up to the donation with the community backing him. Lauman noted the off street parking will solve one of the main problems in a very narrow street along the lakeshore.

Commissioner Dupont said he appreciates what is being done for the community of Lakeside and Flathead County in general. Dupont said having worked as a patrol officer there was limited access to the public there and can remember the congestion getting worse. He stated this is a marvelous donation not only for Lakeside but for everyone in Flathead County to enjoy.

Chairman Brenneman said anyone who has lived here for generations or anyone who just moved here knows Flathead Lake is a tremendous treasure. He stated the gift presented today was well described as probably the most unique piece of property on the lake that is qualified to be a public park. He further stated I think I can speak on behalf of the current commission that our commitment to you is we will indeed take care of the park and hope the future commissioners do the same. Brenneman then added words fail to describe the appreciation and generosity being displayed.

Commissioner Lauman made a **motion** to authorize the chairman to sign the MOU on behalf of Flathead County. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

MEETING W/ DAVE PRUNTY/ SOLID WASTE DISTRICT RE: LEASING DNRC LAND IN OLNEY

[11:18:56 AM](#)

Members present:

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

Others present:

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

Prunty discussed with the commission the upcoming lease option of the MDT maintenance shop north of Olney. He explained the county in essence could assume MDT's lease for five years. Prunty noted he is looking for commissioner approval before proceeding forward with further discussions.

**THURSDAY, FEBRUARY 11, 2010
(Continued)**

General discussion was held relative to use of the shop by MDT and terms of a lease.

BUDGET AMENDMENTS: EMS AND BRIDGE DEPT.

11:29:48 AM

Members present:

Chairman Joseph D. Brenneman

Commissioner Dale W. Lauman

Commissioner James R. Dupont

Others present:

Assistant Mike Pence, EMS Manager Tim Soule, Public Works Director Dave Prunty, Operations Manager

Road & Bridge Dept. Guy Foy, Clerk Kile

Commissioner Dupont made a **motion** to approve Budget Amendment Resolution 2246. Commissioner Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

BUDGET AMENDMENT
RESOLUTION # 2246

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 11th day of February 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/Diana Kile

Diana Kile, Deputy

DATE OF ISSUE:		2/4/2010		BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:				RESOLUTION # 2246		Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT	
2130	0219	430244	900	Capital Outlay	66,000.00		
Explanation					66,000.00	0.00	
Establish CIP line item for purchases outlined in CIP document for the Bridge Department.							

**THURSDAY, FEBRUARY 11, 2010
(Continued)**

DATE OF ISSUE:		BUDGET ENTRY			VOUCHER NO.:	
DATE OF RECORD:		RESOLUTION # 2246 (Cont'd)			Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
2272	0222	440110	110	Salaries		2,760.00
2272	0222	440110	141	Unemployment		7.00
2272	0222	440110	142	Industrial Accident		30.00
2272	0222	440110	143	Health Insurance		755.00
2272	0222	440110	144	FICA		171.00
2272	0222	440110	145	PERS		195.00
2272	0222	440110	147	Medicare Tax		40.00
2272	0222	440110	150	Life Insurance		4.00
2272	0222	440110	212	small item equipment	1,500.00	
2272	0222	440110	215	comp equip/sftwr/hrdwr/supp/up		3,000.00
2272	0222	440110	222	chem/lab/med supplies		1,436.00
2272	0222	440110	228	educational supplies		3,240.00
2272	0222	440110	229	other operational supplies	1,250.00	
2272	0222	440110	378	travel	600.00	
2272	0222	440110	900	capital outlay		21,904.00
2272	0222	440110	822	transfer to		650.00
2273	0222	440110	398	other contract services	44,193.00	
2273	0222	440110	399	other contract services/spec proj	70,000.00	
2273	0222	521000	820	transfer to		70,000.00
Explanation					117,543.00	104,192.00
The above reflects changes made to the EMS budget and approved by the EMS Admin Board. It primarily reflects changes in Capital Outlay and Transfer to items and moves those funds to Other Contract Services and Special Projects which are funds which go directly to the EMS service providers.						

MEETING W/ B. J. GRIEVE/ PLANNING & ZONING OFFICE RE: DISBAND IMPACT FEE COMMITTEE & TERMINATE CONTRACT

11:32:27 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, Assistant Planning & Zoning Director B J Grieve, Clerk Kile

Grieve reported the Impact Fee Advisory Committee still exists on the books but not in function. He also noted an outstanding contract also exists that was approved by the Impact Fee Advisory Committee for approximately \$70,000 to prepare impact fees for a jail facility and roads. Grieve stated preliminary work was done and it was then put on hold awaiting completion of the Transportation Plan. The contract states either party can terminate the contract.

Commissioner Lauman made a **motion** to disband the committee and terminate the contract. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: MASHIE-NIBLICK, LLC

11:30:31 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, Assistant Planning & Zoning Director B J Grieve, Planner Bailey Iott, Bruce Ennis, Maggie Davis, Jim Watson, Jena Ponti, Bruce Boody, Clerk Kile

Iott entered into record Lakeshore Permit FLV 09-03; an application submitted by Mashie-Niblick, LLC Foundation for a variance request pertaining to Lakeside Park. The property is located at the end of Adams Street on the north side of the road. The applicant is requesting a variance to the property so that it may be used as a public park.

Commissioner Dupont made a **motion** to adopt the findings of fact and approve the variance request and authorized the chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, FEBRUARY 11, 2010
(Continued)

MEETING W/ DAVE POLANSKY/ EAGLE TRANSIT RE: NORTH VALLEY HOSPITAL BUS WRAP

11:37:39 AM

Members present:

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

Others present:

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

Polansky presented a copy of the North Valley Hospital wrap for review.

Following discussion the commission approved the bus wrap proof for North Valley Hospital.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SETTLEMENT AGREEMENT

11:40:39 AM

Members present:

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

Others present:

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

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to seek public input on a settlement agreement recently reached in the case of Kleinhans Farms Estates, LLC v. Flathead County, No., DV-08-614 (B), Eleventh Judicial District. The civil action is an appeal of the denial of a proposed subdivision by the Board of Commissioners, which also seeks declaratory and injunctive relief, compensatory damages, and attorney's fees.

The proposed settlement agreement provides for the approval of a modified subdivision plat under which the footprint of development originally proposed is reduced and open space is increased. The public will have an easement for access to the open space of approximately 150 acres for purposes of hiking, bird-watching and activities consistent with the purposes of the nearby Flathead Waterfowl Production Area along the North shore of Flathead Lake. The proposed settlement agreement provides for payment by the County to Plaintiffs of \$1,000,000 in three installments, including a \$500,000 payment upon court approval of the Consent Decree, and payments of \$250,000 due February 1, 2011 and February 1, 2012, and for the building of a portion of the subdivision's roads by the County. \$600,000 of that amount is to purchase the public easement and is refundable in the event that the easement for access to the open space is extinguished by sale of the property. The entire agreement is available on line at www.flathead.mt.gov/commissioner or may be viewed at the Office of the County Commissioners, 800 South Main, Kalispell, during regular business hours.

The public hearing will be held on the **1st day of March, 2010, at 9:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed settlement agreement in Kleinhans Farms Estates, LLC v. Flathead County.

DATED this 11th day of February, 2010.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on February 16 and February 23, 2010.

12:00 p.m. Commissioner Brenneman: Bigfork Steering Committee Public Forum @ Bethany Lutheran
2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Sr. Center
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 February 12, 2010.

FRIDAY, FEBRUARY 12, 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.

- 8:30 a.m. Commissioner Brenneman: Mosquito Control Board meeting @ Earl Bennett Bldg., Conference Room A**
- 10:00 a.m. Audit Committee meeting @ Commissioners' Meeting Room**
- 11:00 a.m. Commissioner Lauman: Greeter at Neighbors in Need @ Northridge Lutheran Church**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 15, 2010.
