
MONDAY, FEBRUARY 15, 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 – PRESIDENTS' DAY

- 8:30 a.m. Commissioner Brenneman: Meeting w/ Senator Jon Tester & Stoltz Land & Lumber officials re: Biomass Co-Gen Potential @ Stoltz Land & Lumber
9:50 a.m. Commissioner Brenneman: Meeting w/ Senator Jon Tester & Flathead Electric Cooperative officials re: Methane to Electricity Operations @ Solid Waste District

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 16, 2010.

TUESDAY, FEBRUARY 16, 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

[9:00:16 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, AOA /RSVP Director Jim Atkinson, Clerk Kile

Atkinson reported ridership has gone up approximately 1500 since last November with delivery of meals staying the same. He then discussed the need to withdraw from South Kalispell Fire District and to annex property located at Willow Glen Drive into the city for the new Eagle Transit building.

Discussion was then held relative to the relocation project.

BI-MONTHLY MEETING W/ DEBBIE PIERSON, GRANT WRITER

[9:18:06 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Pierson reported official notification was received regarding the AFG grant for radios with the federal portion being \$799,989 and the county match being \$199,997. She then spoke about the Bigfork Stormwater project and reported notification was received that the 2010 DEQ 319 award was successful for \$200,000. Also noted was 48 North was selected by the RFQ Review Committee. In addition it was reported Russ Kinzer is hosting a white board meetings to determine goals and objectives for the overall stormwater project. Pierson then reported on other work done on EECBG grants for energy efficiency, CDBG grants for a resident owned community project, a historic preservation grant for Courthouse upgrades and a recycling infrastructure grant.

CONSIDERATION OF HR TRANSMITTAL: FAIR MANAGER

[9:30:21 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, HR Director Raeann Campbell, Joy Strubble, Clerk Kile

Campbell explained the transmittal is for a revised Fair Manager position that was approved by the Fair Board.

Commissioner Lauman made a **motion** to approve the revised job description for a Fair Manager. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

TUESDAY, FEBRUARY 16, 2010
(Continued)

AUTHORIZATION TO PUBLISH CALL FOR BIDS: TIRES / ROAD DEPT.

9:34:04 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 authorize publication of Call for Bids for tires and authorized the chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following:

TIRES

Tires for Flathead County Road and Bridge Departments.

Bids for new tires, tubes, recaps and recapping.

Bidder will deliver and pick up tires at the Flathead County Shop Compound, 1249 Willow Glen Drive, Kalispell, MT.

There may be one bid for new tires and tubes and one bid for recaps and recapping.

Bid to be "firm" throughout contract period of February 1, 2010 through January 31, 2011 or until the County Commissioners call for new bids.

Bidder to furnish Net State Prices.

Tire Sizes: New Tires

10R22.5 12 ply (minimum) Steer Tires
11R22.5 16 ply (minimum) Steer Tires
11R22.5 16 ply (minimum) Drive Traction Tires
11R24.5 16 ply (minimum) Steer Tires
11R24.5 16 ply (minimum) Drive Traction Tires
1400R24 12 ply (minimum) Snow Type Non Directional Grader Tires
20.5X25 L5 Loader Tires
23.5X25 L5 Loader Tires
12X16.5 10 ply Skid Steer Tires
225/60R16 Speed Rated All Season V Rated
225/60R16 Speed Rated Mud and Snow (pin for studs)
235/55R17 Speed Rated All Season V Rated
235/55R17 Speed Rated Mud and Snow (pin for studs)
235/75R15 6 ply All Season
235/85R16 10 ply All Season
235/85R16 10 ply Mud and Snow (pin for studs)
245/75R16 10 ply All Season
245/75R16 10 ply Mud and Snow (pin for studs)
265/70R17 10 ply All Season
265/70R17 10 ply Mud and Snow (pin for studs)

Tire Sizes: Recap Tires

10R22.5 Gripper Caps
11R22.5 Gripper Caps (Using County Casings)
11R24.5 Gripper Caps (Using County Casings)

Any other tires needed will be purchased at Net State Prices to be determined in the best interest of Flathead County.

Bidder to attach a typed copy of the above tire sizes listing the brand, size, tread style, grade or quality, and prices for bid comparison and to be attached to the contract if awarded the bid. Bidder is requested to include a catalog of their bid products that would include photos of tires and treads.

Delivery: Pickup and/or delivery/shipping will be F.O.B. to the Flathead County Shop at 1249 Willow Glen Drive, Kalispell, MT. 59901

Each bidder must deposit with his bid, a bid security in the amount of one thousand dollars (\$1,000.000) to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the period of February 1, 2009 through January 31, 2010. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order or bank draft issued by a Montana bank, or a bid bond executed by a surety corporation authorized to do business in Montana.

The successful bidder must be able to deliver materials within ten (10) days of their being ordered by the County.

Should continued problems arise with the materials being supplied by the bidder or if the bidder cannot supply the materials needed, Flathead County reserves the right to purchase the bid items from another supplier in order to maintain operations and safety standards.

TUESDAY, FEBRUARY 16, 2010
(Continued)

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, MT.

All sealed bids, **plainly marked as such**, must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, on or before 5:00 p.m. on March 5, 2010. Bids will be opened and read at 9:15 a.m. on March 8, 2010 in the Commissioner's Office in the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

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

Dated this 16th 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 20 and February 27, 2010

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #10-07-4-31-015-0 & #10-07-4-51-009-0

9:35:23 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 approve the DPHHS contracts. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: SET LOAD LIMITS

9:45:40 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, Public Works Director Dave Prunty, Road Foreman Ovilla Byrd, Clerk Kile

Prunty explained the original request was for valley floor roads only and with the warm weather he is asking that the request be amended to include all county roads, effective February 19, 2010.

Commissioner Lauman made a **motion** to adopt resolution 2246 to set load limits on county roads. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

A motion was made on February 18, 2010 to renumber this resolution.

Resolution No. 2247

WHEREAS, the Board of Commissioners of Flathead County, Montana, is responsible for the maintenance of public highways under its jurisdiction;

WHEREAS, said public highways can be seriously damaged or destroyed by deterioration, rain, snow, thawing, or other climatic conditions unless the permissible vehicle weights are reduced;

WHEREAS, the Board of Commissioners of Flathead County, Montana, has the authority under Section 61-10-128, M.C.A., to impose restrictions on the weight of vehicles traveling on public roads under its jurisdiction;

WHEREAS, the public safety requires the immediate imposition of limits on county roads as an emergency measure to prevent accidents and damage to property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Section 61-10-128, M.C.A. that the following load limits shall apply until further order of the Board.

Load limit single axle 7 tons, tandem axle 14 tons, 350 lbs. per inch width of tire, however, at no time will the weight exceed 14,000 lbs. per single axle and 28,000 lbs. per tandem axle. Speed limit as posted.

Load limit single axle 8 tons, tandem axle 16 tons, 400 lbs. per inch width of tire, however, at no time will the weight exceed 16,000 lbs. per single axle and 32,000 lbs. per tandem axle. Speed limit as posted.

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(Continued)

The load limit on the following roads shall be 350 to 400 pounds per inch of tire width as marked as well as 35 miles per hour speed limit: (If a particular road on this list has not been marked then no load limit is imposed at this time.)

<u>350</u>	<u>400</u>	<u>Pounds per inch of tire.</u>
<u>350</u>	---	4th St. NW and 4th St. NE in Columbia Falls from 4th Ave. E to 4th Ave. NW.
<u>350</u>	---	Adams Street for the entire length of the road.
<u>350</u>	---	Angel Point Road for the entire length of the road.
<u>350</u>	---	Antelope Trail from Highway 93 to Hodgson Road.
<u>350</u>	---	Ashley Lake Road from Highway 2 to intersection with North Ashley Lake Road
<u>350</u>	---	Auction Road from Highway 93 to the end of the road
<u>350</u>	---	Austin Crossroad for the entire length of the road.
<u>350</u>	---	Bad Rock Road for the entire length of the road
<u>350</u>	---	Bald Rock Road from Rhodes Draw to Church Drive
<u>350</u>	---	Batavia Lane from Highway 2 to Ashley Lake Road
<u>350</u>	---	Beaver Lake Road from Hwy 93 N. to the end of the road.
<u>350</u>	---	Belton Stage Road from Hwy 2 to Hwy 2.
<u>350</u>	---	Berne Road for the entire length of the road.
<u>350</u>	---	Best Way for the entire length of the road
<u>350</u>	---	Bierney Creek Road from Hwy 93 to the end of the road.
<u>350</u>	---	Big Horn Drive from Hwy 2 to Smith Lake Road.
<u>350</u>	---	Bigfork Stage for the entire length of the road.
<u>350</u>	---	Bills Road for the entire length of the road.
<u>350</u>	---	Birch Grove from Helena Flats to Whitefish Stage.
<u>350</u>	---	Bitterroot Drive from Highway 2 to Pleasant Valley Road
<u>350</u>	---	Blackmer Lane for the entire length of the road.
	<u>400</u>	Blacktail Road from Highway 93 to the end of the road.
<u>350</u>	---	Blanchard Lake Road from Hwy 93 to Karrow Ave.
<u>350</u>	---	Blankenship Road for the entire length of the road.
<u>350</u>	---	Boon Road from Highway 93 to end of road
<u>350</u>	---	Bowdish Road from US 93 to the end of the road
<u>350</u>	---	Brosten Lane for the entire length of the road.
<u>350</u>	---	Browns Meadow for the entire length of the road.
<u>350</u>	---	Brunner Road from Hwy 2 to S. Hilltop.
	<u>400</u>	Cemetery Road for the entire length of the road.
<u>350</u>	---	Chapman Hill for the entire length of the road.
	<u>400</u>	Church Drive for the entire length of the road.
<u>350</u>	---	Clark Drive for the entire length of the road.
	<u>400</u>	Columbia Falls Stage from MT 35 to Rogers Rd
<u>350</u>	---	Conn Road for the entire length of the road.
<u>350</u>	---	Coram Stage for the entire length of the road.
<u>350</u>	---	Coverdell Road for the entire length of the road
<u>350</u>	---	Creston Hatchery Road from Highway 35 to Lake Blaine Road
<u>350</u>	---	Creston Road for the entire length of the road.
<u>350</u>	---	Deer Creek Road for the entire length of the road.
<u>350</u>	---	Dillon Road for the entire length of the road.
<u>350</u>	---	Dyer Road for the entire length of the road.
<u>350</u>	---	East Edgewood Drive for the entire length of the road.
<u>350</u>	---	East Evergreen Drive for the entire length of the road.
<u>350</u>	---	East Lakeshore from Big Mountain Road to the end of the road.
<u>350</u>	---	East Reserve Drive for the entire length of the road.
<u>350</u>	---	Echo Lake Road for the entire length of the road.
<u>350</u>	---	Eckelberry Drive for the entire length of the road.
<u>350</u>	---	Egan Slough Road from Hwy 35 to the end of the road
<u>350</u>	---	Elk Park Road for the entire length of the road
<u>350</u>	---	Fairmont Road for the entire length of the road.
<u>350</u>	---	Farm Road from Lower Valley to MT HWY 82.
	<u>400</u>	Farm-to-Market from Hwy 93 North, to the intersection of Lodgepole Road.
	<u>400</u>	FAS 486 (North Fork Road) from end of the oil, north to end of road
<u>350</u>	---	Fern Lane for the entire length of the road.
<u>350</u>	---	Ferndale Drive for the entire length of the road.
<u>350</u>	---	Flathead Lodge Road for the entire length of the road.

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	400	Foothill Road from Lake Blaine Road to Echo Lake Road
<u>350</u>	---	Forest Hill Road for the entire length of the road.
<u>350</u>	---	Gladys Glen Road for the entire length of the road.
	400	Good Creek Road from American Timber entrance off of Highway 93
<u>350</u>	---	Gopher Lane from Highway 2 to Pleasant Valley Road
<u>350</u>	---	Grand Avenue for the entire length of the road.
<u>350</u>	---	Grayling Road from Bierney Creek Rd. to Troutbeck Rd.
	400	Halfmoon Road north of Highway 40 from Stoltz Lumber Mill entrance going north
<u>350</u>	---	Hanging Rock Drive from Highway 82 to Holt Drive.
<u>350</u>	---	Helena Flats from Pioneer Road to Hwy 35.
<u>350</u>	---	Hodgson Road from Hwy 93 to Hwy 2.
<u>350</u>	---	Hoffman Draw from Highway 2 to end of road
<u>350</u>	---	Hog Heaven from Highway 29 to end of road
<u>350</u>	---	Holt Drive for the entire length of the road.
<u>350</u>	---	Holt Stage for the entire length of the road.
<u>350</u>	---	Hubbart Dam Road from Highway 2 to Crossover Road
<u>350</u>	---	Idaho Hill Road for the entire length of the road
<u>350</u>	---	J P Road from Whitefish River to Monegan Road.
<u>350</u>	---	Jacquette Road for the entire length of the road.
<u>350</u>	---	Jellison Road from Jellison Lane north to the end of the road.
<u>350</u>	---	Jensen Road for the entire length of the road.
<u>350</u>	---	Karrow Ave. for the entire length of the road.
<u>350</u>	---	Kelley Road for the entire length of the road.
<u>350</u>	---	Kila Road for the entire length of the road.
<u>350</u>	---	KM Ranch Road for the entire length of the road.
<u>350</u>	---	Kuhns Road for the entire length of the road.
<u>350</u>	---	Kuzmic Lane for the entire length of the road.
<u>350</u>	---	LaBrant Road for the entire length of the road.
	400	Lake Blaine Road from Highway 35 to Foothills Road
<u>350</u>	---	Lake Five Road form Hwy 2 to the Belton Stage Road.
<u>350</u>	---	Lakeside Boulevard for the entire length of the road.
<u>350</u>	---	Lindsey Lane for the entire length of the road.
<u>350</u>	---	Lost Creek Drive for the entire length of the road.
<u>350</u>	---	Lost Prairie Road from Highway 2 to Pleasant Valley Road
	400	Lower Valley Road from Highway 93 to Highway 82
<u>350</u>	---	Lupfer Road from Highway 93 to the end of the road.
<u>350</u>	---	Lutheran Camp Road for the entire length of the road.
<u>350</u>	---	Mable Street for the entire length of the road.
<u>350</u>	---	Managhan Lane from Highway 2 to Batavia Lane
<u>350</u>	---	Many Lakes Drive for the entire length of the road.
<u>350</u>	---	Marquardt Lane from Highway 2 to Kienas Road
<u>350</u>	---	Martin Camp Road Highway 93 for the entire length of the road
<u>350</u>	---	McCaffery Road for the entire length of the road.
<u>350</u>	---	McMannamy Draw from Farm-to-Market to the end of the road
<u>350</u>	---	Meadow Lake Blvd for the entire length of the road.
<u>350</u>	---	Mennonite Church Road for the entire length of the road.
<u>350</u>	---	Middle Road for the entire length of the road.
<u>350</u>	---	Monegan Road for the entire length of the road.
<u>350</u>	---	Monte Vista Drive for the entire length of the road.
<u>350</u>	---	Montford Road for the entire length of the road.
<u>350</u>	---	Morning View Drive for the entire length of the road.
<u>350</u>	---	North Hilltop Road for the entire length of the road.
<u>350</u>	---	North Somers Road for the entire length of the road.
<u>350</u>	---	Olney Loop Road for the entire length of the road.
<u>350</u>	---	Patrick Creek Road from Foys Canyon Road to the end of the road
<u>350</u>	---	Phanco Lane for the entire length of the road.
<u>350</u>	---	Pleasant Valley Road from Highway 2 to Lost Prairie Road
<u>350</u>	---	Political Hill for the entire length of the road.
<u>350</u>	---	Rabe Road for the entire length of the road.
<u>350</u>	---	Ramsfield Road for the entire length of the road.

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<u>350</u>	—	Ranch Road for the entire length of the road.
<u>350</u>	—	Reservoir Road from E. Lakeshore to the end. (Northwoods Drive)
	<u>400</u>	Rhodes Draw from Farm-to-Market to the end of the road
<u>350</u>	—	River Bend Drive for the entire length of the road.
	<u>400</u>	River Rd (CF) for its entire length
<u>350</u>	—	Riverside Road for the entire length of the road.
	<u>400</u>	Rocky Cliff Road from Highway 93 to Airport Road
<u>350</u>	—	Rogers Lake Road from Highway 2 to Sickler Creek Road
	<u>400</u>	Rogers Road for the entire length of the road.
<u>350</u>	—	Rose Crossing from Whitefish Stage to Helena Flats.
<u>350</u>	—	School Addition Road for the entire length of the road.
<u>350</u>	—	Schrade Road from Hwy 93 to Whitefish Stage Road
<u>350</u>	—	Shady Lane for the entire length of the road.
<u>350</u>	—	Sickler Creek Road from Highway 2 to Rogers Lake Road.
<u>350</u>	—	Smith Lake Road from Whalebone Drive to Kila Road
<u>350</u>	—	Snow Line Road from Highway 93 to the end of the road
<u>350</u>	—	Somers Road for the entire length of the road.
<u>350</u>	—	Somers Stage Road from Hwy 93 to the end of the road.
<u>350</u>	—	South Fork Road from US Hwy 2 to Spotted Bear Road.
<u>350</u>	—	South Hilltop Road from Talbot Road to Jellison Road.
<u>350</u>	—	South Woodland Dr. from Woodland Ave. to Kelly Road.
	<u>400</u>	Spotted Bear Road from Old US 2 to South Fork Road
<u>350</u>	—	Spring Creek Drive for the entire length of the road.
<u>350</u>	—	Springcreek Road from Hwy 93 to the end of the road.
<u>350</u>	—	Star Meadows Rd for the entire length of the road.
<u>350</u>	—	Stillwater Rd from first 90 degree corner North of West Reserve to the end of the road.
<u>350</u>	—	Stoner Creek Road for the entire length of the road.
<u>350</u>	—	Sullivan Crossroad for the entire length of the road.
	<u>400</u>	Sunset Drive for the entire length of the road.
<u>350</u>	—	Swan Hill Road for the entire length of the road.
<u>350</u>	—	Swan River Road from MT 83 to MT 209.
<u>350</u>	—	Tamarack Creek Road from Hwy 93 N. to the end of the road.
<u>350</u>	—	Tamarack Lane from 4th Ave NW to East Edgewood Drive.
<u>350</u>	—	Tavern Lane for the entire length of the road.
<u>350</u>	—	Tetrault Road for the entire length of the road.
<u>350</u>	—	Thompson River Road from Highway 2 to County Line
<u>350</u>	—	Three Mile Drive from West Springcreek to end of the road.
<u>350</u>	—	Timber Lane for the entire length of the road.
<u>350</u>	—	Trap Road for the entire length of the road.
<u>350</u>	—	Truman Creek Road for the entire length of the road.
<u>350</u>	—	Trumble Creek Road for the entire length of the road.
<u>350</u>	—	Twin Acres Drive for the entire length of the road.
<u>350</u>	—	Twin Bridges Road from Lodgepole Road to Farm-to-Market.
<u>350</u>	—	Voerman Road for the entire length of the road.
<u>350</u>	—	Vonderheide Lane for the entire length of the road.
<u>350</u>	—	Walsh Road from Hwy 2 to South Hilltop Road.
<u>350</u>	—	West Evergreen from Highway 2 to Whitefish Stage Road
<u>350</u>	—	West Springcreek from Highway 2 to Three Mile Drive
<u>350</u>	—	West Valley Drive for the entire length of the road.
<u>350</u>	—	Whalebone Drive for the entire length of the road.
	<u>400</u>	Whitefish Stage from Kalispell City Limits to Reserve
<u>350</u>	—	Wiley Dike Road for the entire length of the road.
<u>350</u>	—	Wishart Road for the entire length of the road.
<u>350</u>	—	Wolf Creek Road for the entire length of the road.
<u>350</u>	—	Yoeman Hall from Hwy 206 E. to the end of the road.

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Variances may be granted by permit obtained through the County Road Department.

BE IT FURTHER RESOLVED that this resolution shall be effective February 19, 2010 and shall be in effect until load limits are removed by motion of this Board.

Dated this 16th 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

CONSIDERATION OF PRINTING BIDS: LIBRARY

[9:49:14 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 Insty Prints for 500 business cards for \$39.95. Commissioner Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

BOARD APPOINTMENTS: ASHLEY LAKE LAND USE ADVISORY COMMITTEE & MOSQUITO CONTROL BOARD

[9:53:21 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, Office Administrator Planning & Zoning Mary Fisher, Clerk Kile

Commissioner Lauman made a **motion** to appoint Les Hart to Ashley Lake Land Use Advisory Committee to replace Patrick Mills. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Chairman Brenneman made a **motion** to appoint Ann Waltz and C.M. Clark to the Mosquito Control Board. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: MDOT SECTION 5310 CAPITAL CONTRACT/ AOA MINI VAN

[9:54:53 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 MDOT contract and authorized the chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

COMMISSION QUARTERLY PLANNING BOARD MEETING

[12:00:00 PM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Charles Lapp, Jeff Larsen, Marie Hickey Au-Claire, Michael Mower, Gordon Cross, Marc Pitman, James Heim, Clerk Kile

Flathead County Planning Board members met with the commission and discussed the following issues.

TUESDAY, FEBRUARY 16, 2010
(Continued)

Planning Board Question:

The Commissioners have approved a new process whereby citizens can initiate a new neighborhood plan. The process calls for the Commissioners to give the effort a green light after community members make a request for Planning Office assistance. After that point the Planning Office will determine the level of community interest in going forward. If the Planning Office believes there is adequate interest, they will request that the Commissioners approve devoting further resources to developing a plan. The Planning Board is wondering if the Commissioners have any criteria in mind that they will want to see met before allowing a plan to be developed. At what point will the "clear majority" test that is referenced in the Growth Policy be applied? Will that be a determination made by the Planning Office?

Chairman Brenneman explained his expectation now is that staff will bring them some manner of proof that the neighborhood plan isn't something despised by a large number of people living in the area.

Commissioner Dupont said his interpretation of the whole issue is complaints of the Planning and Zoning Office getting involved prematurely in the planning process and that is all we are trying to clarify.

Jeff Larsen questioned what the Commission would consider a clear majority before they proceed with the plan.

General discussion continued in regards to neighborhood plan procedures, the polling process and the definition of a clear majority.

Marie Hickey-AuClaire said this procedure will take the heat off the Planning and Zoning Office, and if someone wants to protest it they will come to the commission who made the determination to move forward with the neighborhood plan.

Planning Board Question:

The Subdivision Review Panel has been at work for several years. What is the status of their efforts? What will the Commissioners do with their final recommendations? Will the Planning Board have an opportunity to review them and make a recommendation?

Chairman Brenneman said it has been anticipated the panel would make their recommendations to the commissioners and if there were areas where the panel and planning staff disagree, they would attempt to discern what would be the proper thing to do; once that process is completed it would be appropriate to send the proposed changes to the Planning Board for their input.

Jeff Harris noted all the statutory changes approved by the last legislature are being incorporated into their changes.

Planning Board Question:

The Planning Board has recently reviewed numerous zone change applications and zoning text amendments. These have been reviewed using the old criteria that are part of the zoning regulations. The most recent legislature required new criteria and the county has moved to adopt them. However the adoption process has been a long one and the County Attorney's Office has advised the Planning Office and the Board to continue using the old criteria for all applications that were completed prior to the adoption of the new criteria. Some board members are uncomfortable with that advice. They are troubled by the legal interpretation the Board has received and are hesitant to take action on the particular application. What advice do the Commissioners have for board members that do not agree with an opinion provided by the County Attorney's Office? Should the board member regard the opinion as having settled the matter and proceed to consider the question or should they voice their disagreement and abstain?

Discussion was held relative to concerns related to the old/new criteria used to review zone change applications and text amendments. Discussion also included legal advice issues.

Planning Board Question:

A similar circumstance is likely to come up later this year if the Planning Board is asked to consider the Lakeside Neighborhood Plan before the lawsuit concerning its legality is decided. Previously, the County Attorney's Office advised the board to proceed with consideration, despite the lawsuit, even though individual board members had serious misgivings about the situation. What is the status of the legal case on this issue now that the private investigation of the Planning Office is completed? Should consideration of the Lakeside Plan move forward at a pace that is independent of the progression of the lawsuit? Once again, what should individual board members do that are not in agreement with whatever the county's decision is?

Chairman Brenneman commented if they are in the process of doing something and the court has not told them to stop with an injunction they usually proceed with what they feel is understood to be their right to do so. The litigants have options as far as what they can do to stop that. If they choose not to do that it seems at least passive approval is given to go ahead with it. Regarding if an individual Planning Board member feels that is inappropriate - unconscionable to them they probably should resign.

Commissioner Lauman stated he agreed that it should move forward and the litigation on the other side can choose to file an injunction. If you stop the process then everything just sits.

Commissioner Dupont said there is a legal precedence to stop it if someone wants to request it which hasn't been done. The time elements will only run for so long with civil lawsuits. We would never get anything done if we waited for the court to decide.

TUESDAY, FEBRUARY 16, 2010
(Continued)

Discussion was held relative to where they are at with the Lakeside Neighborhood Plan. Harris said the Planning Committee gave the plan to the Community Council last month and they wanted a month to read it and see if they agreed with it before moving forward. If they do push it forward it will be pushed forward to the commission. The Planning Board reviewed it and sent it back with recommendations and fixes that needed done.

Chairman Brenneman stated he wanted to make it clear that he wasn't suggesting that anyone on the Planning Board now resign, that he was answering the question as to what should individual board members do that are not in agreement with the counties decision.

Discussion was then held relative to formatting applications in order to have consistent reports.

Harris explained for subdivision applications they do have a standardized template and they are currently working on one for zone change amendment applications.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 17, 2010.

WEDNESDAY, FEBRUARY 17, 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.

9:15 a.m.	Commissioner Lauman: RSVP Board meeting @ Heritage Place
11:00 a.m.	County Attorney meeting @ Co. Atty's Office
12:00 p.m.	Commissioner Brenneman: Safe Kids Safe Community meeting @ Earl Bennett Bldg.
5:00 p.m.	Commissioner Brenneman: Kalispell Chamber of Commerce "Unwind" @ Hockaday Museum of Art

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 18, 2010.

THURSDAY, FEBRUARY 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.

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

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

9:00:25 AM

Members present:

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

Others present:

Assistant Mike Pence, Weed & Parks Director Jed Fisher, Clerk Kile

Fisher reported the Weed & Parks Master Plan recently adopted set a goal of evaluating undeveloped parks to determine if they potentially can be developed, and if not to declare them as surplus and use the revenue for maintaining other park developments. He then reviewed the location of the three presently being looked at with two on Bitterroot Lake and another on Whitefish Lake. He explained the two on Bitterroot Lake both have steep banks and hillsides and the one on Whitefish Lake is on a steep cliff making them difficult to develop.

Chairman Brenneman suggested the Weed & Parks Board make plans to enhance amenities on Bitterroot Lake with the monies received from the sale of the surplus parks on Bitterroot Lake.

Discussion was held relative to the many undesirable parks in the Many Lakes area.

Fisher then reported on the status of their cash in lieu account and stated the board also made the decision to not allow food vendors in their parks.

THURSDAY, FEBRUARY 18, 2010
(Continued)

DISCUSSION RE: JUSTICE CENTER AIR DUCT CLEANING

[9:18:15 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Weed & Parks Director Jed Fisher, Clerk Kile

Fisher stated the Justice Center building air duct cleaning system needs cleaned with it becoming a health issue. He noted the approximately \$40,000 needed to go forward with cleaning the air ducts was not budgeted for. Fisher explained his staff will work closely with the contractor to train with them with the ultimate goal to buy a unit in order to keep buildings in the county clean.

Pence explained this is a major expense not budgeted for and commissioner support is needed.

Following discussion the commission unanimously granted approval.

MEETING W/ LARRY ANDERSON/ CONGRESSMAN REHBERG'S OFFICE RE: UPDATE

[9:30:26 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Larry Anderson, Clerk Kile

Anderson reported appropriation request forms are on the website with the deadline approaching on March 1, 2010. He then stated a meeting was held in Libby in regards to SB1470 and the 1200 comments received were forwarded to Senator Tester.

General discussion was held relative to logging, jobs, open meetings, spending of stimulus money and the new by-pass project.

AUTHORIZATION TO RE-NUMBER RESOLUTION

[9:51:02 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

The resolution to implement load limits adopted on February 16, 2010 was numbered 2246. It should have been 2247.

Commissioner Lauman made a **motion** to authorize the clerk to re-number the load limit resolution to 2247. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TAX INCENTIVE REQUEST/ CHEFF

[10:01:31 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, Clerk Kile

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

THURSDAY, FEBRUARY 18, 2010
(Continued)

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Sections 15-24-1502 and 76-15-103, M.C.A., that it will hold a public hearing to consider the application of Jennifer D. and T. Justin Cheff, of Columbia Falls, Montana, seeking the application of tax reducing benefits for remodeling the building located at 1305 Columbia Drive, Columbia Falls, consisting of an additional 2,100 sq ft of additional living space added to the existing building. If the application is granted, the increased value will be taxed at twenty percent of its taxable value in the first year after approval; in each year thereafter, the percentage will be increased by 20 percent until the full taxable value is attained in the fifth year.

The public hearing will be held on the **18th day of March, 2010, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Montana, Courthouse, West Annex, 800 South Main Street, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the application for tax reduction of Jennifer D. and T. Justin Cheff.

DATED this 18th 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 23 and March 9, 2010.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: BRIDGE GIRDERS/ ROAD DEPT.

10:04:51 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 the publication of Call for Bids for bridge girders and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that sealed bids for the purchase of concrete tri-deck bridge girders will be received by the County Board of Commissioners of Flathead County, Montana.

The specifications are as follows:

Fabrication, certification and delivery of pre-cast concrete Tri-deck bridge girders for Trail Creek Bridge. Structural pre-cast reinforced members and all accessories shall conform to the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications, HS20-44 loading and the nominal dimensions provided. The County shall install the sixty-five (65') foot single span bridge members delivered to the following Flathead County, Montana locations:

TRAIL CREEK BRIDGE. This bridge is located approximately 47.0 miles North of Columbia Falls, Montana on Flathead County's North Fork Road. The bridge crosses Trail Creek in Section 35, T37N, R22W, P.P.M.

The Contractor is responsible for the design, fabrication, materials and methods used in the pre-stressing operation. The contractor shall provide sufficient quantities of accessory materials including bearing pads, non-shrink grout, joint filler, mastic, weld plates and any other materials required for the completion of the structure as an incidental item. The Contractor shall also furnish all bridge rail posts for installation by the County on the Bridge Structure.

The Contractor shall furnish four (4) sets of fabrication prints to the County and shall certify in writing that the fabrication of the material supplied and delivered in connection with this project is in conformance with the latest edition of AASHTO Standard Specifications.

The Contractor shall provide a qualified on-site representative during delivery and county installation of the pre-cast concrete members inclusive in this Contract.

Flathead County may award one bid depending upon, funds available. Bid proposals must be submitted on a form to be provided for the purpose, addressed to the Board of County Commissioners, Flathead County Clerk and Recorder, 800 South Main, Kalispell, MT59901, and enclosed in an envelope marked, "Proposal for Concrete Tri-deck Bridge Girders."

No proposal will be considered unless accompanied by a proposal security in the amount of one thousand dollars (\$1,000.00) of his bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase and sale of said materials. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order or bank draft issued by a Montana bank, or a bid bond executed by a surety corporation authorized to do business in Montana.

THURSDAY, FEBRUARY 18, 2010
(Continued)

Plans and specifications, forms of contract, proposal blanks, and full instructions are on file and may be obtained at the Clerk and Recorder's office in the Courthouse at 800 South Main, Kalispell, MT 59901.

Contractor shall have bridge materials on hand thirty (30) days prior to July 1, of this current year. The County will notify the bidder two weeks prior to the anticipated delivery time. Materials are to be provided when requested by the County.

All sealed bids, **plainly marked as such**, must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, on or before **5:00 p.m.** on **March 8, 2010**. Bids will be opened and read at **9:30 a.m.** on **March 11, 2010** in the Commissioner's Office in the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County. This contract will be in effect from the date the contract is signed thru December 31, 2010.

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

Dated this 18th 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 23 and March 2, 2010.

DOCUMENT FOR SIGNATURE: PETITION FOR ANNEXATION – LOT 2 OF WILLOW GLEN/ TRACTS/ EAGLE TRANSIT

[10:05:25 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 document for signature and authorized the chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

BOARD APPOINTMENT: FLATHEAD REGIONAL WASTEWATER MANAGEMENT GROUP

[10:07:06 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Chairman Brenneman made a **motion** to appoint Commissioner Lauman to the Flathead Regional Wastewater Management Group. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

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

FRIDAY, FEBRUARY 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.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: EAGLE TRANSIT BUS BUILDING

10:00:14 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman (via phone)

Members absent:

Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Public Works Director Dave Prunty, Clerk Eisenzimer

Commissioner Lauman made a **motion** to approve the Call for Bids and authorized the chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

CALL FOR BIDS

Sealed bids will be received by the Flathead County Commissioners, 800 South Main Street, Kalispell, Montana until **10:15 AM [local time] March 11, 2010**, publicly opened and read aloud on the same day and time in the Commissioner's Chambers, and taken under advisement. All bids must be plainly marked "**Eagle Transit New Building**". The Commissioners reserves the right to reject any and all bids, to waive formalities, and to accept the bid deemed most advantageous to Flathead County.

Bids shall be submitted on the form provided with the Contract Documents. The General Contractor and Subcontractors may secure documents by contacting the office of Architects Design Group PC, No. 1 Sunset Plaza, Kalispell, Montana, [406-257-7125] upon deposit of \$150.00, refundable when returned within ten days in good condition after the bid opening.

A bid guarantee of ten percent (10%) of the total basic bid shall be submitted with each bid and shall be in the form of lawful moneys of the United States, a cashiers check, certified check, bank draft or bid bond payable to Flathead County, executed by an acceptable surety. Said surety shall be guaranteed that the bidder will enter into the contract and furnish good and sufficient bonds within ten (10) days of the award, said check or moneys are to be forfeited to the said public authority as provided by Montana Law.

No bidder may withdraw his bid for at least thirty (30) days after the scheduled time for receipt of bids.

A Performance Bond and separate Labor and Material Payment Bond, each in the amount of 100% of the contract sum will be required of the successful contractor. The contractor is to furnish bonds insuring the payment of wages and fringe benefits as required by 18-2-201 MCA.

Each Contractor and Subcontractor will be required to have a contractor's certificate of registration from the Employment Relations Division of the Montana Department of Labor and Industry in the proper classification and be in full compliance with SB 354.

There will be a pre-bid walkthrough of the project at **10:00 AM on March 2, 2010**. All interested bidders are to meet at the Eagle Transit Building at that time.

Montana Code Annotated. Title 18, Chapter 1 provides that contracts for construction, repair, maintenance, or providing services to or for the State government or its subdivisions will be awarded to the lowest responsible bidder. However the preference given to resident bidders of this state must be equal to the preference given in the other state or country and must further pay the Federal Prevailing Wage Rates to workers performing labor on the contract. The contractor is required to keep wage records to substantiate that prevailing wages have in fact been paid. Contractors are also reminded that one percent (1%) of each payment due will be withheld for the required Montana Contractors Tax. (Section 37-71-204, 15-50-205 and 15-50-206 of Montana Code Annotated)

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

Dated this 19th day of February, 2010.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Monica R. Eisenzimer
Monica Eisenzimer, Deputy

Publish on February 21 and February 28, 2010.

9:00 a.m. Commissioner Brenneman: Bigfork Stormwater Advisory Committee "White Board" meeting @ Bigfork Elementary

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