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## MONDAY, APRIL 5, 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.

### NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 6, 2010.

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## TUESDAY, APRIL 6, 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.

Shirley Anderson, 1475 Helena Flats Road said she is dismayed the contract for Jeff Harris the Planning and Zoning Director may not be renewed. She stated she has 10 years experience in regards to land use planning and her first experience with anti-planning forces was in 2000, when Russ Crowder and Greg Stevens had a meeting that was full of misrepresentation and propoganda that is playing on the fears of land use planning. Anderson said Mr. Harris shouldn't have any fear in that he is a very professional person. She then said 2003 was a tough year because every proposal that came up in her area Russ Crowder was there against it; which is his privilege. They did get their Neighborhood Plan through which was well done and the Planning Office worked it over along with the Planning Board and it has been a model for others. Anderson stated from the time Mr. Harris arrived he has been a target as well as all other planning officials. Your decision to spend \$10,000 to investigate made me cringe as a taxpayer, yet I felt it was a good decision. Innuendos and insinuations were disregarded from the onset; 29 separate cases. Whenever we have called on Mr. Harris for help he has been there and never has he pushed for zoning; he has explained advantages and disadvantages, and I have never heard him speak in anything but a courteous manner. After FERDO was resolved I was so grateful when we got a planner who was educated, experienced and fair. I urge you to renew his contract.

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

### DOCUMENT FOR SIGNATURE: QUITCLAIM DEED/ BENNETT & SAKARIASON

[9:00:49 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Clerk Kile

Steele explained the circumstances surrounding the QCD for Bennett and Sakariason in which the county is giving a QCD to the homeowners and the homeowners are giving an easement back to the county.

Commissioner Dupont made a **motion** to approve the QCD for Bennett and Sakariason. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

### DOCUMENT FOR SIGNATURE: DEQ CONTRACT #208029

[9:02:54 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Pence explained the contract adds \$35,000 to the Bigfork Stormwater Project.

Commissioner Dupont made a **motion** to authorize the chairman to sign the DEQ contract. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

TUESDAY, APRIL 6, 2010  
(Continued)

**BI-MONTHLY MEETING W/ VICKI SAXBY, I.T.**

9:16:46 AM

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, I.T. Director Vicki Saxby, Clerk Kile

Saxby reported the proposed project working with the City of Kalispell on their website appears to be a much larger project than first anticipated. She then explained her concerns in regards to committing a programmer to the project.

General discussion continued in regards to budget concerns.

In other business she reported a new Computer Tech has been hired, budget work has been finished, quotes were presented for a wireless re-mote site, continuity of service projects were reviewed and an application for tax refunds has been created for the Treasurer's Office. Statistics were reviewed in regards to tech support and usage.

**PUBLIC HEARING: CREATION OF RSID #149 (SWAN HORSESHOE ROAD)**

9:30:01 AM

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Marc Liechti, Jeff Goudreau, Dave Crow, Don Spivey, Rich Janisse, Clerk Kile

Fugina reported the Commission adopted Resolution of Intent No. 2248 on March 2, 2010 to create RSID #149 Swan Horseshoe Road. She noted the protest period ended on April 5 and no protests were filed.

**Chairman Brenneman opened the public hearing to anyone wishing to speak in regards to creation of RSID #149.**

David Crow questioned the time it would take to complete the process of the RSID before paving is started.

Jeff Goudreau explained they would want to wait for dry weather before starting.

Fugina stated it would take at least 30 days for the bonds to be sold after they go out to bid.

Chairman Brenneman noted realistically they are 90 days away from paving.

Pence stated there is no reason they couldn't get the bid process going right now.

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

Commissioner Dupont made a **motion** to adopt Resolution 2248A. Chairman Brenneman **seconded** the motion. **Aye -** Brenneman and Dupont. Motion carried by quorum.

**CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE**

I, the undersigned, being the duly qualified and acting recording officer of the County of Flathead, Montana (the "County"), hereby certify that the attached resolution is a true copy of Resolution No. 2248 A, entitled: "RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 149; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of County Commissioners of the County at a meeting on April 6, 2010, and that the meeting was duly held by the Board of County Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: **Chairman Brenneman, Commissioner Dupont**; voted against the same: \_\_\_\_\_; abstained from voting thereon: \_\_\_\_\_; or were absent: **Commissioner Lauman**.

WITNESS my hand officially this 6<sup>th</sup> day of April, 2010.



Paula Robinson, Flathead County Clerk and Recorder

By/s/Diana Kile

Deputy

**TUESDAY, APRIL 6, 2010**  
**(Continued)**

RESOLUTION NO. 2248A

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 149; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

BE IT RESOLVED by the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County"), as follows:

Section 1. Passage of Resolution of Intention. This Board, on March 2, 2010, adopted Resolution No. 2248 (the "Resolution of Intention"), pursuant to which this Board declared its intention to create a rural special improvement district, designated as Rural Special Improvement District No. 149 of the County (the "District"), under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended (the "Act"), for the purpose of financing a portion of the costs of certain improvements described therein (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds drawn on the District (the "Bonds"), the creation and administration of the District, the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund") and the establishment of a reserve account securing the Bonds in the District fund (the "Reserve Account").

Section 2. Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published and mailed in all respects in accordance with law, and on April 6, 2010, this Board conducted a public hearing on the creation or extension of the District and the making of the Improvements. At the hearing, this Board heard and passed on all protests made during the period ended 30 days after the first date of publication of the notice of passage of the Resolution of Intention (the "Protest Period"). That meeting was the first regular meeting of the Board following the expiration of the Protest Period, and on April 6, 2010, passed this resolution.

Section 3. Protests. Within the Protest Period, no protests were filed with the County Clerk and Recorder concerning the lots, tracts, or parcels in the District.

Section 4. Creation of the District; Insufficiency of Protests. As no protests were received within the Protest Period (and are therefore insufficient), the District is hereby created on the terms and conditions set forth in, and otherwise in accordance with, the Resolution of Intention. The findings and determinations made in the Resolution of Intention are hereby ratified and confirmed, including, without limitation, the findings and determinations relating to the Revolving Fund and Reserve Account.

Section 5. Reimbursement Expenditures.

5.1. Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the County for project expenditures paid by the County prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the County adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

5.2. Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iii) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Improvements have been paid by the County before the date 60 days before the date of adoption of this resolution.

5.3. Declaration of Intent. The County reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of \$410,500.00 after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

5.4. Budgetary Matters. As of the date hereof, there are no County funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Improvements, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the County's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

5.5. Reimbursement Allocations. The County's Treasurer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the County to make prior payment of the costs of the Improvements. Each allocation shall be evidenced by an entry on the official books and records of the County maintained for the Bonds or the Improvements and shall specifically identify the actual original expenditure being reimbursed.

**TUESDAY, APRIL 6, 2010  
(Continued)**

PASSED AND ADOPTED by the Board of County Commissioners of Flathead County, Montana, this 6<sup>th</sup> day of April, 2010.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By/s/Absent  
Dale W. Lauman, Member

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

**OPEN BIDS: CHEMICALS/ WEED DEPT.**

[9:55:12 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Weed & Parks Director Jed Fisher, Clerk Kile

Bids received with bid bonds enclosed from:

CPS Timberland	175 Gallons	Tordon 22K	\$ 44.30
	250 Gallons	Transline Herbicide	\$146.95
	500 Gallons	Curtail Herbicide	\$ 28.00
	300 Gallons	2, 4-D Amine (Aquatic)	\$ 10.35
	5 Gallons	Lontrel	\$146.95
	30 Gallons	Milestone	\$269.30
CHS, Inc.	175 Gallons	Tordon 22K	\$ 45.17
	250 Gallons	Transline Herbicide	\$148.19
	500 Gallons	Curtail Herbicide	\$ 40.36
	300 Gallons	2, 4-D Amine (Aquatic)	\$ 10.23
	5 Gallons	Lontrel	\$562.47
	30 Gallons	Milestone	\$307.55
Alligare	175 Gallons	Tordon 22K	\$ 45.90
	250 Gallons	Transline Herbicide	\$126.74
	500 Gallons	Curtail Herbicide	\$ 30.75
	300 Gallons	2, 4-D Amine (Aquatic)	No bid
	5 Gallons	Lontrel	No bid
	30 Gallons	Milestone	No bid
Wilbur Ellis	175 Gallons	Tordon 22K	\$ 48.73
	250 Gallons	Transline Herbicide	\$168.97
	500 Gallons	Curtail Herbicide	\$ 37.97
	300 Gallons	2, 4-D Amine (Aquatic)	\$ 1 0.93
	5 Gallons	Lontrel	\$143.49
	30 Gallons	Milestone	\$286.29

Commissioner Dupont made a **motion** to take the bids under advisement and refer them to the Weed Board for consideration. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

**TAKE ACTION: HARBOR SPRINGS TOWNHOUSE SUBDIVISION**

[9:53:28 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Assistant Planning & Zoning Director B J Grieve, Weed & Parks Director Jed Fisher, Clerk Kile

Chairman Brenneman read into the record Harbor Springs Townhouse Subdivision is a dead file.

TUESDAY, APRIL 6, 2010  
(Continued)

**DOCUMENT FOR SIGNATURE: SHORT TERM EMPLOYMENT CONTRACT/ M. PECK**

[10:02:32 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Weed & Parks Director Jed Fisher, Clerk Kile

Commissioner Dupont made a **motion** to approve the short term contract with Mark Peck. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

**DISCUSSION RE: PROPOSED DRAFT OF COUNTY TRAILS PLAN**

[10:15:18 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Weed & Parks Director Jed Fisher, Jim Watson, Mike Baker, Liz Seabaugh, Valerie Parsons, Don Spivey, Clerk Kile

Watson summarized the proposed county trails draft plan for the entire county, which he stated is called for in the Growth Policy. He explained the plan has been in the makings for two years now with over 500 written public comments supporting the plan and four public workshops held. Watson noted the only change is in regards to subdivision regulations that currently require a minimum 10 foot right of way if a subdivision is adjacent to a highway; the plan goes beyond that and asks for a 25 foot easement if the subdivision is adjacent to a designated arterial trail, which is only along state or federal highways. He spoke about funding concerns from Weed & Park Director, Jed Fisher in regards to this becoming a Parks, Recreation, Building Maintenance, Weed and Trails Department.

Discussion was held relative to the use of CTEP monies, trail maintenance and prioritizing projects.

Don Spivey explained the plan basically says that any trail that is recommended to be built requires a source of funding to maintain the trail.

Fisher stated since he took over the department in 1997 he has been asking for funding to be allocated toward trail maintenance.

Chairman Brenneman encouraged Fisher to submit a trails maintenance proposal with his FY11 budget.

For the record direction was given to the Planning Office to begin their process with the plan.

**PUBLIC HEARING: ROAD NAME APPEAL/ PRETTY PRAIRIE TRAIL**

[10:36:48 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Addressing Coordinator Sara Wilkinson, Plat Room Lucie Foster, Mark Schwager, Susan Schwager, James Thramer, Elaine Blasdell, Clerk Kile

Wilkinson explained ballots were sent out to three eligible voters to name the road on February 24, 2010. Two votes came back for Pretty Prairie Trail and one vote came back for Angus Road. The naming was then protested by Mr. Schwager.

**Chairman Brenneman opened the public hearing to anyone wishing to speak in regards to naming of the road.**

Mark Schwager, 2226 West Valley Drive said he doesn't agree with the road naming as proposed with it being difficult to pronounce; therefore, concerns with emergency responders. He also stated it doesn't reflect the area of West Valley and feels it sounds gay. Schwager said he would prefer a road name that does not have the word pretty in it and does not rhyme with fairy. He then suggested Cattle Trail, Coyote Way, Whispering Pines Road or Running Dog Trail that would reflect the area.

Jim Thramer, 2216 West Valley Drive stated he was the one that proposed the road name. He then commented there have been years of ongoing conflict with the neighbors and stated he stands with the name change. Thramer added if the Commission feels there is a conflict with the proposed road name he would let them name the road.

Elaine Blasdell, 2250 West Valley Drive explained it took Thramer's forever to come up with a road name after compiling an extensive list. She noted the only people that raise Angus cows are the Schwager's and stated she sees nothing wrong with the proposed name and agrees with it.

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

Chairman Brenneman asked if there was any name they could all agree on.

**TUESDAY, APRIL 6, 2010  
(Continued)**

Elaine Blasdell stated unless the neighborhood is run the way the Schwagers want it run there will never be an agreement between them.

Mark Schwager explained the Blasdell's have their own private driveway and don't even use the road.

Susan Schwager stated they haven't tried to come up with a name they all agreed upon.

Commissioner Dupont stated he feels the name would create a lot of confusion on the radio with 911 Dispatchers. He said that particular type of name can throw marbles in emergency responder's mouth and stated he would like to see a clearer name.

Chairman Brenneman asked if they could come up with a road name they all agreed upon.

Mark Schwager said they all have cattle and suggested Cattle Trail.

Wilkinson explained that name could not be used since they don't duplicate road names and pretend the suffix doesn't exist. She then suggested that she re-ballot the road.

Chairman Brenneman suggested the three get together and come up with a road name that works for emergency responders and themselves.

**MEETING W/ ALEX HOGLE/ PLANNING & ZONING OFFICE RE: CTEP PROGRAM BRIEFING**

[10:46:04 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Weed & Parks Director Jed Fisher, Deputy County Attorney Peter Steele, Mike Baker, Clerk Kile

Hogle presented a timeline to the Commission for the Sam Bibler Trail Project which he stated has had significant progress since the interlocal agreement was adopted with the City of Kalispell. Hogle summarized the timeline and stated if the schedule is followed it appears construction will begin in June. CTEP funds were then reviewed.

Discussion was held relative to trail maintenance.

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

[11:01:43 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

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

Prunty reported applications for the Dust Cost Share abatement program total 28.2 miles of roads and a couple additional applications were received that were discussed with the Commission. He noted this is almost double of what was received last year. In addition Prunty spoke about road maintenance criteria and evaluation of roads.

Foy explained work to be done on Lower Valley Road due to the road dropping off into the river. He then noted load limits were lifted off valley floor roads earlier this week, snow plows are being pulled off trucks and spot blading has started on gravel roads. Foy then reviewed scheduled work to be done on McMannamy Draw.

**CONSIDERATION OF LAKESHORE PERMIT: HATCH FAMILY TRUST**

[11:30:34 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Planner Bailey Iott, Clerk Kile

Iott reviewed Lakeshore Permit FLP 10-08; an application submitted by Hatch Family Trust to install concrete planks to an existing dirt boat ramp on Ashley Lake. The planks will bring the ramp into compliance with lakeshore regulations and will be approximately 20 feet long by 14 feet wide.

Commissioner Dupont made a **motion** to approve Lakeshore Permit FLP 10-08. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

TUESDAY, APRIL 6, 2010  
(Continued)

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #480 (COUNTY ROW S10-T29N-R23W)**

11:31:01 AM

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to authorize publication of Road Abandonment #480 and authorized the chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

NOTICE OF DISCONTINUANCE  
OF PUBLIC ROADWAY NO. 480

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

**Beginning at the N 1/16 corner between Sections 14 and 15, T29N, R23W and proceeding in a NW direction to center of Section 10, T29N, R23W.**

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

The hearing on this petition for abandonment is set for **April 27, 2010 at 9:45 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 6<sup>th</sup> day of April, 2010.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

PAULA ROBINSON,  
CLERK AND RECORDER

By/s/Diana Kile  
Diana Kile, Deputy

Publish on April 10 and April 17, 2010.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 7, 2010.

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**WEDNESDAY, APRIL 7, 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. Commissioner Brenneman: Weed & Parks Board meeting @ Weed & Parks Office**  
**10:00 a.m. Commissioner Dupont: MDOT Conference Call**  
**11:00 a.m. County Attorney meeting @ Co. Atty's Office**  
**11:45 a.m. Commissioner Brenneman: Panelist at Leaders of Tomorrow @ Flathead Electric Coop**  
**12:30 p.m. Commissioner Dupont: Speaker at Boy Scout meeting @ Hampton Inn**  
**2:00 p.m. Commissioner Brenneman: Travel to Helena**

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

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**THURSDAY, APRIL 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.

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

Bill Myers, Bayside Park and Marine Center spoke about storm water and flooding issues in Bigfork Bay. He said he hasn't been made aware of any meetings being held by the Bigfork Stormwater Advisory Committee and is still concerned about things they have not done. Myers noted no money was allocated to address the known flooding issues on his property. Concern about clear evidence of motley soil contamination was spoken about with things having changed dramatically there over the last 15 months. Pictures and documentation were shown to the Commission and it was noted the Bigfork Water and Sewer District still refuses to put a vacuum line on their lines to see if they will hold pressure. He stated there has never been a flooding issue before in the past 15 years, and something is apparent there now that has really increased this past year. He explained he went to the committee last year in May and told them of the problems, and they have ignored all his issues; again in December he presented a letter from his engineer and still no response in regards to addressing the problem. Myers spoke about the directive the committee was given when they were formed, which was to deal with flooding on adjacent properties and to deal with reducing pollution in Bigfork Bay. They have dealt with the flooding up by the school, but are ignoring his issues which have been brought forth on repeated occasions.

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

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

9:05:40 AM

Members present:

Commissioner Dale W. Lauman PT

Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Deputy County Attorney Tara Fugina, Clerk DeReu

Harris presented the following Quarterly Activity Report.

**Quarterly Activity Report  
Flathead County Planning & Zoning Office**

<u>Fees Collected:</u>	<u>FY10</u>	<u>FY09</u>
Previous Total	\$59,664.50	\$ 92,045.66
January 2010	\$ 4,055.60	\$ 19,383.50
February	\$ 5,251.00	\$ 6,709.50
March	\$18,455.00	\$ 9,244.25
Total	\$ 87,426.10	\$ 127,382.91

<u>Applications Received:</u>	<u>Jan. 1, 2010-March 31, 2010</u>	<u>FY09</u>
Billboard Violations	0	0
Canyon Minor Land Use Review	0	0
Canyon Major Land Use Review	0	0
Conditional Use Permits (Administrative)	1	0
Conditional Use Permits	5	4
Conservation Easements	0	0
Decay Violations	1	1
Final Plats	3	9
Final Plats w/Waiver of Prelim Plat	0	0
Flathead County Lakeshore Fee Schedule	0	0
Flathead County Lakeshore Permits	21	24
Flathead County Lakeshore Regulations	0	0
Text Amendment		
Flathead County Lakeshore Variances	0	0
Flathead Lakeshore Violations	1	3
Floodplain Map Amendment	0	1



**THURSDAY, APRIL 8, 2010  
(Continued)**

Floodplain Development Permits	7	9
Floodplain Violations	0	1
Floodplain Text Amendment	0	0
Agency Exemption Requests	2	
Growth Policy Map Amd	0	1
Major Preliminary Plats	1	3
Minor Preliminary Plats	4	4
Preliminary PUD	0	1
Final PUD	0	0
Revised Preliminary Plat	0	0
Subdivision Regulations Text Amd	0	0
Subdivision Violations	0	0
Zone Change Requests	3	2
New Zoning District	0	0
Zoning Variances	0	2
Zoning Violations	2	1
Zoning Regs Text Amd	0	0
<b>TOTAL APPLICATIONS:</b>	<b>51</b>	<b>66</b>

Flathead County Board of Adjustment

April 6, 2010

1. Agency Exemption-Lakeside Quick Response Unit

May 4, 2010

1. Agency Exemption-Bigfork Water & Sewer District
2. Conditional Use Permit-Joseph Eslick-Extractive Industry to remove 5-6 inches of topsoil-Holt Zoning District-SAG-10
3. Conditional Use Permit-Glacier West One-Multiple uses on one tract of land-Evergreen Zoning District-B-2
4. Conditional Use Permit-Susie Thompson-Camp and retreat center-Evergreen Zoning District-R-1
- 5.

Flathead County Planning Board

April 14, 2010

1. Zone Change Request-Caverly and Schraeder-Bigfork Zoning District-AG-40 to SAG-10

April 21, 2010

1. Public Hearing regarding updated Flathead County Floodplain and Floodway Management Regulations
2. Workshop to discuss Large Tract Rural (L-T-R) Zoning District

Harris then spoke about trail maintenance, floodplain regulations and signage.

**PUBLIC HEARING: ROAD NAME APPEAL/ ANIMAL HEAVEN LANE**

[9:29:42 AM](#)

Members present:

Commissioner Dale W. Lauman PT  
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Addressing Coordinator Sara Wilkinson, Gene L. Evans, Clerk DeReu

Wilkinson explained the road was balloted out in November and a determination was made. Subsequently most of the neighborhood appealed the name. She stated during the course of the past month the neighbors have gotten together and have signed an agreement to go with a different road name.

**Commissioner Lauman PT opened the public hearing to anyone wishing to speak in regards to naming of the road.**

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(Continued)

Gene Evans a property owner questioned what the new name would be.

Wilkinson stated it would be Sandy River Way and a new notification letter would be sent.

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

**QUARTERLY MEETING W/ MARCIA SHEFFELS, SUPT OF SCHOOLS**

[9:45:28 AM](#)

Members present:

Commissioner Dale W. Lauman PT  
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Superintendent of Schools Marcia Sheffels, Clerk DeReu

Sheffels presented the following Quarterly Review Report for routine business from January through March.

- Mediated school-related conflicts (Deer Park, Somers, Canyon Elementary, Evergreen, Columbia Falls Transportation issue, Kalispell District 5 school board realignment, Olney-Bissell, Marion, Swan River)
- Brought all school districts together for the annual calendar-planning meeting  
\*new – districts came to an agreement to have a “standardized” spring break – first week after the close of the CRT window.
- Conducted the annual county-wide spelling bee (winners sent to state-Whitefish, Swan River, Bigfork)
- Reviewed educator licenses (reconciling each district’s fall *Annual Data Collection Report* of faculty members whose license expires June 30, 2010. Teachers must be currently licensed in the area they are teaching for the school district to stay fully accredited)
- Sent updated list of home school students to resident district schools who must notify the families of federally-funded programs available
- Sent paper order forms out to rural schools, cooperatives, private schools, county offices, city offices (early December), put order out to bid (February), awarded bid, separated shipments (April), notified entities of pick-up time and coordinated deliveries of large copy paper orders directly to the school
- Sent forms out to all schools for second enrollment count required by state and used for budgeting process -- figuring the ANB. Forms were returned and entered in Maefairs (software program of OPI) and then reconciled with information each school entered into AIM (Achievement in Montana) – another OPI data collection software program
- Sent our first budget letter to all schools providing direction for general fund district revenue worksheets
- Calculated first semester transportation payments for busing districts – county pays half; state pays half. School claims for transportation funds must reconcile with the routes they had approved by the County Transportation Committee in June
- Provided rural school accounting co-op services on Black Mountain
- Ran background checks (25) for schools – fill out the paperwork, fingerprint, send print cards and paperwork to the state, when we get the results – call the person, notify the school or update our substitute list
- Worked with OPI on CRT’s (Criterion Referenced Tests) administered every March
- Reviewed preliminary plat applications and responded with school impact and bus transportation information

Discussion was also held relative to school insurance concerns.

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

[10:03:18 AM](#)

Members present:

Commissioner Dale W. Lauman PT  
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Clerk DeReu

Garza met with the Commission and reviewed the budget in which he stated the projected cash reserves for countywide non-voted cash reserves is at 29.14 percent. He then reported he has been meeting with department heads to scrub preliminary budget figures that will be brought before them within the next few weeks. In other business Garza reported A2Z completed the FY09 audit.

**MEETING W/ DAVE POLANSKY/ EAGLE TRANSIT TO REVIEW ALL-TEL BUS WRAP**

[10:15:34 AM](#)

Members present:

Commissioner Dale W. Lauman PT  
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

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

Polansky presented proofs of the All-Tel bus wrap for approval.

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(Continued)

Commissioner discussion was held and verbal approval was given for the All-Tel bus wrap.

Discussion was then held relative to wrapping four additional buses: Columbia Falls City bus, Whitefish City bus, Kalispell Dial a Ride bus and possibly a small van.

**MEETING W/ KAREN REEVES RE: PLANNING & ZONING OFFICE STAFF**

[10:30:48 AM](#)

Members present:

Commissioner Dale W. Lauman PT

Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Karen Reeves, Shawna Floyd, Robert Rosso, Phillip Crissman, Clerk DeReu

Karen Reeves read the following letter:

I am here to speak on behalf of Jeff Harris and the future of land use planning in this valley. I've been involved in planning issues for over 10 years now. In what I call the Dark Ages, Russ Crowder ran the Planning Board and every project got passed. This is until a project I was involved in, namely the North Fork Neighborhood Plan. People who lived and owned property up the North Fork saw the development pressures that were going on and decided it was time to put some restrictions in place. For over two years ideas and plans were discussed and vetted and in the end, the community crafted a document that was overwhelmingly supported by the people it affected. Then we hit the Planning Board. The anti-planning Planning Board threw every possible roadblock at us. The planning director at the time was a puppet for their agenda. After many egregious tactics they finally passed it on to the County Commissioners with a recommendation to deny. The Commissioners at the time further watered down our plan but eventually passed a weaker version.

Jeff Harris walked into this valley and brought a welcome whiff of professionalism. In an extremely toxic environment he took the helm and slowly steered us toward actual planning. This was not an easy undertaking and certainly wasn't welcomed by a certain faction used to always getting its own way. But the realities of a doubling population and the cumulative strain it put on our resources demanded that some rules be in place. Jeff Harris led us through that respectfully and persistently.

I have heard the argument that money is the issue. Ridding ourselves of the top talent does not do the county any favors. That's like asking each of you to step aside and let the underlings handle the county. Instead both of you voted to increase your own salaries and then spend \$10,000 more of our tax dollars to investigate the planning staff. Investigated because of lies and innuendos perpetrated by American Dream and others. An exhaustive study exonerated Jeff Harris and the planning staff. The investigator wrote "the Flathead is very fortunate to have the professionals it does in the Planning Office and that includes their Director, Jeff Harris." If the outcome of getting rid of Jeff Harris was predetermined why spend the money?

This is a quiet time in the Flathead in terms of development but the recession will fade and projects will start up and we need a planning department that is capable and ready to guide good projects. The attorney for the developers trying to vilify Mr. Harris complained during the height of development that "there is too little staff, too much demand and thus less training". To gut the Planning Office of leadership is put us back in the position of REACTING not planning. The county's ability to attract top talent will be compromised. So will the county's future.

Karen Reeves then asked where they stood on land use planning.

Commissioner Lauman said we need planning and can't randomly do what was done 50-60 years ago; yet we also need to be concerned about private citizen's rights and everyone's property rights.

Phillip Crissman, 645 5<sup>th</sup> Avenue East, said he has been involved in land use planning issues for almost 20 years in the county and has known Jeff Harris since he first took over as Director of the Planning Office. He then commented he is Chairman of LaBrant Lindsey Zoning District so has had reason to work with the Planning Office, and in working with them he has been impressed with the professionalism of how the office has delivered their services to them, and has never seen anything other than a high level of professionalism in how they have done that. He then said he is a psychotherapist/counselor and as part of his practice he provides management and supervisory consultation to all of the largest organizations in the valley from Kalispell Regional Hospital, Flathead Electric and to Columbia Falls Aluminum when they were still in operation. So I have always been interested in how organizations work and how effectively they work and pay attention to that when working with the organizations. I can only say that I see the Planning Office under a huge amount of pressure as they have been under some of the greatest attacks, controversies, intensities and toxicity in our valley. Even under those kinds of situations what we see is a calm, clear, coherent, professional attitude that has been constant through that. Jeff Harris has provided a leadership through all of this that has achieved that level; this is the kind of people we want in Flathead County and need here to deal with the realities of the conflicts we face. As a therapist I look at our county and none of us can deny we have a considerable amount of conflict with serious dysfunction in the family. When you look at dysfunction in a family the first place you need to look is at the leadership. You gentlemen are a part of the leadership in our county and how we act with clarity, how we act with coherence, how we act with ethics, how we treat each other with respect, just like how that is an issue in families, is at the heart of a healthy family, and at the heart of your responsibility as our leaders. Part of that responsibility is how do you present yourself in those ethics, how do you treat with respect members; particularly members that are doing a good job. Members who have acted with the professionalism that we want to see that represent our county amidst some pretty wacky stuff that happens. As you make decisions about Jeff Harris's ongoing contract I hope you consider this an ethical issue and leadership issue on your part as presenting an example as to how we treat people and stand behind them.

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(Continued)

Steve, Rosso, 18988 Medicine Rock Lane, read the following letter:

I am president of the Lakeside QRU and as president I must point out how important good land use planning is to keeping costs in control and response times short for emergency services. As an individual I also recognize the importance of good land use planning to protect the environment, quality of life and economic prosperity.

For decades Flathead County has been committed to land use planning and currently has a Planning Office Staff and Director that believes in good planning. This commitment must not be interrupted. It is important to the taxpayers and citizens of Flathead County along with the neighbors that share this valley and all the part-time residents and visitors, that you maintain a policy of supporting good land use planning. Retaining and supporting an experienced Planning Office Staff and Director is an important part of this commitment.

There is a loud minority group that through their actions, one can only conclude their objective must be to stop all land use planning in Flathead County. I expect you will never find a good, competent Planning Director these people will ever be satisfied with. Jeff Harris has demonstrated his knowledge, skill and ability in land use planning and runs a very competent Planning and Zoning Office. He has recently been tested and investigated without any finding of fault.

There is no reason to spend the time and expense of searching for a new Planning Office Director. You should offer Jeff Harris a contract extension and hope he accepts.

Shawna Floyd read the following letter:

I am here to ask you to renew the employment contract of County Planning Director Jeff Harris for the following reasons.

**Strong, fair and fearless leadership** are necessary to protect property rights and values of Flathead businesses and Flathead families. Jeff Harris has proven himself to be such a leader.

Professional Planning Directors are not popular, but they are essential and necessary to assist your office and to interface land use regulations with the public's desire to develop. Without the strong leadership from Mr. Harris, we may again become victims to confusion, unfairness, and the ultimate circumvention of regulations that protect our property rights and values.

A Planning Director is the "go-to" professional to assist the Commissioners as they oversee, protect and guide development in Flathead County. Based on the last five years, I know that Mr. Harris will follow the laws and regulations of our state and county which were designed to keep our hometown a desirable place to live, work and play.

Retaining Jeff Harris preserves five years of Flathead County planning experience through some of the most trying of times. A price cannot be placed on the knowledge he brings to the planning process and the respect he has earned during the recent investigation of the Planning Office.

Let's ask ourselves, is it good business sense to pay \$10K vetting an employee and then let him go? How much will we be forced to pay to investigate the next employee who does this unpopular job? His decisions were examined and he came out clean; not perfect, but clean. We are all human and prone to err. Who here has not? In my opinion, Jeff Harris will be an even better employee for Flathead County residents, because of this investigation. Should we give another county a chance to use what we just paid for? NO!

In closing, I respectfully request that you retain Jeff Harris as Flathead County Planning & Zoning Director and move forward as a team of professionals, guiding and protecting the Flathead in its next phase of development, job creation, alternate energy sources and tourism.

Karen Reeves then added please consider what this man has done as he has been a target and has gotten us through some very tough times.

**AUTHORIZATION TO PUBLISH CALL FOR BIDS: DUST COST SHARE PROGRAM/ ROAD DEPT.**

[11:00:18 AM](#)

Members present:

Commissioner Dale W. Lauman PT

Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk DeReu

Commissioner Dupont made a **motion** to authorize publication of Call for Bids for the Dust Cost Share Program and authorized the chairman to sign. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

THURSDAY, APRIL 8, 2010  
(Continued)

INVITATION TO BID

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive sealed bids for construction of:

**Dust Control Cost Share Program**

All sealed bids, **plainly marked "SEALED BID – DUST CONTROL COST SHARE PROGRAM"** must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT, 59901 at 8:30 o'clock a.m. on **April 27<sup>th</sup>, 2010**. Bids will be **opened and read immediately following at 9:00 a.m.** o'clock in the Commissioner's Office at the West Annex of the Courthouse.

The project consists of placing dust suppressant throughout the Flathead County Roadway System.

The Bid will consist of scarifying ("high blading"), placing approximately 154,200 linear feet of magnesium chloride and watering (as required) to existing roadways, assumed at 24 feet wide.

Various roadways will be receiving dust control improvements in Flathead County, and the Contractor should be prepared to mobilize equipment on a daily basis.

All bids must be in accordance with the Contract Documents on file with the Flathead County Road & Bridge Department, 1249 Willow Glen Drive, Kalispell, Montana, (406) 758-5790 and at the offices of Robert Peccia & Associates, 102 Cooperative Way, Suite 300, Kalispell, Montana; (406) 752-5025.

Copies of the Contract Documents for use in preparing bids may be obtained from Robert Peccia & Associates at the addresses stipulated above upon receipt of a non-refundable deposit of \$50.00 for each set of documents including 8 ½"x 11" drawings.

A pre-bid conference will be held, commencing at 11:00 o'clock a.m. at the office of **Robert Peccia and Associates**, 102 Cooperative Way, Suite 300, Kalispell, Montana 59903 on April 16<sup>th</sup>, 2010.

Work is to commence within ten (10) days after the Notice to Proceed is issued. Completion of the work is required within **30** consecutive calendar days after the Notice to Proceed is given.

CONTRACTORS and any of the CONTRACTOR'S subcontractors doing work on this project will be required to obtain registration with the Montana Department of Labor and Industry (DLI). Forms for registration are available from the Department of Labor and Industry, P.O. Box 8011, 1805 Prospect, Helena, MT 59604-8011. Information on registration can be obtained by calling (406) 444-7734. CONTRACTORS are not required to have registered with the DLI prior to bidding on this project, but must have registered prior to execution of the construction agreement. All laborers and mechanics employed by CONTRACTORS or subcontractors in performance of the construction work shall be paid wages at rates according to the current Montana Prevailing Wage Rates. The CONTRACTOR must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex, or national origin.

Each bid must be accompanied by a Certified Check, Cashier's Check, or Bid Bond payable to **Flathead County**, in an amount not less than ten percent (10%) of the total amount of the bid. Successful BIDDER(S) shall furnish an approved Performance Bond and a Labor and Materials Payment Bond, each in the amount of one-hundred percent (100%) of the contract amount within seven (7) calendar days after the Notice of Award is issued. Insurance as required shall be provided by the successful BIDDER(S), and a certificate(s) of that insurance shall be provided.

Flathead County reserves the right to reject all proposals and bids received, to waive informalities, to postpone the award of the contract for a period not to exceed sixty (60) days, and to accept the lowest responsive and responsible bid that is in the best interest of Flathead County.

Flathead County is an Equal Opportunity Employer.

Dated this 8<sup>th</sup> day of April, 2010.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Dale W. Lauman, P.T.  
Joseph D. Brenneman, Chairman

ATTEST:  
Paula Robinson, Clerk

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

Publish on April 13 and April 20, 2010.

**AUTHORIZATION TO PUBLISH CALL FOR BIDS: BADROCK RSID #146 CHIP SEAL PROJECT**

11:02:33 AM

Members present:

Commissioner Dale W. Lauman PT  
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk DeReu

Commissioner Dupont made a **motion** to authorize publication of Call for Bids for Badrock RSID #146 Chip Seal Project and authorized the chairman to sign. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

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(Continued)

INVITATION TO BID  
FLATHEAD COUNTY COMMISSIONERS  
BADROCK RSID ROAD CONSTRUCTION PROJECT

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for the construction of approximately one-mile of road with double layer chip-seal surface. The project is located south of Columbia Falls in the vicinity of Badrock Drive between Columbia Falls Stage and Middle Road.

All sealed bids, plainly marked "**Badrock RSID Road Construction Project**" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before **5:00 p.m., local time, April 26, 2010**. All Bids that have been duly received will be opened and read aloud in the Commissioners' Office at the Courthouse, West Annex, 800 South Main, Kalispell, Montana, on **Wednesday, April 27, 2010 at 10:30 a.m.**

All Bids must be in accordance with the Contract Documents on file at the following locations: Flathead County Commissioners Office, 800 South Main Street, Kalispell, MT (406) 758-5503; 48 North, P.C. Civil Engineering Services, 151 Business Center Loop, Suite A, Kalispell MT (406)756-4848, and designated Plans Exchanges. Contract Documents for use in preparing Bids may be obtained from 48 North, P.C. Civil Engineering Services at the address listed above upon receipt of a non-refundable deposit of \$75.00, payable to 48 North, P.C. for each set of documents including drawings. Prospective bidders must obtain or request Contract Documents no later than 3 days prior to bid opening. All sealed bids must be submitted on original forms. Copies of the Contract Documents obtained from other sources shall not be accepted. No bidder may withdraw a bid after the actual date of the opening thereof.

Each bidder must deposit with his bid, a bid security in the amount of ten percent (10%) of the bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within fifteen (15) days, enter into a formal contract for completion of the project. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States, as cashier's check, certified check, bank money order, or bank draft issued by a Montana bank, or bid bond executed by a surety corporation authorized to do business in Montana.

A performance Bond and Labor and Materials Payment Bond each in the amount of One Hundred percent (100%) of the contract sum will be required of the successful bidder, to secure the contractor's covenant to faithfully perform all of the conditions of the contract in accordance with the law and that contract.

The successful bidder must contract to pay prevailing wage rates, set by the Montana Department of Labor, and will be subject to withholding of 1% of all payments for transmittal to the Department of Revenue to pay the public contract tax. The Contractor and all subcontractors will be required to have a certificate of registration from the Employment Relation Division of the Montana Department of Labor and Industry in the proper classification. The successful bidder must contract to give preference to the employment of bona fide residents of Montana in the performance of the work. A resident bidder will be allowed a preference against the bid of any nonresident bidder from any state of country that enforces a preference for resident bidders equal to the preference given in the other state or country.

A pre-bid conference will be held at the office of 48 North, P.C. Civil Engineering Services commencing at **2:00 P.M.** on **April 20, 2010**. Those interested in bidding the project should plan on attending this meeting.

Completion of the work is required within 45 calendar days after commencement on approximately June 15, 2010 and according to the construction schedule to be determined after the Notice to Proceed is issued. The project includes liquidated damages that will be assessed as set forth in the Special Provisions at \$250.00 per calendar day, in addition to any damages required under the Contractor Reimbursed Engineering Costs Section of the Supplementary Conditions if the work is not complete within the allotted contract time.

Flathead County reserves the right to accept or reject any bid and to waive any irregularities which are deemed to be in the best interest of the County. 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 8<sup>th</sup> day of April, 2010.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

By/s/Dale W. Lauman, P.T.  
Joseph D. Brenneman, Chairman

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

Publish Dates:  
Sunday, April 11, 2010: Daily Interlake  
Wednesday, April 14, 2010: Daily Interlake  
Sunday, April 18, 2010: Daily Interlake

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #10-07-6-11-018-0**

[11:03:16 AM](#)

Members present:

Commissioner Dale W. Lauman PT  
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk DeReu

Commissioner Dupont made a **motion** to authorize the chairman to sign the document for signature. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

THURSDAY, APRIL 8, 2010  
(Continued)

- 7:30 a.m. Commissioner Brenneman: Interoperability Montana Legislative Appropriations Request @ IM Conference Room in Helena
- 8:30 a.m. Commissioner Brenneman: Repowering Montana's Communities Workshop @ Great Northern Hotel in Helena
- 12:00 p.m. Bigfork Steering Committee Public Forum @ Bethany Lutheran
- 2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Sr. Center

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

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**FRIDAY, APRIL 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.

**NO MEETINGS SCHEDULED**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 12, 2010.

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