
MONDAY, MAY 10, 2010

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

Commissioner Lauman PT opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Commissioner Lauman PT closed the public comment period.

MONTHLY MEETING W/ TED DYKSTRA, JR., FAIRGROUNDS

[9:00:34 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Interim Fair Manager Ted Dykstra, Finance Comptroller Joe Garza, Clerk Kile

Dykstra presented a monthly Fairgrounds report to the Commission and summarized accomplishments for the past month and major plans for next month.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: ROSMAN & ROWE ZONE CHANGE/ HIGHWAY 93 NORTH ZONING DISTRICT

[9:15:13 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Assistant Planning & Zoning Director B J Grieve, Clerk Kile

Steele reported no protest letters have been received.

Commissioner Dupont made a **motion** to adopt Resolution 837BT. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

RESOLUTION NO. 837 BT

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 24th day of March, 2010, concerning a proposal to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at that hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Highway 93 North Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 837 BS, dated March 24, 2010) to change the zoning designation of the property described on Exhibit A, in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on March 29 and April 5, 2010, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders in the Highway 93 North Zoning District.

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(Continued)**

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Highway 93 North Zoning District to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), that property being described on the attached Exhibit A.

DATED this 10th day of May, 2010.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: Absent
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

Exhibit "A"

That portion of the West 1/2 of the Southwest 1/4 of Section 20, Township 29 North, Range 21 West P.M.M., Flathead County Montana, described as follows:

Beginning at the West 1/4 corner of Section 20;
Thence along the North and East line of the West 1/2 of the Southwest 1/4, South 89°39'38" East 1324.25 feet and South 00°31'52" East 2003.21 feet to the Northeast corner of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4; Thence along the North and West lines of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4, North 89°47'07" West 663.32 feet and South 00°29'47" East 668.21 feet to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4, which point is on the centerline of Rose Crossing, a County Road; Thence along the South line of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4, also being the centerline of Rose Crossing, North 89°49'38" West 663.72 feet to the Southwest corner of Section 20, which point is the intersection of the centerlines of Rose Crossing and Whitefish Stage, a County Road; Thence along the West line of the Southwest 1/4, also being the centerline of Whitefish Stage, North 00°27'42" West 2674.75 feet to the Point of Beginning, containing 71.2 acres of land. Subject to County Road right of way over the West 30 feet and over the South 30 feet thereof.

AWARD BIDS: 3/4 " CRUSHED GRAVEL/ ROAD & BRIDGE DEPT.

[9:16:23 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

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 they would like to reject the bids received and start the process over due to confusion with language in the call for bids.

Commissioner Dupont made a **motion** to reject the crushed gravel bids received due to confusion in the language and re-open the call for bids at a later date. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

CONSIDERATION OF EXTENSION REQUEST: RIATA RIDGE SUBDIVISION

[9:18:26 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Assistant Planning & Zoning Director B J Grieve, Clerk Kile

Commissioner Dupont made a **motion** to grant an extension to Riata Ridge Subdivision to July 24, 2011. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

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(Continued)

DOCUMENT FOR SIGNATURE: MONTANA DEPT. OF AGRICULTURE NOXIOUS WEED TRUST FUND GRANT #2010-025/ WEED & PARKS DEPT.

[9:19:50 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

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

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

DOCUMENT FOR SIGNATURE: ENGINEERING SERVICES FOR 2010 CRACK SEAL PROGRAM/ PECCIA & ASSOC.

[10:00:35 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Deputy County Attorney Tara Fugina, H R Director Raeann Campbell, Ryan Mitchell, Clerk Kile

Mitchell reviewed the proposal for the Crack Seal Program.

Commissioner Dupont made a **motion** to authorize the chairman to sign the contract for engineering services for the Crack Seal Program. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: MONTANA DUST CONTROL CONTRACT/ ROAD DEPT.

[10:12:16 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Deputy County Attorney Tara Fugina, H R Director Raeann Campbell, Ryan Mitchell, Clerk Kile

Prunty reported the recommendation is to award the bid for the dust cost share program to Montana Dust Control.

Commissioner Dupont made a **motion** to approve the contract with Montana Dust Control and authorized the chair to sign. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: ASCENT STRATEGIC DEVELOPMENT CONTRACT FOR FACILITY OF FLATHEAD REGIONAL WASTE MANAGEMENT GROUP MEETINGS

[10:16:07 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

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

Commissioner Dupont made a **motion** to sign the ascent strategic development contract and authorized the chair to sign. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

CONSIDERATION OF HR TRANSMITTAL: EMS CONTRACT POSITION

[10:17:19 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, H R Director Raeann Campbell, Clerk Kile

Commissioner Dupont made a **motion** to approve the HR Transmittal. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

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(Continued)

AWARD BID: RSID #146 (BADROCK DRIVE)

[10:18:14 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

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

Pence reported the recommendation by 48 North is to award the bid to LHC at \$262,192.47. He noted the lowest bid did not follow specs and therefore was disqualified.

Commissioner Dupont made a **motion** to award the RSID bid to LHC. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: LOCAL GOVERNMENT INFRASTRUCTURE GRANT PROGRAM/ MDOC

[10:19:26 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Pence noted the document is for Mennonite Church Road for \$423,650.42.

Commissioner Dupont made a **motion** to approve the infrastructure grant program document and authorized the chair to sign. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

CONSIDERATION OF HR TRANSMITTAL: CONTROL ROOM TECHNICIAN/ SHERIFF'S OFFICE

[10:20:26 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, H R Director Raeann Campbell, Clerk Kile

Commissioner Dupont made a **motion** to approve the job description for a Control Room Technician. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

TAKE ACTION: COVE CREEK RIDGE

[10:21:00 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, Clerk Kile

Harris reviewed the history of Cove Creek Ridge and problems they encountered in getting approval from the state for a septic permit.

Commissioner Lauman PT read into the record Cove Creek Ridge will not proceed to final plat and is declared a dead file.

CONSIDERATION OF ADOPTION OF RESOLUTION: CORRECTION OF CLERICAL ERROR ON ROAD ABANDONMENT #480

[10:22:38 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

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

Steele explained the correction pertains to the Viewers Report that says the road exists. He then said the Viewers Report needs to be corrected to reflect that the road does not exist. Steele stated after discussion with Jim Burton he does not object to the Viewers Report being changed to state:

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That the roadway does **not** exist and no utilities are present.

The Commission agreed they did not foresee a problem.

Ron Buentemeier clarified that the road is not abandoned all the way out to the main road; he left 300 to 400 feet between the end of the existing road to where he wanted it abandoned.

FINAL PLAT: TANAGER FARM

[10:30:33 AM](#)

Members present:

Commissioner Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Planner Andrew Hagemeyer, Deputy County Attorney Peter Steele, Eric Mulcahy, Dan Hendrick, Clerk Kile

Hagemeyer entered into record final plat FFP 10-03; an application submitted by Kopje Holding, LLC with technical assistance from Sands Surveying and Carver Engineering for final plat approval of Tanager Farm Subdivision, a minor subdivision creating four single family residential lots in Evergreen on Alpine Lane. Preliminary plat approval was granted on July 2, 2007 subject to 11 conditions. Hagemeyer explained one condition required a waiver of protest which is no longer allowed by law.

Commissioner Dupont made a **motion** to approve Final Plat FFP 10-03 along with the SIA. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

5:00 a.m. Commissioner Brenneman: Travel to Helena
9:00 a.m. Commissioner Brenneman: Interoperability Montana Finance Committee meeting in Helena (till noon)
1:00 p.m. Commissioner Brenneman: Interoperability Montana Governance Committee meeting in Helena (till 5)

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 11, 2010.

TUESDAY, MAY 11, 2010

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

9:00 a.m. Commissioner Brenneman: Interoperability Montana Project Director's meeting in Helena
10:30 a.m. Commissioner Dupont: Glacier Nat'l Park's Rededication Ceremony @ Park Community Bldg., West Glacier
11:00 a.m. Commissioner Lauman: Wastewater Mgmt. meeting @ Earl Bennett Bldg., Conf. Room C

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

WEDNESDAY, MAY 12, 2010

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

11:00 a.m. County Attorney meeting @ Co. Atty's Office
1:15 p.m. Commissioner Brenneman: 911 Board meeting @ FECC Building
6:00 p.m. Commissioner Dupont: Whitefish Donut Area meeting @ Central School

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 13, 2010.

THURSDAY, MAY 13, 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/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:00:04 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Allen Sieler, Clerk Kile

Harris met with the Commission and reviewed the zoning community decay violations for the month of April. He then spoke about concerns related to increased traffic on West Reserve once the Highway 93 by-pass is completed, and reported letters were sent to residents owning property within the area in regards to proposed land use designations. Harris then reported there are concerns from residents on Echo Lake in regards to a proposal to do some dredging on the lake. An update on the Transportation Plan was summarized along with progress the Subdivision Regulations Committee is making. A status report was presented on Land Use Advisory Committee Bylaws which are being reviewed and updated. Also reported was the Lakeside Neighborhood Plan will be before them in June along with public hearings for Floodplain Regulations and a large tract rural zoning district designation.

MEETING W/ ALEX HOGLE, PLANNING & ZONING OFFICE RE: SAM BIBLER TRAIL

[9:30:32 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Planner Alex Hogle, Allen Sieler, Dorothy Merola, Glenn Graham, Terry Welder, Mike Baker, Clerk Kile

Hogle met with the Commission and gave a detailed estimate of existing allocations for CTEP funds and the available balance. He then reported he received a phone call from Allen Sieler the local contact person for the "Sam Bibler Memorial Trust" who informed him they had a \$20,000 shortfall from what they would be required to raise in order to award bid on the entire project, which has an estimated cost of \$446,040.00. He explained the project was designed with two schedules which could be awarded in two phases; one for the southern portion from FFA Drive north to Woodland Avenue and the other for the hill segment of the trail.

Welder stated they have raised \$40,000.00 so far for the trail and have every intent of raising an additional \$20,000.00. He explained the circumstances regarding setbacks they have run into and stated he hoped this would not be an issue that would hold up continuation on the project.

General discussion was held relative to awarding a partial bid vs. the whole project, payment procedures with CTEP funds and availability of matching funds.

Chairman Brenneman said if I understand you correctly you are confident you will be able to raise an additional \$20,000.00.

Welder stated he wasn't bringing it out of his pocket but has no doubt.

Sieler stated they fully expect to raise the money and asked what the loss would be to the county in invested money already if they didn't.

Hogle explained that he has checked into the CTEP program and it is understood by them that occasionally some kind of an impasse may occur after the acceptance of a project. He stated often times it is engineering that discovers an impasse; the line to be drawn is in awarding bids. Once a bid is awarded the match is absolutely required or we will fall into issues with the federal government and probably jeopardize the program.

Harris said if the contract is awarded and the local sponsors don't come up with the match the county is on the hook for the difference.

Sieler said they don't see that as being a problem and stated they needed time to raise the funds.

Chairman Brenneman stated he feels the whole bid needs to be awarded and trust the community to come up with the money.

Discussion was held relative to MDOT changing rules and going to direct cost accounting procedures.

Commissioner Lauman agreed that it would be advantageous to do the complete project as it would tie into the trail going south clear into Somers and eventually into Lakeside. Lauman said he felt confident they could raise their matching funds.

Commissioner Dupont said his concern is in the past an estimate comes in and the actual cost can be doubled. He stated if we are just going out for bids he agreed.

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(Continued)

Hogle asked for clarification. He stated we have been intending to go to bid for the whole project and the question is would we award only one schedule or both.

Discussion was held relative to what would be awarded.

Fugina asked that when they go out to bid that it is made clear the project can be awarded in pieces.

Discussion was then held relative to a letter received from Jane Howington, City of Kalispell in regards to allocating \$118,000.00 of CTEP money toward Kalispell's portion of the Woodland Avenue connector trail.

The Commission directed Mr. Pence to reply to Jane Howington with a letter of support stating they had an interest of working together if there was a chance of cooperatively funding the rest of the trail.

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

[10:01:27 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Clerk Kile

Garza met with the Commission and reviewed the April ending cash balance report and stated the projected cash reserves for countywide non-voted cash reserves is at 28.33 percent. He reported the Audit Summary Report from A2Z will be presented next week.

MEETING W/ MARC LIECHTI/ APEC RE: MC KNIGHT PROPERTY ON CAROLINE POINT

[10:17:04 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Assistant Planning & Zoning Director B J Grieve, Operations Manager Road & Bridge Dept. Guy Foy, Marc Liechti, Fred McKnight, Tim Flotre, Dawn Marquardt, Clerk Kile

Liechti explained his client Mr. McKnight is looking for guidance as to resolving an issue related to a parcel of land the county owns alongside his property. He noted the County Parks Department has identified the piece of property as a County Parks parcel; dock/boat ramp with the description stating access is too small to be useful. Liechti explained his client is in the process of removing an existing deck and replacing it along with extending the roofline. He stated this would not encroach anymore than it did before, yet objections were filed by neighbors for encroachment. Liechti said they received a letter that informed them if they wanted to build the deck they could apply for a variance.

Steele explained that although the Parks Department put this in their inventory along with 360 other parks that it may not have been researched why it was a County Park. He then presented a map of the property that states: This property is hereby dedicated to the use of the public forever. Steele stated when the Commissioners signed that plat it created a dedicated county road; a dedicated county road is an easement that is used as a right of way. Instead of being a park the county owns a road and the only way the road can go away from not being a road anymore is to go through an abandonment. The problem is statute says: The board may not abandon a county road or right of way used to provide existing legal access to public land or waters, unless another public road or right of way provides substantially the same access.

General discussion was held relative to use of the access and applying for a variance.

Chairman Brenneman asked if a portion of the road could be abandoned.

Steele said if the same or substantially the same access was provided it could probably be done.

Discussion was held relative to abandoning 10 foot vs. 20 foot.

Grieve explained Mr. McKnight was notified that applying for a variance was an option as it is for any citizen that feels the regulations are burdensome. He stated to be perfectly clear their office would not support a variance because in their review a variance is typically for denial of a reasonable use of a piece of property due to the imposition of a regulation. Grieve noted that just means their office would not support it in terms of review, but it would still go to the Board of Adjustments where they would plead their case.

Following discussion the Commission agreed it would be up to them to either choose to apply for a variance or a road abandonment, and abandon all but 10 foot which would be considered.

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AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: CARVER, ET AL. V. COUNTY ET AL

[11:01:15 AM](#)

Members present:

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

Others present:

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

Commissioner Lauman made a **motion** to authorize the County Attorney's Office to accept service for Carver, et al vs. Flathead County. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

CONSIDERATION OF EXTENSION REQUEST: SCENIC TRACTS, AMENDED PLAT OF LOT 5, BLOCK 2

[11:01:51 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Assistant Planning & Zoning Director B J Grieve, Clerk Kile

Grieve reported the request is within the allowable timeline. He then explained shortly after preliminary plat approval was granted the Planning & Zoning Office was notified they wanted to do a phasing plan. A letter was written to them explaining if they wanted to do a phasing plan they could and to date they have not heard back from them.

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

DOCUMENT FOR SIGNATURE: INTEROPERABILITY MONTANA AWARD & AUTHORIZATION TO PROCEED/ BIG MOUNTAIN COMMUNICATIONS SITE

[11:03:37 AM](#)

Members present:

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

Others present:

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

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

CONSIDERATION OF ADOPTION OF RESOLUTION: ISSUANCE & SALE OF BONDS/ RSID #146 (BADROCK DR.)

[11:04:31 AM](#)

Members present:

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

Others present:

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

Pence stated a question needed to be resolved before moving forward and asked that consideration be delayed.

Discussion was held relative to pre-paying on an RSID.

Brett Walcheck noted the construction schedule would be moved back to accommodate delays.

Commissioner Lauman made a **motion** to delay action until Monday. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

MEETING W/ ANNE SCOTT-MARKLE RE: HEIRLOOM TREES ON BADROCK DRIVE

[11:15:34 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Public Works Director Dave Prunty, Brett Walcheck, Ann Scott-Markle, Scott Duncan, Clerk Kile

Scott-Markle met with the Commission and asked that consideration be made in regards to saving three heirloom trees that are scheduled to be removed for the Badrock Drive RSID project. She stated there are seven big trees with four of them just a couple of feet from the road bed that are set to be cut down.

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(Continued)

Discussion was held relative to hazards on roads and past practices.

Walcheck spoke about county road standards adopted in 2007 that follow ASHTO guidelines. He stated the standards talk about clear zones that also relate to speed on rural roads. Within the minimum clear zone a minimum 10 foot clear zone from the travel surface is identified which they adhered to. Walcheck noted the trees are a great piece of history yet from a liability issue the county should be moving forward in adhering to the road standards and staying within the minimum clear zone; it comes down to a safety issue with the public. He stated their recommendation is to stay with ASHTO standards.

Scott-Markle explained one of the trees is on a bank and you will hit the bank before you actually hit the tree.

Walcheck said grading will be taking place in that area and the topography will drop one foot after road construction.

General discussion continued in regards to topography and liability.

Commissioner Dupont questioned road standards related to speed on the road.

Walcheck said the standards change when speed increases above 35 – 45 MPH and the clear zone then becomes wider.

Discussion was held relative to increased speed on the road after it is paved.

Commissioner Dupont said he feels we sometimes get too carried away with liability issues and stated he felt saving three out of seven trees would be a compromise.

Commissioner Lauman stated he agreed; the trees that are right along the edge of the road he understands removing.

Chairman Brenneman asked for clarification on the three trees.

Prunty said he recommended if they are going this route to give the engineer footage so they will have something to base their decisions off of. He stated with a change in the clear zone there may be a change with their professional liability.

Walcheck said in regards to their liability it is difficult to say; if a lawsuit was to come about they do always get named on it. He explained amendments would have to be made with construction guidelines.

Prunty asked for clarification on which trees would be saved in which there was continued discussion.

The Commission agreed if it was possible to save three trees and the Road Department could live with it they could move forward and work amongst themselves.

CONSIDERATION OF HR TRANSMITTAL: SR. BRANCH LIBRARIAN SERVICES

[11:46:48 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 approve the HR Transmittal. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

MEETING W/ DAN BRIEN/ SANDS SURVEYING RE: RECORDING OF DEED AFTER COS - PERETTI

[11:34:37 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner Dale W. Lauman

Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Michael Peretti, Dan Brien, Clerk Kile

Brien summarized the history behind ownership of the Peretti property located south of Waterside Condos in Lakeside. He stated the division has already happened and explained why they are having problems getting the deed recorded.

Steele explained a rule was made by letter from the County Attorney's Office to the Clerk and Recorder not to accept deeds that go back to the original grantor within five years, unless there are exceptional circumstances.

Discussion was held relative to evading subdivision review and the law.

Commissioner Lauman made a **motion** to accept the deed. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

10:30 a.m. Canvass Fire Elections at Election Dept.

12:00 p.m. Commissioner Brenneman: Bigfork Steering Committee Public Forum @ Bethany Lutheran

2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Sr. Center

6:00 p.m. Fair Board meeting @ Fair Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 14, 2010.

FRIDAY, MAY 14, 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 May 17, 2010.
