
MONDAY, MAY 24, 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/ JOE RUSSELL, HEALTH DEPT.

[9:05:18 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Health Dept. Director Joe Russell, Clerk Kile

Joe Russell spoke about the food service rating inspections that are now available on line and reported things are going well at the Health Department.

Discussion was held relative to school immunization programs and septage concerns.

PUBLIC HEARING: CRITERIA FOR ENDING MAINTENANCE ON CERTAIN COUNTY ROADS

[9:31:53 AM](#)

Members present:

Chairman Joseph D. Brenneman

Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman seated [9:42:49 AM](#)

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Public Works Director Dave Prunty, Operations Manager Road and Bridge Dept. Guy Foy, Stewart Stadler, Kris A. Kramer, Jim Sutherland, Don Hauth, LaDona F. Vitt, Quentin Vitt, Frank Henke, Jeanette Henke, Roger Fricke, Tom Sands, Connie Ottey, Mark Ottey, Noel Gorton, Mark Maskill, Jan McDonald, Steve Kelly, Lee Maxwell, Rhonda Gibbs, John Porterfield, Clerk Kile

Chairman Brenneman stated the Commission appointed a Road Advisory Committee to advise them on appropriate action regarding county roads. The members of the Road Advisory Committee are citizens from the private sector who in general have expertise in building and maintaining roads. Their recommendation to the Commission is to consider ending maintenance on certain roads, because they have particular difficulties or are proportionally much higher in cost to maintain than the rest of the roads serviced by the county. Brenneman stated let me assure you, unless Commissioner Dupont wishes to argue with me that if we could we would not only maintain every road, but would pave every road in Flathead County, however, we have to do the best we can with the resources we have available.

Commissioner Dupont said some of the comments received point directly to the Commission and clarified this was not the Commissioners idea. He stated it is an ongoing procedure from the Road Department related to being more efficient with taxpayer money and they are recommendations from them only.

Chairman Brenneman stated that while it would not have been necessary or required to hold a public hearing on this matter the Commission decided it would be appropriate.

Chairman Brenneman opened the public hearing to anyone wishing to speak in regards to ending maintenance on certain county roads.

Stewart Stadler, 2532 E. Lakeshore Drive submitted the following letter for the record and summarized his points in opposition of eliminating "no name road" from the maintenance network. He pointed out everyone that lives on this road had an significant increase in their property taxes, so feels they are paying their share to maintain a 300 yard road.

Please consider this letter in your discussions considering ending road maintenance to certain county roads. The "no name" road off East Lakeshore Drive which provides access to Les Mason State Park should continue to be maintained for the following reasons:

1. The road does not meet criteria No. 1, 3 and 5 as indicated in the letter that I received from the Flathead County Road and Bridge Department. (Pictures were provided)

First, regarding criteria No. 1, there are no private or personal obstructions within seven (7) feet from the edge of the travelling lane. Second, regarding criteria No. 3, the narrowest point on the road is at least twenty (20) feet wide with vehicles able to pass safely for the entire length of the road. Next, regarding criteria No. 5, the road has a minimal grade that would hardly qualify as a significant threat to the safety of maintenance personnel. Finally, regarding criteria No. 2, at the entrance to the State Park or at, I assume, the end of the county road, there is sufficient room to turn around a vehicle by backing up and then pulling forward. More importantly, there is an ample amount of room to create a larger turn around if such is absolutely necessary.

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2. Even for the sake of argument, if I was to agree that the Les Mason road meets any of the listed criteria, the Commissioners should not allow it to be removed from the county maintenance network. The Les Mason road is approximately three hundred (300) yards long and has existed as a county maintained road for at least fifty (50) years. The road serves not only the six residences that are adjacent to the road, but it is also the only existing access to a State Park on Whitefish Lake. Five of the six residences maintain their private access road to include plowing in the winter on a year around basis. During the summer months the road is used not only by the adjacent residences, but also with hundred of vehicle trips per day by those accessing and using the State Park. During the winter months, although traffic diminishes there is a fair amount of use by ice fisherman, cross country skiers and other fall and winter recreationalists. This road should be considered a major county road with significant year around use by all county residents for recreational purposes.
3. If the county ends its obligation to maintain this county road and for all practical purposes abandons the road, you would be requiring a private property owner to assume the obligations for not only maintenance, but perhaps the liability for improper or inadequate maintenance. This private maintenance would include providing access for fire and other emergency vehicles.

In closing my family and I have lived on this road for close to forty (40) years, and I have a difficult time understanding what has changed for the commissioners to now consider ending maintenance on Les Mason road. Thank you for considering these comments and I am available if there are questions or any additional comment is necessary.

Stewart Stadler

Mark Maskill, Manager Creston National Fish Hatchery read the following letter.

Please be advised and to be noted for the official record, the Creston National Fish Hatchery is opposed to the recommendation to abandon maintenance service for Kauffman Lane in Creston. This road runs adjacent to the western boundary of the fish hatchery property. Year around safe access to Kauffman Lane is necessary for the management of Creston National Fish Hatchery. This road is an important access point for the public to utilize forested recreational lands surrounding the Jessup Mill Pond for wild fire control measures, grounds maintenance, fishery management activities and for public educational programs. The hatchery pays substantial taxes to the county for services including road maintenance. The Creston Hatchery is willing to work with the Road Department in any way we can, to minimize problems and costs associated with Kauffman Lane road upkeep. We appreciate your support.

Mark Maskill

Kris Kramer, 164 Wheeler Lane questioned the legality of ending maintenance on county roads and asked if her taxes would go down if maintenance on her road ended. She asked whose responsibility it would be to bring the road up to standards so that it would meet the criteria. Also asked was with the 60 foot easement the county has what would happen to the land if the county doesn't maintain it any longer, and what will happen with fire/ police protection. Kramer said she has lived in her home for 19 years and doesn't feel this is an acceptable stewardship of taxpayer resources to cut road maintenance.

Jan McDonald, 160 Burke Lane spoke about snow plowing concerns with three of the four living on the road being single women that do not own the equipment needed to plow. She said for the 25 years she has lived there the county has always had access to turn around in the circle drive at the end of the road.

Steve Kelly, 117 Sunnyside said snow removal is the main concern with them as both accesses to their neighborhood is off the highway. He stated the road plows put a berm of snow at the end of the road and they will then essentially be blocked/trapped, unless the county comes in and at least gets them to the highway. Kelly explained the road changes from 60 foot width up until ¼ of a mile to where there is an easy turn around, and then it goes to a small road which is their home that they are not concerned about. He stated the main concern is being trapped in there and having a safe exit onto the highway. He also spoke about concerns related to decreasing home values, safety issues, insurance costs and fire protection.

Mark Ottey, 270 Kauffman Lane read the following letter:

My wife and I live at the end of Kauffman Lane. We have been there for thirty eight years and oppose the proposal to eliminate maintenance to the listed roads.

Kauffman Lane is a straight, flat, nearly one half mile lane that runs east from the Creston Hatchery Road and lies south of Jessup Mill Pond, which is owned by the Federal Fish Hatchery. There are eight properties adjoining or accessing the lane. In addition to property owners using the road it also sees quite a bit of travel by people using the federal land to the north, and at the end of the road for fishing, hunting, hiking and cross country skiing. I foresee more recreational use of the road in the future as the fish hatchery is planning a picnic area and shelter along the Mill Pond that would be accessed from Kauffman Lane. Also an extension around the Mill Pond of the already established Hatchery Hiking Trail would increase traffic substantially on Kauffman Lane.

There are two criteria posed as reasons for not maintaining Kauffman Lane. Turn around area and road width. There is plenty of land at the end to develop a turnaround for maintenance vehicles and a parking area for recreational use. The landowners are willing to provide that to your specifications. Secondly, the road width is perfectly adequate. It is a straight road with room for two vehicles to pass and two snowplow swaths.

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Finally, to sum up my thoughts about this whole thing it appears to me the Commissioners have come up with a list of criteria to disguise the true unmentioned criteria of wanting to save money by eliminating service to roads with few residents. To me this is a dishonest and irresponsible approach to a problem that could possibly be remedied by working with the landowners. If you don't have enough money to maintain the roads, tell the public what the actual costs are and where and why there are deficits. I think most people realize the portion of property taxes to maintain roads is very reasonable; it's a bargain. If the public knows what the problems are in regards to funding they would be much more willing to pay for solutions. Some solutions might be to limit maintenance by plowing only heavier snowfalls, grading to fill potholes only and charging for gravel when needed.

To disguise the real problems with these arbitrary criteria and discontinue service to some is not the way to proceed. The county roads in the whole of the community should be taken care of. The rural less populated areas being as important as the more densely populated areas. Thank you for listening to my comments.

Mark Ottey

Don Hauth, 260 Kauffman Lane, a neighbor of Mark and Connie Ottey said he learned about the proposal from them, and did not personally receive a notice of the proposal and questioned how many others may not have received a notice. He stated his taxes doubled this past year and now he is paying more taxes for less service which is unacceptable. Hauth explained his main concern is in regards to snow plowing and said they do not have the where withal to plow. Other concerns he brought up were in regards to lack of emergency access with unplowed roads, no mail service on unplowed roads and possible cancellation of homeowners insurance. He went on to say I have read about people getting things free in the newspaper such as roads in North Shore Ranch Subdivision and just recently a road into Robin Street's fish pond which is all great, but if you are going to deny me service because there is no money; then there is no money to do free work.

Jim Sutherland, 2nd Avenue South, Hungry Horse stated they would definitely benefit from closure of the alley that can't be maintained. He said they own the north half of the block and approximately four lots on the south west and Wagner's own the rest; they too would benefit.

Quentin Vitt, a resident on Vitt Lane which is a deeded 60 foot county road with plenty of room to turn around at the end. He said if they just plow the snow when it gets 6 inches deep or deeper that is all he cares about. Vitt stated it would take approximately 10 – 15 minutes to plow the road which has been a county road for more than 80 years and would appreciate it if it could still be plowed. He noted when he was younger he did have means to plow it but no longer does.

Connie Ottey stated when they purchased their property a big deciding factor to them was that it was a maintained road. She said she feels the commitment should be held up and that a solution needs to be sought. Ottey stated they have appreciated the maintenance they have received over the years and would like to see all county roads maintained.

Roger Fricke spoke about Pyramid Drive which is off Hwy. 93. He said turning around is an issue for the Road Department and stated he is more than happy to give an easement

Lee Maxwell, 114 Pikes Peak, Somers said his road has historically been maintained. He explained there is a steep climb up into it with a hammerhead turn around along with a fire hydrant at the end. Maxwell stated he doesn't think the whole town of Somers would meet the criteria they are claiming needs to be met before the roads will be plowed. He noted in the past the plowing has been great but the past couple years they have been ignored.

Rhonda Gibbs, 10 Craven Street, Lakeside said she lives on a very short street with four homes. She stated it does not meet county specifications with a steep grade that empties out onto Hwy. 93. Gibbs explained her concerns about traffic coming off the steep grade onto the highway when it's icy in the winter. She said she is hearing concerns of many that feel they will be abandoned and questioned if that could cause legal problems when they are left without medical or mail access. She also questioned if they would be able to get fuel delivered to their homes and garbage picked-up which she said all needs addressed.

Noel Gorton a resident in Creston asked if each Commissioner drove the roads in their district.

Commissioner Dupont stated they did.

Noel Gorton stated she drove them also except for the two she couldn't find; Muth and No Name Road off East Lakeshore Drive. She said she measured each road and looked at them and there are some that probably shouldn't be serviced, but they have been for many years and feels if the Road Advisory Committee gives their recommendation to pull 19 roads off there will be many more on the list next year or the year after again, and pretty soon a lot of county residents aren't going to have any services. Gorton said when I looked at these roads, I would challenge that any of them have ever been graded or had gravel put on them. She stated the main thing I am hearing from the taxpayers today is they would like to continue getting their roads plowed in the winter and I feel there are ways of budgeting this in so you will get service. If they are not serviced I question any vision from our County Commissioners with growth. The County Road Department does have pickups with plows so it isn't that they are only using road graders; there is a way these roads can be serviced.

John Porterfield, 150 Reservoir Road, Whitefish stated he is concerned about his property values and problems he will encounter in trying to rent his home when there is no winter service. He also spoke about insurance issues and asked that they continue to provide service.

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Charles Lapp a member of the Road Advisory Committee summarized the history of the proposal that has been talked about for 10 years. He spoke about safety issues with the roads being narrow and difficult to turn around on and having to work around personal property when plowing. He noted there are other roads in the county that do need to be looked at and stated it is also partly an economical reason that no one is trying to hide or disguise. In 1983 the Commissioners decided that no new roads would be taken over by the county, so since that time all the new subdivision roads have to be maintained by private individuals or the homeowners association. He stated there are hundreds and thousands of homes out there in subdivisions that are privately maintained. Lapp explained there are a lot of homes too that are way back off the paved road that have to be maintained and insurance companies don't cut those people off because the county isn't maintaining their road. To say that the county needs to plow all the roads in the county would be great, but when we are talking about peoples driveways and lanes there are a tremendous amount of people that have to maintain them themselves. He explained this isn't something that just recently has been thrown out to try that it has been in the works for the past several years. Lapp said it is not the counties responsibility to maintain all the roads in the county.

Noel Gorton added when these citizens bought their property they had maintenance on their roads.

Frank Henke, Craven Street, Somers said the street has been there for 100 years or more. He said when Hwy. 93 was put in the grade was realigned which made it quite steep. Henke asked why after all these years it's not maintainable when it has been maintained in the past. Henke questioned the homeowner's liability if there are accidents on the roads.

LaDona Vitt suggested that money could be saved by knowing when to plow the roads. She stated last winter their driveway was plowed four times when none of it needed to be plowed. Vitt said the cut across road from Forest Hills to the highway she has watched being plowed and it goes nowhere or services anyone.

Kris Kramer said it sounds like the main issue has been snow plowing and asked if weed spraying and surfacing could be eliminated on these roads and just plow them.

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

Chairman Brenneman explained the options before them are to adopt the resolution that would establish the criteria by which roads can be removed from the maintenance network as well as the resolution that would remove the roads discussed or postpone action and take it under advisement.

Commissioner Dupont thanked the many that came in and voiced their opinion on what is being considered today. He said we are obviously looking at a lot of things in Flathead County to keep the budget within line as well as services to the public in an efficient manner the best we can. He stated there are an awful lot of roads in Flathead County that we need to maintain and plow because of the population that uses those particular roads; we are not trying to single anyone out here. Dupont explained it was brought to their attention there are some specific roads that are difficult to maintain at best with snow plowing being hazardous with the large equipment. The time it takes to do some of these particular roads they could do miles of other roads in the meantime; this is a matter of economics and where the county is going. We have heard from the people who have told us what the best thing to do is and we have to look at how it will affect people.

Commissioner Lauman said he agreed with everything Commissioner Dupont said in that we are looking at economics in how to save money yet still having the primary obligation to take care of the citizens of Flathead County. He stated this is a tough decision they have to make in providing services needed and saving money. Lauman suggested they take this under advisement and analyze and consider the comments made today.

Commissioner Lauman made a **motion** to take under advisement consideration of ending maintenance on certain county roads to June 1, 2010 at 10:30. Commissioner Dupont **seconded** the motion.

Chairman Brenneman said it does seem there is somewhat of an explicit commitment to people who purchase property that has road maintenance in place, and it sounds as if there is a possibility of a tiered response that might alleviate some of this as well as a commitment to provide some of the access issues. Perhaps we can work on a response that addresses the issue of safety and the allegation of tax dollars more equitability.

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

DOCUMENT FOR SIGNATURE: APPLICATION FOR RECOVERY ZONE FACILITY BONDS

[10:30:56 AM](#)

Members present:

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

Others present:

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

Fugina reported several months ago Flathead County facilitated recovery zone facility bonds for a manufacturing entity in Columbia Falls, and they are now wishing to amend their application for a total of \$9 million. She stated this will exceed the allocation allocated for Flathead County and may require a redistribution throughout the state.

Commissioner Lauman made a **motion** to authorize the chair to sign the application for recovery zone facility bonds. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

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(Continued)

MEETING W/ DAVE PRUNTY/ ROAD DEPT. RE: PRESENTATION OF ROBIN STREET'S CHILDREN'S FISHING POND

[10:34:38 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, Operations Manager Road and Bridge Dept Guy Foy, Weed & Parks Director Jed Fisher, Weed & Parks Supervisor Gordy Jewitt, Charles Lapp, Steve Street, Robin Street, Jim Vashro, Clerk Kile

Dave Prunty explained he had a meeting with Robin Street who wishes to reclaim a gravel pit by establishing a child's fishing pond on property off of Scenic Drive between Whitefish Stage and Rose Crossing. He stated material is presently being removed from his property and being hauled to the Hwy 93 bypass project. Mr. Street is asking for help from the Road Department in constructing a parking lot off of Scenic Drive and building the trail that goes to the river; the contractor will build the trail from the river to the pond area. Prunty noted an estimate of \$8,500.00 from the Road Department has been put together which includes labor and equipment with material on hand. The Road Department would receive approximately 500 cubic yards of top soil that they would utilize for reclamation when needed.

Jed Fisher stated the Weed & Parks Board is supportive of the project and would be willing to offset the \$8,500.00 cost with cash-in-lieu dollars. He said what Robin Street is trying to do is huge for kids in the community and they will help with trail maintenance down to the pond. He noted FWP is also behind the project.

Jim Vashro said the county is very fortunate to have three family fishing ponds at this point and voiced his full support for the proposal.

Commissioner Dupont questioned designation of the land.

Steve Street said the title will be donated to FWP when it is completed. He noted a grant may be forthcoming from Fish Wildlife Conservatory Fund for \$20,000.00 and if they receive it FWP may purchase it with the \$20,000.00. Street stated the trail system is on Bob Lovejoy's property and will probably be an easement that goes to the state or FWP. He said you will be able to park on Scenic Drive and walk to the pond and then take off on the trail system Bob Lovejoy is making on the river.

General discussion was held relative to work that would be done by the Road Department.

Robin Street stated he might possibly make up the difference if the county wasn't willing to make it up. He further stated he would like to get this completed.

Commissioner Lauman said as a lifelong fisherman he fully supported the project and feels it would be a great asset for the whole area.

Commissioner Dupont concurred that he too feels it would benefit the community.

Chairman Brenneman noted the offer has been made by the Weed & Parks Board to share the cost with the Road Department.

AWARD BID: RSID #149 (SWAN HORSESHOE)

[10:45:35 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Pence stated APEC reviewed the bids and their recommendation is to award the bid to LHC for the low bid price of:

Schedule 1 = \$65,026.23 / Schedule 2 = \$236,652.08

Commissioner Dupont made a **motion** to award the Swan Horseshoe bid to LHC. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

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(Continued)

CONSIDERATION OF PRINTING BIDS: HOME HEALTH

[10:46:35 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 award the print bid to Kalispell Copy Center for \$195.00 for 5 forms to be printed as 2 part NCR forms. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

1:00 p.m. Subdivision Review Committee meeting
7:00 p.m. Desert Mountain TV District Board meeting @ Hungry Horse old VFW Bldg.

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

TUESDAY, MAY 25, 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.

BI-MONTHLY MEETING W/ MINDY COCHRAN, GIS

[9:30:45 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, GIS Director Mindy Cochran, Clerk Kile

Mindy Cochran reported GIS has been working with the Weed Department to set up a GPS data collection program for them. She then explained the work done on fuel tax analysis for MDOT, work at Demersville Cemetery and the Flathead Lake Barkus boat crash. Discussion was held relative to the role GIS will have for emergency mapping situations with no on call support. She then reported 2010 Census LUCA Appeals accepted 2,760 addresses submitted in January and T-assessor numbers were mapped this year for the first time.

PUBLIC HEARING: COURTHOUSE ENVIRONMENTAL ASSESSMENT

[10:01:02 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Planning & Zoning Director Jeff Harris, Planner Andrew Hagemeier, Office Administrator Planning & Zoning Dept. Mary Fisher, James Loran, Clerk Kile

Pence reviewed the following project summary for renovation of Flathead County Courthouse.

**TUESDAY, MAY 25, 2010
(Continued)**

BRIEF PROJECT SUMMARY

The Flathead County Courthouse, a nationally registered landmark and the anchor for the historic courthouse district, is an excellent example of historic architectural integrity. Improvements must be implemented to protect the longevity and functionality of this structure for current and future generations. The building is currently used to house Flathead County government offices, many of which have been in this location since the building was constructed in 1903.

Flathead County is planning to implement renovation efforts at the historic Flathead County Courthouse, including:

- Renovation of public space to highlight historical attributes of the Courthouse
- Restoration of the grand main stairway to replicate original construction
- Preservation of exterior façade
- Installation of an elevator to provide ADA handicapped accessibility
- Installation of handicapped accessible restrooms on each floor
- Structural improvements to ensure building safety and stability
- Replacement of damaged exterior trim and installation of rain gutters
- Installation of Energy Efficient Windows
- Modifications to meet fire safety requirements

The total cost for overall Courthouse upgrades are projected at \$1,760,569.98 Flathead County will receive \$50,000 in HB 645 Historic Preservation funds to support historically relevant components of the overall project. The Department of Energy (DOE) EECBG Program has committed \$126,300 in funds to install energy efficient, historically aesthetic windows. Remaining funds necessary to complete renovation activities will be provided by the Flathead County Museum Board (\$210,000), and Flathead County Building funds (\$1,374,269.98).

The overall project will accomplish key modifications to upgrade life safety systems and proper emergency egress, provide ADA handicap accessibility components to all public floor levels, and complete vital restoration to the exterior and interior public areas of this 106 year old historic building.

Flathead County has retained the services of CTA Architects Engineers to complete a schematic design of the proposed improvements, and to provide project design and construction management. CTA has an experienced historic Architect on staff assisting with all aspects of the proposed upgrades. Preliminary estimates, budgets, and schedules have been produced given their professional advice. This project is completely feasible and ready to implement immediately.

Please see the attached project budget and implementation schedule for additional information.

PROJECTED BUDGET FOR FLATHEAD COUNTY COURTHOUSE RENOVATIONS

Name of Grant Recipient: Flathead County

Budget Prepared By: Flathead County & CTA Architects Engineers

PROJECT ACTIVITY	HB 645 Grant	Other Funds:	Other Funds:	Other Funds:	Total Costs
		<u>Flathead County Building Funds</u>	<u>DOE EECBG</u>	<u>Flathead County Museum Board</u>	
Preliminary Architectural/Engineering Design		\$19,605.74			\$19,605.74
Final Architectural/Engineering Design		\$ 117,400.00	\$1,300.00		\$118,700.00
Land Acquisition					
Equipment					
Construction & Labor	\$50,000.00	\$1,041,291.75	\$ 125,000.00	\$210,000.00	\$1,426,291.75
Contingency		\$142,629.18			\$142,629.18
Other		\$53,343.31			\$53,343.31
TOTAL PROJECT COSTS	\$50,000.00	\$1,374,269.98	\$126,300.00	\$210,000.00	\$1,760,569.98

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(Continued)

Projected Implementation Schedule:

(CALENDAR YEAR)	QUARTERS 2010			QUARTERS 2011			
	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th
PROJECT START-UP AND REPORTING							
A. Sign contract with Department of Commerce	x						
B. Secure approval of other funding	x						
C. Submit ARRA progress reports		x	x	x			
PROJECT CONSTRUCTION							
A. Architectural/Engineering Design	x	x					
B. Construction and/or purchase and installation of equipment		x	x	x			
C. Final Inspection				x			
PROJECT CLOSE-OUT							
A. Submit project completion report				x			
B. Include project in audits			x				x

Jeff Harris said the environmental assessment was a requirement with federal funding and requires an evaluation of both the physical and human environments; human environment includes all the beneficial attributes of the project and the human environment disadvantage is a short term interruption of public day to day service. He explained the difference between an environmental assessment and an environmental impact statement is the scope involved in identifying alternatives.

Chairman Brenneman opened the public hearing to anyone wishing to speak in regards to the Courthouse environmental assessment.

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

Commissioner Lauman stated he fully supports renovation of the Courthouse and asked that news reporter Lynnette Hintze thank Frank Miele for the positive article in The Daily Inter Lake related to renovation of the Courthouse and Blue Building on May 21, 2010.

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

BOARD APPOINTMENT: ASHLEY LAKE LAND USE ADVISORY COMMITTEE

[10:21:11 AM](#)

Members present:

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

Others present:

- Assistant Mike Pence, Office Administrator Planning & Zoning Dept. Mary Fisher, Planner Andrew Hagemeyer, Clerk Kile

Commissioner Dupont made a **motion** to appoint Ed Speelman to the Ashley Lake Land Use Advisory Committee. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

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(Continued)

CONSIDERATION OF FEE PROPOSAL: FLATHEAD COUNTY ATTORNEY EXPANSION STUDY

[10:16:14 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, County Attorney Ed Corrigan, County Attorney Office Administrator Vicki Eggum, Clerk Kile

Ed Corrigan reviewed the proposal to have a design study done for consideration of reconfiguring office space in order to give staff additional room. He stated his staff is suffering mightily due to limited space with nowhere for storage and within the next year he expects to hire an additional attorney and possibly two secretaries. Corrigan explained he does not want to split his office into two locations and stated it is important in order to have a cohesive unit working together to keep the civil and criminal divisions together.

Commissioner Dupont made a **motion** to approve the expenditure to have an expansion study done. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

CONSIDERATION OF HR TRANSMITTAL: FAMILY PLANNING COORDINATOR/ HEALTH DEPT.

[10:24:21 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 HR Transmittal and classification of a new position. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: HAYNES

[10:30:47 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planner Bailey Iott, Clerk Kile

Bailey Iott entered into record FLP 10-42 a standard permit application submitted by Denton and Beverly Haynes at 452 E. Village Drive to remove two trees blown down in a windstorm.

Commissioner Dupont made a **motion** to approve Lakeshore Permit FLP 10-42. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

12:00 p.m. Commissioner Brenneman: CDC Board meeting @ Three Rivers Bank
1:30 p.m. Commissioner Brenneman: Bigfork Stormwater Funding/ Budget meeting
5:00 p.m. Commissioner Dupont: Refuse Board meeting @ Solid Waste District Conference Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 26, 2010.

WEDNESDAY, MAY 26, 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.

WEDNESDAY, MAY 26, 2010
(Continued)

MEETING W/ GREG JACKSON, MACo JPIA

[9:03:29 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Greg Jackson, Robin Boon, Kim Thomas, Brad Salonen, Clerk Kile

Greg Jackson met with the Commission and reviewed the summary presented of 2010-2011 renewal indication premiums for Flathead County in regards to the property liability program. The preliminary renewal premium with loss ratio adjustments is \$863,966 which is 22% more than this year. Jackson then reviewed the liability and property loss ratio for Flathead County from 2004-2009 that shows a property loss ratio of 68% and liability loss ratio of 101%.

Brad Salonen reviewed the five year loss history of claims from four different departments which are the ones that regularly have vehicles on the road: Solid Waste, Sheriff's Department, Eagle Transit and the Road Department.

Discussion was held relative to jail operations, higher deductibles for the county, appraisal of county buildings and cyber liability coverage.

MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE DISTRICT

[9:54:36 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner James R. Dupont

Others present:

Public Works Director Dave Prunty, Operations Manager Solid Waste Jim Chilton, Clerk Kile

Dave Prunty reported a meeting is scheduled to be held at the Essex QRU building to discuss the canyon consolidation project with business owners. He then spoke about the \$1.9 million dollar project started for installation of the new liner at Solid Waste, concerns related to the litter ordinance and installation of a cardboard compactor at the Columbia Falls container site. Discussion was held relative to tonnage volumes which continue to decrease.

DOCUMENT FOR SIGNATURE: CONTRACT AMENDMENT/ EAGLE TRANSIT BUS BUILDING

[10:06:40 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner James R. Dupont

Others present:

Public Works Director Dave Prunty, John Peterson, Clerk Kile

John Peterson explained the contract is an amendment to their contract to design the Road Department's sewer system that would tie into Eagle Transit.

Commissioner Lauman made a **motion** to approve the document for signature and authorized the chair to sign. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: CRUSHED GRAVEL/ ROAD DEPT.

[10:13:51 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner James R. Dupont

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to authorize publication of the Call for Bids for the Road Department and authorized the chair to sign. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

**WEDNESDAY, MAY 26, 2010
(Continued)**

CALL FOR BIDS

Notice is hereby given that sealed bids for the crushing and stockpiling of two different gravel materials at one Flathead County gravel pit will be received by the County Board of Commissioners of Flathead County, Montana.

The work contemplated consists of crushing and stockpiling the following:

- A. Approximately 75,000 tons of Surface Course Aggregate at the Old Steel Bridge Pit. Crushed material to meet Montana Public Works Standard Specifications, 5th Edition, 2003, Section 02510, Asphalt Concrete Pavement, Surface Course Aggregate, Type B. The Contractor shall be responsible for developing an asphalt mix design to ensure that the aggregate being crushed will produce a final product in compliance with the specifications. All required testing shall be conducted by the Contractor. The aggregate shall be placed in three stockpiles: 1: Course, 2. Crushed Fines, 3. Natural Fines.
- B. Approximately 8,000 tons of 3/8 inch Seal Coat Aggregate at the Old Steel Bridge Pit. Crushed material to meet Montana Public Works Standard Specifications, 5th Edition, 2003, Section 02504, Asphalt Seal Coat, 3/8" Seal Coat Aggregate. All required testing shall be conducted by the Contractor.

Project will be awarded to the lowest, most responsive bidder for the total bid price. The two products will NOT be split and awarded to separate bidders.

Contractor performs sieve analysis every 1,000 tons. Contractors shall perform all required testing, including a mix design.

Crushed material to be weighed by scales on a belt conveyor, and/or cross section survey of stockpile to be done by engineer to verify quantities.

Actual amounts to be crushed shall be determined based upon unit prices. All required testing shall be conducted by the contractor. All material up to 4 feet shall be crushed, any material over 4 feet will be considered oversize. Material and pit area may be viewed by making an appointment with the Road Department. The exact location of material to crush and of the stockpile will be designated by the Flathead County Road Department at the time of crushing. Contact the Flathead County Road Department if there are any questions or to set up a time to view the crushing site.

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, MT 59901, and enclosed in an envelope marked, "Proposal for Crushing and Stockpiling Gravel."

No proposal will be considered unless accompanied by a proposal 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 ten (10) days, enter into a formal contract for the production 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.

A performance bond will be required for the faithful performance of the successful contractor in the full amount of the bid.

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.

Flathead County shall assess liquidated damages in the amount of \$100 per day for failure of the contractor to complete the contract in sixty (60) days. This allows thirty (30) days for the contractor to file a public notice of moving and the State change of location notice. Extenuating circumstances will be considered by the County Commissioners for extension of the contract without penalty.

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 Relations 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 or county that enforces a preference for resident bidders equal to the preference given in the other state or 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 June 11, 2010. Bids will be opened and read at 9:45 a.m. on June 15, 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 26th day of May, 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 May 31 and June 7, 2010.

WEDNESDAY, MAY 26, 2010
(Continued)

PRELIMINARY PLAT: JACK'S WAY

[10:16:41 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner James R. Dupont

Others present:

Planner Alex Hogle, Dawn Marquardt, Debbie Shoemaker, Narda Wilson, Raymond Hanson, Clerk Kile

Alex Hogle entered into record Staff Report FSR 10-04; an application submitted by Raymond Hanson with technical assistance from Narda Wilson and Marquardt Surveying for preliminary plat approval of Jack's Way, a minor subdivision that would create two residential lots located approximately four miles south of Columbia Falls on Trap Road. Hogle said based on existing trips on Trap Road the criteria to pave 11 feet is in the regulations. He stated Section 4.2.11 does offer the applicant of a first minor subdivision to petition the commission and the applicant has submitted a letter asking the requirement to be waived.

Commissioner Lauman made a **motion** to adopt Findings of Fact for FSR 10-04. Chairman Brenneman **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

Narda Wilson, representing the applicant asked that two minor project specific conditions be waived which included a bike path that would most likely be constructed with CTEP funds and 11 feet of paving which she stated really would not improve the road condition in the area.

Chairman Brenneman said the reason for the bike path would be if they expand the road to make it a three lane road they would have room for ditches. He suggested they strike condition 16 in regards to the paving requirement and keep the bike path in.

Narda Wilson clarified if I understand this correctly; it is simply an easement and not a right of way dedication.

Commissioner Lauman made a motion to strike unique condition 16 and approve preliminary plat for Jack's Way with approval of the variance.

Dawn Marquardt asked for clarification of condition 5 which states:

New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. Section 4.7.25

Alex Hogle said the condition is worded for general purposes as a standard condition that lots are undeveloped. In this case with the word "new" starting the sentence it would be anticipated that lot 1 needs to comply with this. Lot 2 a connection is already there.

Narda Wilson asked that the condition be amended to state:

New electrical and telephone utilities shall be extended underground to abut and be available to proposed lot 1, in accordance with a plan approved by the applicable utility providers.

Chairman Brenneman **seconded** the motion with approval of the above change to condition 5 and removal of condition 16. **Aye** – Brenneman and Lauman. Motion carried by quorum.

Standard Conditions

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626B. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.18(g)(iv), 4.7.28(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road Department for Lot 1 and from the Montana Department of Transportation for Lot 2 indicating the approaches have been built and received final inspection and final approval. [Section 4.7.18, FCSR]
3. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that the plat meets the requirements of the fire district shall be submitted with the application for Final Plat. [Section 4.7.28(d), FCSR]
4. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.27, FCSR]
5. New electrical and telephone utilities shall be extended underground to abut and be available to Lot 1, in accordance with a plan approved by the applicable utility providers. [Section 4.7.25, FCSR]
6. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.14, 4.7.22, 4.7.23 FCSR]
7. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.30, FCSR]
8. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.24, FCSR]

**WEDNESDAY, MAY 26, 2010
(Continued)**

9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.28(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.25, FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.15, FCSR]
10. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
11. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
12. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.2.19, FCSR]
13. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.2.15(a), FCSR]
14. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. [Section 4.2.13, FCSR]
15. A 10-foot wide bicycle and pedestrian path easement along the entire eastern boundary of Lot 2 shall be shown on the face of the final plat. [Section 4.7.21 FCSR]

AUTHORIZATION TO PUBLISH: NOTICE OF PUBLIC COMMENT/ FOYS TO BLACKTAIL TRAIL

[10:32:41 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner James R. Dupont

Others present:

Grant Writer Debbie Pierson, Clerk Kile

Chairman Brenneman made a **motion** to authorize publication of the Notice of Public Comment pending ratification on June 1, 2010. Commissioner Lauman **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

Notice of Public Comment
Foys to Blacktail Trail: Herron Park Project

Flathead County, in partnership with Foys to Blacktail Trails and the Montana Conservation Corps, is submitting an application to Montana Fish, Wildlife and Parks for a 2011 Recreational Trails Program grant. Awarded funds will be used to improve the trail system in county-owned Herron Park. For more specific information on the project, or to submit a comment, please contact Jed Fisher, Flathead County Weeds, Parks, Recreation & Building Maintenance at 758-5800 or e-mail: jedfisher@flathead.mt.gov or Jim Watson, Flathead County Parks Board at 261-6019 or e-mail: Jim@SpringBrookRanch.com. Public comments are encouraged and will be accepted for 30 days.

Dated this 26th day of May, 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 May 30, 2010.

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

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 27, 2010.

THURSDAY, MAY 27, 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: Travel to Helena**
- 9:00 a.m. Commissioner Dupont: View Road Abandonment #477 (portion of Highline Blvd) w/ Jim Burton**
- 10:00 a.m. Commissioner Brenneman: Interoperability Finance Committee Work Session in Helena**
- 11:30 a.m. Commissioner Dupont: Agency Administrator's meeting @ Mackenzie River Pizza, Whitefish**
- 12:00 p.m. Commissioner Brenneman: Travel to Billings**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 28, 2010.

FRIDAY, MAY 28, 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 Brenneman: Interoperability Montana presentation at NACo Western Regional Conference, Billings**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 31, 2010.
