
MONDAY, JUNE 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.

8:30 a.m. Weed & Parks Board meeting @ Weed & Parks Office
7:00 p.m. Commissioner Brenneman: Bigfork Area Stormwater Improvements Public Meeting @ Bethany Lutheran

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

TUESDAY, JUNE 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, no one present to speak, Commissioner Lauman PT closed the public comment period.

MEETING W/ RAEANN CAMPBELL/ HUMAN RESOURCE OFFICE RE: POLICIES

[9:15:36 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

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

Campbell reviewed the proposed Non-DOT Alcohol and Drug Testing policy and explained MACo is not supportive of the change with the policy addressing elected officials as both employees and employer.

General discussion was held relative to existing county policies.

Fugina said what history has shown is that you don't have to have a specific law to enact a drug testing policy even if you are a public employer, but you do have to work within the frames of a person's constitutional rights; both federal and state and any other statues governing those types of things. Since there is a law in place in this case I believe we substantially comply with the law and policy as it has been drafted, except for the few minor exceptions that I have spoken with the Commission about. She stated the language can be tightened up and a final draft can be submitted for consideration at a later date.

Campbell then reviewed the following policy manual updates/changes regarding religion, tuition reimbursement, the county anti-harassment policy, use of electronic devices, per diem reimbursements, expense reporting, suspension/administrative leave, notice of layoffs and contributions to the sick leave pool.

Following discussion in regards to the sick leave pool the Commission agreed to change the policy to state:

In order to contribute to the sick leave pool or to another employee, the employee must have a minimum balance of one hundred and twenty (120) hours of sick leave remaining in the employee's account following the contribution.

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: SCOTT V. FAIR COMMISSION & BOARD OF COMMISSIONERS

[9:44:52 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 authorize Deputy County Attorney Tara Fugina to sign an acknowledgment of service for Scott v. Fair Commission and Board of Commissioners. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

TUESDAY, JUNE 8, 2010
(Continued)

MONTHLY MEETING W/ RAEANN CAMPBELL/ HUMAN RESOURCE OFFICE

[9:48:27 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

Campbell presented the personnel transactions for the month of May.

Commissioner Dupont made a **motion** to approve the personnel transactions for the month of May. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

In other business Campbell reviewed work comp expenses and reported injuries are under this year compared to last. She then reported the trust fund balance is at \$3.4 million compared to \$2.9 million last year and claims are up compared to one year ago. It was noted 911 negotiations have concluded, sexual harassment classes have been held and Tyler Software is delaying the payroll conversion date to August 1.

CONSIDERATION OF ADOPTION OF RESOLUTION: N.W. MONTANA RESOURCES RURAL DEVELOPMENT GRANT

[10:00:13 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Galin Amy, Clerk Kile

Commissioner Dupont made a **motion** to approve Resolution 2260. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

RESOLUTION NO. 2260
A RESOLUTION TO AUTHORIZE SUBMISSION OF APPLICATION
For
A USDA RURAL DEVELOPMENT GRANT FOR USE IN FLATHEAD COUNTY

WHEREAS, Northwest Montana Human Resources certifies that it has disclosed all forms of governmental assistance requested for this project in the Sources of Funds Statement, and, if additional governmental assistance is sought in the future, that USDA Rural Development shall be notified promptly;

WHEREAS, if selected for funding, Northwest Montana Human Resources agrees to comply with the USDA Rural Development requirements, regulations, statutes, terms and conditions described in the USDA instructions in PART 1944 subpart N "Housing Preservation Grants;"

WHEREAS, the Flathead County Commissioners are authorized to welcome Northwest Montana Human Resources with the USDA Rural Development Housing Preservation Grant into Flathead County; and

WHEREAS, the Flathead County Commissioners certify that the Housing Preservation Grant program will be beneficial and will not duplicate any programs currently in existence in Flathead County.

NOW, THEREFORE, the Board of Commissioners hereby resolves to authorize and welcome Northwest Montana Human Resources and USDA Rural Development Housing Preservation Grant into Flathead County for the purpose of rehabilitating existing housing that is owned by lower income residents in Flathead County.

Dated this 8th day of June, 2010

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Absent

Joseph D. Brenneman, Chairman

By/s/James R. Dupont

James. R. Dupont, Member

By/s/Dale W. Lauman PT

Dale W. Lauman, Member

ATTEST:

Paula Robinson, Clerk

By/s/Diana Kile

Diana Kile, Deputy

TUESDAY, JUNE 8, 2010
(Continued)

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

[10:02:16 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, 4-H Extension Agent Karole Sommerfield, MSU Extension Agent Pat McGlynn, Clerk Kile

Karole Sommerfield presented an annual report from the County Extension Office regarding their educational outreach programs. She then reported the market livestock figures for 4-H are 45 steers, 58 lambs and 160 hogs.

Pat McGlynn reported a \$25,000 grant through the Department of Agriculture was received to pay for cherry research trials being done on six different orchard sites around the lake. She noted some of the grant money will also pay the salary for a cherry expert consultant. McGlynn summarized other programs and community events the office is involved in.

TAKE ACTION: SHADY MEADOWS

[10:15:57 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

Commissioner Lauman PT read into the record that Shady Meadows would not move to final plat and is now declared a dead file.

BOARD APPOINTMENT: LIBRARY BOARD AND BIG MOUNTAIN FIRE DISTRICT

[10:16:17 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Library Director Kim Crowley, Library Office Administrator Karen Marr, Library Board Member Jane Lopp, Clerk Kile

Commissioner Dupont made a **motion** to appoint Michael Morton to the Library Board as the Whitefish representative. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to appoint Glenn Nye to the Big Mountain Fire District. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #477 (PORTION OF HIGHLINE BLVD.)

[10:20:02 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

Commissioner Dupont made a **motion** to authorize the chair to sign the Notice of Public Hearing for Road Abandonment #477. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**NOTICE OF DISCONTINUANCE
OF PUBLIC ROADWAY NO. 477**

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:

A tract of land located in the North Half of the Southeast Quarter of Section 35, T32N, R19W, PM, M and more particularly described as follows:

TUESDAY, JUNE 8, 2010
(Continued)

That portion of High Line Blvd., a 60 foot county street as shown on the plat of Belton, Montana, lying along the northerly boundaries of Lots 9 thru 18 of Block 1 AND that portion of the 20 foot alley as shown on the plat of Belton, Montana, lying along the southerly boundaries of Lots 9 thru 18 of Block 1. The northerly 30 feet of High Line Blvd. will be added to Scenic View Park and the southerly 30 feet added to Lot 9 thru 18. The northerly 10 feet of the alley will be added to Lots 9 thru 18 and the southerly 10 feet added to the original tract to the south. The southerly 10 feet will remain a utility easement.

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 **June 22, 2010 at 10:15 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 8th day of June, 2010.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy Clerk

Publish on June 12 and June 19, 2010.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: BUILDING CONTRACTOR/ BLUE BLDG.

10:20:50 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

Commissioner Dupont made a **motion** to authorize the chair to sign the Call for Bids publication for a contractor for the Blue Building remodel/addition. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**PUBLIC NOTICE
ADVERTISEMENT FOR BIDS
BLUE BUILDING REMODEL AND ADDITION**

Flathead County is requesting Bids for the Blue Building Remodel and Addition located at 935 1st Ave. W., Kalispell, MT. This project requires a General Contractor and consists of asbestos and lead remediation, demolition, miscellaneous renovation, energy upgrades, code upgrades, and stair and elevator tower addition.

Contractors may obtain the plans from CTA Architects Engineers, 2 Main Street, Suite 205, Kalispell, MT 59901, Phone 406.257.8172, Fax 406.257.8173, or from the Kalispell Plans Exchange and affiliated exchanges on or after Tuesday, June 8, 2010. Construction Documents and Specifications are available electronically on CD at no charge. A hard copy set will be provided upon payment of both a \$100.00 nonrefundable plan fee and a \$100.00 refundable deposit. All bidding questions should be directed to CTA Kalispell, Corey Johnson, at 406.257.8172 or emailed to coreyj@ctagroup.com.

There will be a **Mandatory Pre-Bid Conference at 10:00 AM on Friday, June 18th, 2010**. All bidders are to meet at the front east main entry of the Blue Building.

Sealed Bids will be received by the Office of the Flathead County Commissioners, C/O: Diana Kile, Clerk, 800 S. Main Street, Kalispell, MT 59901, until **10:00 AM Local Time Wednesday, June 30th, 2010**. Bids will be publicly opened and read aloud at the lower level Commissioners Chambers. All Bids will be taken under advisement.

All Bids must include a Bid Guarantee of 10%, and a 100% Performance Bond will be required upon award of the contract. Project requirements include a 1% Montana Gross Receipts Construction Tax, federal Davis Bacon Wage Rates, and ARRA - American Recovery Reinvestment Act reporting and regulation requirements, including but not limited to the Buy American Requirements, Compliance with Copeland Act requirements, and audit information.

Flathead County reserves the right to reject any or all Bids, to waive formalities and to accept the Bid(s) deemed most advantageous to the County.

Late Bids will not be opened.

DATED this 8th day of June, 2010.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy Clerk

Publish on June 10, June 17 and June 24, 2010.

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(Continued)

BI-MONTHLY MEETING W/ SCOTT SAMPEY, EMS

[10:32:18 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, EMS Director Scott Sampey, Clerk Kile

Sampey met with the Commission and summarized ongoing work at the OES/ EMS Department. He reported they will be supporting an Army Reserve exercise that will be held on July 14 which will involve several departments. Sampey explained the EMS Board met and came up with new procedures for dispersing their 2 miles to different services which will now require signing a MOU of what their expectations are. He then reported open house for the 911 Center is June 9 to officially open the center.

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

[11:01:15 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 and Bridge Dept. Guy Foy, Clerk Kile

Prunty submitted the schedule provided by the contractor for the Dust Cost Share Program and summarized the status of the project scheduled to be completed by June 30. He reported they are continuing to spread gravel out on the heavier traveled county roads. McMannamy Draw was then discussed with continued ROW issues still being concerns. Prunty presented a list of roads proposed to be part of the Crack Seal Project with \$100,000.00 in the budget this year for crack seal work.

PRELIMINARY PLAT: STORLI FARMS

[11:30:36 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Planner Alex Hogle, Olaf Ervine, Brooke Howard, Winnifred Storli, Clerk Kile

Alex Hogle entered into record Staff Report FSR 10-03; an application submitted by Christopher Van Twest with technical assistance from Montana Mapping for preliminary plat approval of a 4 lot minor subdivision on 5.14 acres located four miles south of the city center of Kalispell. Primary access to Storli Farms will be from Foy's Canyon Road. The applicant proposes two new shared wells and individual septic systems. Hogle noted the applicant has submitted to LOMA a request to re-delineate the SFHA 100 year floodplain boundary on the subject property. Staff recommends approval only with approval of the LOMA request prior to final plat.

Olaf Ervine stated the LOMA request has been submitted and is being reviewed in the final stages now. He noted they have agreed with their floodplain evaluations and right now the question that needs to be resolved before it is issued is whether or not any sort of changes were made to the water course when Foy's Canyon Road was re-aligned. Ervine stated either way it will be approved with a map amendment or map revision.

Commissioner Dupont made a **motion** to adopt Findings of Fact presented in Staff Report FSR 10-03. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Hogle noted for the record Subdivision Regulations require the Commission to approve a Riparian Management Plan.

Olaf Ervine explained the floodplain elevations may move and a possible change may be needed.

Commissioner Dupont made a **motion** to approve preliminary plat of Storli Farms Subdivision. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. 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 Montana Department of Transportation for the approaches of both shared access road features 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]

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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 each lot, 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]
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, as applicable, 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]

Unique Conditions

15. The submitted LOMA request to re-delineate the SFHA 100-year floodplain boundary on the subject property, as reviewed in this staff report's evaluation of the preliminary plat application shall be approved by FEMA. [Sections 4.7.10, 4.7.7(j), FCSR]
16. The post-LOMA delineated SFHA 100-year floodplain boundary and elevation at the west and east subdivision boundaries shall be shown on the final plat. [Section 4.7.10, FCSR]
17. The submitted *Riparian Protection Assessment and Plan* shall comply with 4.7.12 FCSR and be approved by the Commission. [Section 4.7.12, FCSR]
18. The post-LOMA delineated SFHA 100-year floodplain and area of the corresponding 'riparian zone' shall be shown as a 'No Build Zone' on the face of the final plat. [Sections 4.7.3 and 4.7.4, FCSR]
19. The following statement shall appear on the face of the final plat:

"Lot owners are alerted to the presence of sensitive and potentially dangerous wildlife in the area and are reminded that **feeding big game is illegal**. Lot owners are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including such things as bear proofing, pet control, and removing food sources." [Sections 4.2.10, 4.2.12 FCSR]
20. A 10-foot wide bicycle and pedestrian path easement adjacent to Foys Canyon Road shall be shown on the face of the final plat. [Section 4.7.21 FCSR]
21. Both shared access road features shall be constructed and paved to applicable county standards. [Sections 4.7.18, 4.7.19 FCSR]
22. The Road Maintenance Agreement addressing maintenance of both shared access road features shall be filed with the Clerk and Recorder's Office as a separate document prior to or at the time of final plat. [Section 4.7.17(e), FCSR]

CONSIDERATION OF PARTIAL RELEASE OF COLLATERAL: THE HOMESTEAD AT WHITEFISH

[11:45:56 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Planner Alex Hogle, Paul Johannsen, Clerk Kile

Hogle reported a letter was received on May 24, 2010 from WMW Engineering certifying completed work at the Homestead at Whitefish and requesting the SIA be reduced from \$99,325.00 to \$6,000.00. He explained the uncompleted work to be done still is in regards to the emergency egress road which is now proposed to come down to Farm to Market Road and not through Forest Service property.

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Commissioner Dupont made a **motion** to release partial collateral for the Homestead at Whitefish. Commissioner Lauman PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

CONSIDERATION OF SIGNATURE: WAIVER PAGE/ EAGLE BEND NORTH COVENANTS, CONDITIONS AND RESTRICTIONS

[11:54:58 AM](#)

Members present:

Commissioner Dale W. Lauman PT
Commissioner James R. Dupont

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Dupont made a **motion** to sign the waiver page for Eagle Bend North's covenants, conditions and restrictions. 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 Project Director's meeting in Helena

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

WEDNESDAY, JUNE 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.

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

1:15 p.m. Commissioner Brenneman: 911 Board meeting @ FECC

4:00 p.m. Commissioner Brenneman: Chamber of Commerce "Unwind" @ FECC

5:30 p.m. Commissioner Dupont: Whitefish Donut Area meeting @ Central School

6:00 p.m. Commissioner Brenneman: Flathead Emergency Communications Center Ribbon Cutting Ceremony

6:15 p.m. Commissioner Brenneman: Flathead Emergency Communications Center Open House

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

THURSDAY, JUNE 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.

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

[9:00:44 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, Assistant Planning & Zoning Director B J Grieve, Clerk Kile

Harris reviewed the monthly zoning and community decay violation complaints report. He then reviewed the development proposals received in response to ads the office ran for interest in CTEP projects. The interested parties included: Bigfork Rotary Club; Swan River Trail, First Best Place; Historic Red Bridge Restoration, Lakeside Community Council; Blacktail Road Trail, Rails-to-Trails; Great Northern Rail Trail, Valerie Parsons; Glacier Gateway Trail. Harris noted he is looking for direction from the Commission in regards to evaluating the proposals and making a recommendation.

Discussion was held relative to remaining CTEP funds, local matches, a letter from the Army Corp of Engineers, the Transportation Plan and impact fees.

THURSDAY, JUNE 10, 2010
(Continued)

PUBLIC HEARING: FLOODPLAIN REGULATIONS REVISION

[9:28:30 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, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Planner Bailey Iott, Bob Keenan, Don Burton, Clerk Kile

Bailey Iott summarized the proposed revisions which would update the current floodplain regulations and bring them into compliance with statute as well as create regulations easier to understand and administer. The changes would also reformat the regulations to align them with the Flathead County Development Code. Iott noted on February 12, 2010 the Planning and Zoning Office placed the revised set of regulations on the FC website for public viewing. A workshop was held by Flathead County Planning Board on March 17, 2010 to review and discuss the proposed changes to regulations. A public hearing was then held by the Planning Board on April 21, 2010 and after receiving public testimony the Planning Board forwarded the proposed changes to the Commission with a positive recommendation.

Chairman Brenneman opened the public hearing to anyone wishing to speak in regards to Floodplain Regulation revisions.

Bob Keenan, 200 McDowell Drive, Bigfork said he was the lone member of the Flathead County Planning Board who voted against approval of forwarding the Floodplain Regulations to the Commission with a recommendation of support. He questioned what kind of noticing was done and stated the Planning Board's minutes reflect innocuous document changes such as proposing to update and revise the 1984 Flathead County Floodplain and Floodway Management Regulations with the purpose of all the revisions to become compliant with changes to state law. Keenan stated he has no problem with that at all. Another change was to create a user friendly set of regulations and reformat them to align with the Flathead County Development Code as Chapter 7. He questioned whether the description of the revisions is accurate. He stated they have DNRC model floodplain regulations that need a closer look and questioned what process they went through to develop the model language. He said it goes well beyond the description they had on the agenda and in the minutes as just bringing them up to state statute. The language added by the Planning and Zoning Office he further stated needs to be closer scrutinized as it appears to be a regulatory document.

Don Burton, 324 Wild Goose Run, Kalispell stated he is against adoption of the new regulations. He said he doesn't doubt they do need updated with the old regulations being outside the scope of the law. He noted he doesn't want to do anything that will harm his neighbor, but doesn't want injury to his property that is unduly imposed upon him. Burton said he would like the regulations to have the old text listed and stricken and new language added in. He stated when reviewing them he found numerous corrections and major changes to the landowners that were not highlighted so were difficult to compare. He explained the language is vague regarding RV's left for extended periods of time in the floodplain, the length of time it could take to get a floodplain permit is too long and other numerous laws he said would be injurious to property owners.

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

General discussion was held relative to the specific process used to create DNRC model regulations.

Bailey Iott explained the regulations were available for review on the Flathead County Planning and Zoning website. She explained the reason the old text was not stricken in the new section in the same document was because of confusion. In regards to the RV regulations they do have the exact same wording; it was just separated out in regards to formatting. She stated she was unsure as to where the 180 days for a floodplain permit came from but didn't feel it was necessary to change it since that is how it was. The 120 working days was chosen because the problem is right now it reads they have to have it done within 60 days and they can't issue their permit until the Conservation District issues their permit as well as the Army Corp of Engineers. The problem is the Conservation District can take up to 3 months with them only meeting once a month.

Harris explained if you can drive your RV off (its registered and drivable) you don't need a permit and if you can't drive it and it isn't registered then you would need a permit.

Chairman Brenneman stated he would like to take the matter under advisement and delay their decision until Commissioner Lauman has had time to review the meeting held today, so consideration can be made for the public comment received.

Commissioner Dupont made a **motion** to take the proposal under advisement until a later date to be determined. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

THURSDAY, JUNE 10, 2010
(Continued)

MONTHLY MEETING W/ JOE GARZA, FINANCE DEPT.

[10:00:04 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 reviewed the levied funds projected cash balance for current year end. He noted overall the non-voted cash reserve is at 26%. The current FY2011 overview of budgeted resources was summarized. He stated they expect to start the year with \$2.1 million.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: SAM BIBLER-WILLOW GLEN MEMORIAL TRAIL

[10:19:18 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planner Alex Hogle, Allen Sieler, Clerk Kile

Commissioner Dupont made a **motion** to authorize publication of Call for Bids for Sam Bibler-Willow Glen Memorial Trail and authorized the chair to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

INVITATION TO BID

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

Sam Bibler Memorial Trail, STPE 15(69), UPN 6150

All sealed bids, **plainly marked "SEALED BID – SAM BIBLER MEMORIAL TRAIL, STPE 15(69), UPN 6150"** must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT, 59901 at **9:30 o'clock a.m. on July 8, 2010**. Bids will be **opened and read immediately thereafter** in the Commissioner's Office at the West Annex of the Courthouse.

The Sam Bibler Memorial Trail, STPE 15(69), UPN 6150 will be constructed in two schedules. Contractors must bid on both Schedule One and Schedule Two. Schedule One will generally consists of excavation, earthen borrow (embankment construction), retaining walls, placement of base gravel, construction of bituminous and concrete pavement for a pedestrian/bike path, minor drainage and landscaping, and associated incidentals from FFA Drive to Woodland Avenue along Willow Glen Drive. Schedule Two will generally consists of excavation, earthen borrow (embankment construction), retaining walls, steel sheet pile walls, placement of base gravel, construction of concrete pavement for a pedestrian/bike path, minor drainage and landscaping, and associated incidentals from Woodland Avenue to a point north of Woodland Avenue along Willow Glen Drive. The Owner may award either Schedule One or Schedule Two, in any order.

All bids must be in accordance with the Contract Documents on file with the Flathead County Planning & Zoning, 1035 1st Avenue West, Kalispell, Montana, (406) 751-8200; Robert Peccia & Associates, 102 Cooperative Way, Suite 300, Kalispell, Montana; (406) 752-5025; Montana Contractors Association, 1717 11th Avenue, Helena, MT; Missoula Plans Exchange, 201 North Russell Street, Missoula, MT; Great Falls Builders Exchange, 202 2nd Avenue South #102, Great Falls, MT; Bozeman Builders Exchange, 1105 Reeves Road West, Suite 800, Bozeman, MT; Butte Builders Exchange, 305 W. Mercury, Ste 401, Butte, MT; and Northwest Montana Plans Exchange, 2303 Hwy 2 East, Kalispell, MT.

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 \$75.00 for each set of documents including 11" x 17" 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 **Tuesday, June 29th, 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 for Schedule One, or **30** Consecutive Calendar Days for Schedule Two, or **45** Consecutive Calendar Days for Schedule One and Schedule Two.

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.

**THURSDAY, JUNE 10, 2010
(Continued)**

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 10th of June, 2010.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on June 13, June 20 and June 27, 2010.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #10-07-5-51-062-0 AND #11-07-3-31-023-0

[10:21:04 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont
Others present:
Assistant Mike Pence, Clerk Kile

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

TAX REFUND: CUTTERS, LLC

[10:15:23 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont
Others present:
Assistant Mike Pence, Treasurer Adele Krantz, Clerk Kile

Adele Krantz explained the obligation lies with the property owner to make sure their address is updated in county records. She stated courtesy notices are sent out in June when tax payments are not made.

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

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT.

[10:22:03 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont
Others present:
Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to authorize the chair to sign the following print bids: 500 Business Cards for \$29.95 and 10 Prescription Books (Carson) for \$128.52 from Insty Prints. From North Star Printing 2,000 Dog License Applications for \$126.00 and 5 Prescription Books (Porter) \$84.00. From Paper Chase Copy Center 2,000 Health Dept. Letterheads for \$100.00, 500 Family Planning Brochures for \$58.50 and 500 Dental Reminder Cards for \$65.00. From Kalispell Copy Center 500 Health Center Vital Cards for \$58.00. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

AUTHORIZE APPOINTMENT OF STATE ATTORNEY GENERAL TO ACT AS SPECIAL COUNSEL IN STATE V. J. L.

[10:24:10 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Commissioner James R. Dupont
Others present:
Assistant Mike Pence, County Attorney Office Administrator Vicki Eggum, Clerk Kile

Commissioner Dupont made a **motion** to appoint the State Attorney General to act as special counsel in State v. J. L. and to approve the Resolution presented. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

THURSDAY, JUNE 10, 2010
(Continued)

DOCUMENT FOR SIGNATURE: CDBG GLACIER/ AFFORDABLE HOUSING GRANT PROGRAM – GREEN ACRES

[10:30:38 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Doug Rauthe, John Sinrud, Clerk Kile

Pierson reported the CDBG application was not successful for Green Acres, therefore, they will move forward with securing financing from Rock USA which is program income from CDBG grants that were Flathead County grants and have since been transferred to Neighbor Works.

John Sinrud, 1721 Woodland Avenue said they are in the process of putting numbers together still, but anticipate that rent will be raised \$35.00 and after 10 to 15 years it will be paid off. At that time they will be able to reduce the rent to whatever they choose as an organization. Sinrud explained they are looking at an RD (a grant/loan combination) in order to hook back up to the city at some point and they also can still apply for a CDBG grant in the future.

Doug Rauthe, Executive Director of Community Action Partnership of N.W. Montana said back when they were known as N.W. Montana Human Resources they were involved in founding Glacier Affordable Housing. He noted the 1995 CDBG grant they were involved in implementing the intent of the grant was to serve the same type of income individuals this would be with the recaptured funds. He stated with their approval this will go through another review by CDBG.

Chairman Brenneman clarified the money is in existence and authorization from them would then authorize the use of it assuming it meets all the qualifications.

Commissioner Lauman made a **motion** to authorize the chair to sign the document for signature authorizing the use of \$190,000.00 in funds. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: HEALTH PLAN AMENDMENT #11

[10:37:21 AM](#)

Members present:

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

Others present:

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

Campbell explained the amendment is in regards to a second level benefit determination review committee that consisted of the Board of Commissioners, H. R. Director and the Chief Deputy County Attorney. She stated since we no longer have a Chief Deputy County Attorney it has been amended to state someone from the County Attorney's Office would be designated.

Commissioner Lauman made a **motion** to approve Health Plan Amendment #11 and authorized the chair to sign. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: 2010 CRACK SEAL PROJECT/ ROAD DEPT.

[10:39:25 AM](#)

Members present:

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

Others present:

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

Commissioner Dupont made a **motion** to authorize the chair to sign the Call for Bids notice of publication. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

INVITATION TO BID

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

2010 Crack Seal Project

All sealed bids, **plainly marked** "SEALED BID – 2010 CRACK SEAL PROJECT" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT, 59901 at **10:15 o'clock a.m.** on **Wednesday, June 30, 2010**. Bids will be **opened and read immediately thereafter** in the Commissioner's Office at the West Annex of the Courthouse.

The project consists of placing crack sealing throughout the Flathead County Roadway System.

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

THURSDAY, JUNE 10, 2010
(Continued)

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 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 **Thursday, June 17th, 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 10th day of June, 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 June 13 and June 20, 2010.

DOCUMENT FOR SIGNATURE: SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM EDUCATION SUPPORT AGREEMENT/ EXTENSION OFFICE

[10:46:02 AM](#)

Members present:

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

Others present:

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

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

DOCUMENT FOR SIGNATURE: MISSOULA AGING SERVICES MOU/ AOA

[10:47:25 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

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

THURSDAY, JUNE 10, 2010
(Continued)

DOCUMENT FOR SIGNATURE: MDOT SECTION 5311 CONTRACT/ AOA

[10:48:08 AM](#)

Members present:

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

Others present:

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

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

CONSIDERATION OF HR TRANSMITTALS: EMS MANAGER; CJIN CLERK AND TAC OFFICER/ SHERIFF'S OFFICE; CANCER SCREENING SUPPORT POSITION/ HEALTH DEPT.

[10:49:14 AM](#)

Members present:

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

Others present:

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

Commissioner Dupont made a **motion** to approve the revised classification for an EMS Manager. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

Commissioner Dupont made a **motion** to approve the addition of a new position and classification of two new positions for the Sheriff's Office. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

Commissioner Lauman made a **motion** to approve the Health Department position based upon sufficient grant funding. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

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 June 11, 2010.

FRIDAY, JUNE 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.

NO MEETINGS SCHEDULED

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