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## MONDAY, JUNE 21, 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.

**8:45 a.m. Commissioner Lauman & Dupont: Canvass Primary Election @ Election Dept.**  
**9:00 a.m. Commissioner Brenneman: IMPD Conference Call**  
**10:00 a.m. Commissioners' Budget Workshop**

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

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## TUESDAY, JUNE 22, 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.**

Steve Naso, 305 Buffalo Trail, Somers spoke about concerns related to a new development in his neighborhood in regards to noise, road drainage, unattended burn piles and hazardous waste washing down onto neighboring property. Naso stated the problems are affecting the lives of those living in the neighborhood.

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

### **PUBLIC HEARING: ROAD ABANDONMENT #477 (PORTION OF HIGHLINE BLVD.)**

[10:16:19 AM](#)

Members present:

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

Others present:

Deputy County Attorney Peter Steele, Tom Sands, Clerk Kile

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

Tom Sands, 1313 Austin Crossroads stated they presently do not want the actual road to be abandoned until they are ready to record the survey. He explained the deed for dedication of the road needs to be recorded the same day the road is abandoned; otherwise it would leave the lots without access. Sands stated when everything is ready to record he would come back to the Commission.

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

Chairman Brenneman noted it has been recommended by Tom Sands to take the road abandonment under advisement until such time documents pertaining to the dedication of the new road that will replace the county road can be recorded.

Following discussion the Commission agreed to re-schedule a time to take action when the necessary documents are prepared and ready to record.

### **PRELIMINARY PLAT: ALBRECHT SUBDIVISION, AMENDED PLAT OF LOT 2**

[10:30:56 AM](#)

Members present:

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

Others present:

Planner Alex Hogle, Erica Wirtala, Bill Tanner, Clerk Kile

Hogle entered into record Staff Report FSR 10-02, Amended Plat of Lot 2A of Amended Plat of Albrecht Subdivision; an application submitted by William Tanner / Five Star Management, LLC with technical assistance from Sands Surveying for a 2 lot minor subdivision on 2.70 acres located at 285 Lower Valley Road. The lots will be served by a shared well and have individual septic systems. Hogle explained a variance has been requested for direct access onto Lower Valley Road and a proposed riparian management plan is included in the conditions. Staff recommends approval with 19 conditions.

Commissioner Lauman made a **motion** to adopt Findings of Fact as presented in Staff Report FSR 10-02. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

Erica Wirtala, representing the applicant pointed out condition 15 in regards to the requirement of a 150' minimum lot width as called out by R-1 zoning can easily be addressed.

Commissioner Lauman stated he had no problem with the variance request.

**TUESDAY, JUNE 22, 2010**  
**(Continued)**

Commissioner Lauman made a **motion** to approve the variance request and preliminary plat of Albrecht Subdivision, Amended Plat of Lot 2. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

**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 for Lots 1 and 2 from the Flathead County Road Department 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 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 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. The boundary between Lots 1 and 2 shall be adjusted eastward in such a way that the front lot line of each Lot is at least 150 feet wide in order to comply with applicable minimum lot width zoning requirements. [FCZR 7.12.150, 3.09.040(2)]
16. The 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 Resource Management Plan* shall comply with 4.7.12 FCSR and be approved by the Commission. [Section 4.7.12, FCSR]
18. The delineated SFHA 100-year floodplain and area of the 'Riparian Protection 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. A 10-foot wide bicycle and pedestrian path easement adjacent to Lower Valley Road shall be shown on the face of the final plat. [Section 4.7.21 FCSR]
20. Driveway approaches for both Lots 1 and 2 shall be constructed and paved to applicable county standards. [Sections 4.7.18 FCSR]

TUESDAY, JUNE 22, 2010  
(Continued)

**CONSIDERATION OF ADOPTION OF RESOLUTION: ELECTED OFFICIALS SALARIES FY10-11**

10:50:11 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, Deputy County Attorney Peter Steele, Clerk Kile

Tara Fugina explained the resolution contains salaries as provided by the Finance Office for Elected Officials. It was noted Justice of the Peace, Dept. 1 is split since the incumbent will not be in office past the end of the year and the same situation for the Sheriff's/ Coroner Office

Commissioner Dupont made a **motion** to adopt Resolution 2261. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

RESOLUTION NO. 2261  
ELECTED OFFICIALS SALARIES – 2010/2011

**WHEREAS**, the Board of County Commissioners of Flathead County, Montana is required to fix the salaries of all elected officials by resolution by August 1, 2009, in accordance with Section 7-4-2504, M.C.A.;

**WHEREAS**, Section 7-4-2503(4), M.C.A., establishes a County Compensation Board to recommend of the base salary for county elected officials and that Board met and, having considered relevant factors, prepared a compensation schedule for the elected county officials for recommendation to the Board of Commissioners;

**WHEREAS**, the County Compensation Board recommended that for the 2009-10 fiscal year that elected officials salaries should be increased by a COLA of 0 percent to the base salary; and

**WHEREAS**, the Board of Commissioners reviewed the recommendation of the County Compensation Board and determined that the recommendation to increase elected officials salaries by a COLA of 0 percent is appropriate.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners of Flathead County, Montana, hereby fixes the annual salaries of the following elected officials, effective July 1, 2010, by adding a 0 percent COLA to the 2009-2010 base salary; plus adjustments provided by law for the Commissioners, Sheriff/Coroner, Treasurer/Assessor, Clerk and Recorder/Surveyor, and Superintendent of Schools; plus longevity for the Justices of the Peace and Sheriff as previously established, as follows:

Clerk of District Court	\$60,235.00
County Treasurer/Assessor	\$62,235.00
Justice of the Peace, Dept. 1*	\$39,098.00
Justice of the Peace, Dept. 1**	\$35,544.00
Justice of the Peace, Dept. 2	\$73,933.00
Clerk/Recorder/Surveyor	\$62,235.00
County Commissioners	\$62,235.00
Sheriff/Coroner*	\$41,030.00
Sheriff/Coroner**	\$35,117.00
Superintendent of Schools	\$60,635.00
County Attorney	\$95,879.00

\* The salaries as set forth will be in effect until December 31, 2010, for the elected official currently in office.

\*\* The salaries as set forth will be in effect from January 1, 2011, through June 30, 2011, for the new elected official that takes office.

DATED this 22<sup>nd</sup> 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/Dale W. Lauman  
Dale W. Lauman, Member

By/s/Diana Kile  
Diana Kile, Deputy

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

**NOTE:** Consideration of an amended resolution is on the agenda June 30, 2010.

TUESDAY, JUNE 22, 2010  
(Continued)

**AUTHORIZATION TO PUBLISH NOTICE OF PASSAGE OF RESOLUTION OF INTENT: CAVERLY & SCHRAEDER/  
ECHO LAKE ZONING DISTRICT**

[10:52:32 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, Planner Allison Mouch, Clerk Kile

Commissioner Lauman made a **motion** to approve publication of the Notice of Passage of Resolution of Intent and authorized the chair to sign. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION  
ECHO LAKE ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 881 D) on June 17, 2010, to change the zoning designation in a portion of the Echo Lake Zoning District from AG-40 (Agricultural) to SAG-10 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-40 to SAG-10 are the boundaries of Tracts 1A and 1AB shown as Parcels 1 and 2 on Certificate of Survey No. 18779 in the North ½ South ½ of Section 7, Township 27 North, Range 19 West, P. M.M., Flathead County, Montana. The property is located east of Highway 35, north of Highway 83 and immediately southwest of the Echo Lake area, Bigfork, Montana and contains approximately 46.5 acres.

The proposed change would generally change the character of the zoning regulations applicable to the property from a district intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions and to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development, to a district intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, and providing for estate type residential development. The AG-40 classification has a minimum lot size of 40 acres; a change to SAG-10 would result in a minimum lot size of 10 acres.

The regulations defining the AG-40 and SAG-10 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: [http://flathead.mt.gov/planning\\_zoning/downloads.php](http://flathead.mt.gov/planning_zoning/downloads.php). Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Echo Lake Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 22<sup>nd</sup> day 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 26 and July 3, 2010.

**BUDGET AMENDMENTS: HEALTH DEPT./ WIC**

[10:53:12 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 Budget Amendment Resolution 2262. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

**TUESDAY, JUNE 22, 2010  
(Continued)**

**BUDGET AMENDMENT  
RESOLUTION # 2262**

**WHEREAS**, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2009-2010, are required, and;

**WHEREAS**, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2009-2010; and

**BE IT FURTHER RESOLVED**, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

Dated this 22<sup>nd</sup> day of June 2010.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By/s/Dale W. Lauman  
Dale W. Lauman, Member

ATTEST:  
Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

DATE OF ISSUE: 6/11/10		BUDGET ENTRY				VOUCHER NO.:	
DATE OF RECORD:		RESOLUTION #2262				Entered by:	
FUND	DEPT	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT	
2971	0190	331141		WIC FARM DIRECT		\$1,500	
2971	0190	440179	110	SALARIES	\$329		
2971	0190	440179	141	UNEMPLOYMENT	\$1		
2971	0190	440179	142	INDUSTRIAL ACCIDENT	\$4		
2971	0190	440179	143	HEALTH INSURANCE	\$45		
2971	0190	440179	144	FICA	\$20		
2971	0190	440179	145	PERS	\$23		
2971	0190	440179	147	MEDICARE TAX	\$5		
2971	0190	440179	210	OFFICE SUPPLIES	\$18		
2971	0190	440179	229	OTHER OPERATIONAL SUPPLIES	\$255		
2971	0190	440179	398	CONTRACTED SERVICES	\$800		
Explanation					1,500.00	1,500.00	
WIC received funding for Farm Direct Program.					Date:	6/11/10	

DATE OF ISSUE: 6/11/10		BUDGET AMENDMENT (Cont'd)				VOUCHER NO.:	
DATE OF RECORD:						Entered by:	
FUND	DEPT	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT	
2971	0190	331159		WIC FMNP GRANT		180.00	
2971	0190	440177	110	SALARIES		700.00	
2971	0190	440177	143	HEALTH INSURANCE		300.00	
2971	0190	440177	144	FICA		90.00	
2971	0190	440177	145	PERS		90.00	
2971	0190	440177	398	CONTRACTED SERVICES	1,000.00		
Explanation					1,000.00	1,360.00	
WIC FMNP Budget received additional funding. We also need #398 Contracted Services added.					Date:	6/11/10	

TUESDAY, JUNE 22, 2010  
(Continued)

**DOCUMENT FOR SIGNATURE: CONSTRUCTION CONTRACT/ RSID #146 (BADROCK DRIVE)**

[10:54:03 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

Commissioner Lauman made a **motion** to authorize the chair to sign the agreement between Flathead County and LHC, Inc. for RSID #146. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

**MEETING W/ RAEANN CAMPBELL/ HUMAN RESOURCE OFFICE RE: POLICY CHANGE**

[11:00:20 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, Deputy County Attorney Peter Steele, H. R.  
Director Raeann Campbell, Clerk Kile

Campbell reviewed the proposed policy change in regards to further defining the hazardous work environment and how it pertains to county vehicles.

Fugina explained the focus isn't on the counties liability; the focus is on public safety.

The proposed language states:

- Flathead County employees who drive their vehicle on a regular basis as defined in their job description are covered by this policy.

Following discussion the Commission agreed to add language that says on a weekly basis. Campbell explained there is a 60 day posting requirement in order to be compliant in notifying employees.

**MEETING W/ BAYSIDE PARK & MARINE CENTER, LLC RE: GRAND DRIVE AND LAKE AVENUE STORM WATER**

[11:15:55 AM](#)

Members present:

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

Others present:

Deputy County Attorney Tara Fugina, Bill Myers, J. Bartlett, Jeff Larsen, Mark Spratt, Clerk Kile

Bill Myers met with the Commission and spoke about ongoing problems related to blockage of his driveway on Grand Drive. He explained the county installed no parking signs on both sides of his driveway and vehicles still continue to block it. Myers asked for permission to post another sign on the gate of his property. He was advised to call the Road Department for authorization.

Myers then made a presentation in regards to concerns he has about storm water / groundwater runoff onto his property. He stated he has gone to 48 North Engineering and tried to submit pictures and comments of ponding and flooding on his property and they refuse to add them as an amendment into their document. He said Mark Spratt at the recommendation of Jeff Larsen came down this winter between January and March to view his concerns. Myers then added there are rivulets cutlets coming down from his wall with very clear evidence that the soil on eight foot centers are where his weep holes are; so much water is coming that it cuts into the ground downhill in the Bay Side. He added I feel there is a clear conflict of interest between Brett with 48 North Engineering and the committee related to his property. He then said if we can't figure out a way to resolve this I don't have any options other than to hire Mark Spratt from RLK Hydro and end up in court in a battle over this trying to prove that the water from the school is coming down to my property. He then stated that he feels it would be a prudent idea to consider hiring an independent such as Mark Spratt to analyze where the water is probably coming from and come up with a solution.

**TUESDAY, JUNE 22, 2010**  
**(Continued)**

Jeff Larsen said he has not done any in depth study yet they know there is ground water flowing in there because of the mottling in the soils and evidence of ground water has been seen coming through weep holes in the wall. Infiltration storm drain systems are good systems for protecting water quality he stated. I don't know if this has anymore impact on Bill's property than if it wasn't there. We don't know the answer to the question really. The question is we want to make sure that it doesn't and if it does we need to address it and there are ways to address it; we just don't know the answer to the question. Larsen said I haven't even looked at the proposal for the new storm drainage design but from what I understand it isn't going to be an infiltration bed, but treatment with a pipe that I feel will work fairly well. We know that ground water flows through there and when you introduce more water into the ground water system it has an impact somewhere. If you design a big septic system state DEQ requires you to analyze ground water mounding. How much will it change the ground water level if you introduce a lot more water into the ground water system? I don't know if any of that has been done or if it's been looked at in the design of this project or not. Bills concern and I'm concerned too when you are above something and you know ground water is flowing down that direction. We need to make sure we analyze it, address it and make sure it is properly engineered so it doesn't cause more impacts to Mr. Myers property. That's all I'm looking at, I'm not saying whether it did or didn't; I don't know. I'm just telling you we want to make sure we take the standard of care and be sure we know what is going on there. Maybe the engineer has done some of that; I haven't reviewed it. That's the concern.

Mark Spratt presented a preliminary proposal on the storm water/ groundwater interaction near Grand Drive and Lake Avenue. He said it appears certainly all the surface water flow in a fairly large area coalesces essentially at his property. The ground water flow we don't know, so I have maps attached for information as it exists that we know we have. Spratt said there are apparently two separate aquifers at least in the area; one is the deep alluvia aquifer that most of us get our drinking water from and the other the perched aquifer (unconfined system) that appears to terminate right about this piece of property. That's the overlying system and that I think is what shows up in this storm water facility assessment report where they hit water somewhere around 25 feet. That's probably the perched system. As it stands right now that is most of what we know is there. He further added we do have fairly good photos showing the seepage right about in the middle of the project where water is popping out of the hillside in the fall, which is not a normal time for seeps to be active unless there is some other source. At this point we know it appears the ground water is flowing; we don't know the real ground water flow direction. As you guys have seen when you start getting around the lakeshore it's not as predictable as one would like; we don't know the source. I'm not here today to tell you we know what the source is other than there is something there and certainly adding any additional loads should be carefully examined to make sure we aren't increasing possibly a natural discharge. That is a significant issue given that we have an established pathway. All this so far has been on surface water; we haven't looked very hard or essentially at all what is going on with the sub-surface. These sorts of sites are very difficult and we are starting to see different scenarios around the county when we take undeveloped land and convert it to houses and streets, and then all of a sudden the hydrology is very different and we are seeing water tables show up where we have never seen them before and hydrographs are starting to fluctuate in our streams. In this particular spot you have just about every potential issue we have run into with all kinds of utility corridors buried through there. Spratt suggested this probably should be investigated and evaluated for whatever the storm water solution is.

Bill Myers added he again has standing water on his property and asked that the right thing be done. He stated I am asking you to hire an independent contractor and find out where the water comes from and deal with his issues like was done for Sally Janover and Ms. Oliver.

**MEETING W/ KELLIE DANIELSON/ MWED RE: UPDATE**

[11:37:28 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Kelli Danielson, Clerk Kile

Kellie Danielson met with the Commission and gave an update on business development efforts that are currently underway. She explained staff is aggressively calling on at least four businesses a week in Flathead County as well as two lenders a week looking for resources. The marketing planning project she noted is coming along well. She reported Firestone would be replacing the roof membrane at Gateway West for Tele-Tech who now has 800 employees. Danielson summarized other business opportunities and reported on recovery bonds.

**MEETING W/ MIKE MEEHAN, SHERIFF RE: JAG GRANT**

[11:48:45 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, N. W. Drug Task Force Geno Cook, Clerk Kile

Geno Cook explained the Edward Byrne Memorial Justice Assistance Grant the Sheriff's Office is applying for through the U.S. Department of Justice for traffic enforcement is for \$54,184.00.

*Noted for the record the application is for the purchase of 1 SAM unit radar (speed awareness monitor) top display trailer, 1 speedboard cabinet radar, 6 video cameras for patrol vehicles and 6 vehicle mounted radars. The grant application is available for public review at the Sheriff's Office.*

TUESDAY, JUNE 22, 2010  
(Continued)

Commissioner Dupont made a **motion** to acknowledge the grant application. 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  
1:00 p.m. Commissioner Dupont: Montana West Economic Development meeting @ FVCC  
1:30 p.m. 911 Funding Committee meeting @ Solid Waste Conference Room  
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 June 23, 2010.

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WEDNESDAY, JUNE 23, 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.**

**MEETING W/ FRED BRYANT RE: DIKE ON GOODRICH BAYOU**

[9:00:15 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Fred Bryant, Clerk Kile

Fred Bryant met with the Commission and explained the Army Corp of Engineers expressed concern to him in regards to a culvert being plugged by downed trees near Goodrich Bayou. He explained beavers are dropping trees into the water which he stated is a FWP problem and maintenance of the dike belongs to the Road Department. Bryant stated he was making them aware of the potential problem.

**CONSIDERATION OF PRINTING BIDS: HUMAN RESOURCE OFFICE AND COUNTY ATTORNEY'S OFFICE**

[9:32:27 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to authorize the chair to sign the print bids from Insty Prints for 700 copies of the Flathead County Policy and Procedures manuals for \$2,065.00 for the H. R. Office, from Eagle Flight Business Forms 5,000 #10 regular envelopes for \$143.90 and 2 sets of business cards for \$24.95 each from Great Northern Printing for the Justice Center. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

**CONSIDERATION OF MILL LEVY: MONTANA WEST ECONOMIC DEVELOPMENT (PORT AUTHORITY)**

[9:16:11 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Kelli Danielson, Turner Askew, Gary Hall, Clerk Kile

Kelli Danielson reviewed the balance sheets for Flathead County Economic Development Authority in which the request is to levy 2 mills for fiscal year beginning July 1, 2010. The funds levied will be to further economic development in Flathead County. She explained FCEDA guarantees a \$4 million dollar loan program they manage and operate. Danielson reported currently there are 39 loans out and one recently paid off.

Following discussion Chairman Brenneman and Commissioner Dupont agreed to support the 2 mill request.



WEDNESDAY, JUNE 23, 2010  
(Continued)

**MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE DISTRICT**

[9:34:46 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

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

Dave Prunty summarized discussion held during the Solid Waste Boards monthly meeting held in regards to container site consolidation in the Canyon area. He explained at the meeting discussion was held with Dan Vincent, Tim Manley, Matt O'Connell and business owners in the canyon. Prunty noted next month they hope to take action on the consolidation and also finish their long range strategic plan.

Jim Chilton reported Noble Excavating has started the final closure project of the old landfill site at Solid Waste. He explained during the closure process permeability tests on the soils are being done to ensure processing and construction method specifications are being met.

Discussion was held relative to the litter ordinance and enforcement of it with concerns regarding increasing garbage strewn along the highway.

**AWARD BIDS: GRAVEL CRUSHING - OLD STEEL BRIDGE PIT**

[9:59:19 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

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

Commissioner Dupont made a **motion** to award the gravel crushing bid to LHC for surface course aggregate and seal coat aggregate. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

**BI-MONTHLY MEETING W/ KIM CROWLEY, LIBRARY**

[10:04:51 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Library Director Kim Crowley, Martha Furman, Turner Askew, Clerk Kile

Crowley reported the summer reading program which is held every summer to encourage children to read brought 695 kids to the program in the first 10 days. She then spoke about the situation in Whitefish regarding a proposal to pull out of the Flathead County Library system and form an independent City Library. Crowley explained that according to the interlocal agreement between the Library Board and City of Whitefish they have to give notice by June 30 in order to pull out the following year. She noted John Phelps the City Attorney in Whitefish is asking for a 120 day extension.

Discussion was held relative to concern about continued allocation of tax dollars to them if they withdraw from Flathead County and as to who would be eligible to use the library.

**CONSIDERATION OF WAIVER PAGE: VISTA ESTATES COVENANTS, CONDITIONS AND RESTRICTIONS**

[10:13:56 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

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

Chairman Brenneman made a **motion** to waive the requirement of approval by the Board of Commissioners to amend the CC&R's for Vista Estates. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

WEDNESDAY, JUNE 23, 2010  
(Continued)

**DOCUMENT FOR SIGNATURE: MONTANA FISH, WILDLIFE & PARKS RECREATIONAL TRAILS PROGRAM GRANT APPLICATION-HERRON PARK PHASE II TRAIL SYSTEM RESTORATION**

[10:20:49 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Pierson reviewed the FWP Recreational Trails Program grant request for Phase II trail work in Herron Park. It was noted that work was recently completed for Phase I trail work in Herron Park, funded in part by a successful 2008 FWP RTP grant. The project is a collaborative effort between Flathead County Weeds, Parks & Recreation, Montana Conservation Corp. and the Foy's to Blacktail trail group.

Commissioner Dupont made a **motion** to authorize the chair to sign the grant document. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: DEQ CONTRACTS #210111, #511002, #506025 AND #510041 MODIFICATION**

[10:22:16 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Commissioner Dupont made a **motion** to authorize the chair to sign DEQ contract #210111. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

Commissioner Dupont made a **motion** to authorize the chair to sign DEQ contracts #511002, #506025 and #510041. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

**CONSIDERATION OF HR TRANSMITTAL: HEALTH DEPARTMENT ASSISTANT II BREASTFEEDING PEER COUNSELOR**

[10:26:33 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, H.R. Director Raeann Campbell, Clerk Kile

Russell reported this is a new funded position that will be paid for through a grant.

Commissioner Dupont made a **motion** to approve classification of a new position and the H.R. Transmittal. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

**BOARD APPOINTMENT: RSVP BOARD**

[10:29:52 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to appoint Sharon Wang Bristow to the RSVP Board. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

WEDNESDAY, JUNE 23, 2010  
(Continued)

**CONSIDERATION OF PARTIAL RELEASE OF COLLATERAL: SUMMIT VIEW**

[10:30:17 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

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

Grieve reported currently \$53,500.00 is being held in collateral for Summit View Subdivision for remaining work. He stated the developer's technical representative has submitted a revised "Exhibit B" that lists the balance of the remaining work to be done which totals \$36,400.00. Grieve noted the expiration date of the SIA is July 30, 2010 and will stay as is.

Commissioner Dupont made a **motion** to release \$17,100.00 of the \$53,500.00 total of collateral being held by Flathead County for Summit View Subdivision with the expiration date for the remainder of the SIA of July 30, 2010 still in place. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Dupont. Motion carried by quorum.

**BIGFORK STORMWATER ADVISORY COMMITTEE QUARTERLY UPDATE**

[10:33:50 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner James R. Dupont

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Sue Hanson, Clerk Kile

Debbie Pierson summarized funding in regards to the Bigfork Stormwater project. She stated TCEP money is specific to Grand Drive so DEQ funds are what have been used. They are now using some DNRC funds for the design work currently going on which is projected to be done by the end of June with potential construction this fall. She noted the total estimate including administrative fees will be somewhere between \$650,000.00 to \$675,000.00.

Sue Hanson explained 48 North's engineering work is near completion with a special meeting to be held on July 1, 2010 at 48 North. She then reported a public meeting for comment was held on June 7 with most concerns expressed related to disruption of businesses. It was stated the engineering schedule will be posted on the Stormwater Committees and Chambers website, and a volunteer will walk the streets every morning and evening while construction is going on. Furthermore a sample analysis reported was then reviewed with test results from January 13 through April 25, 2010.

**11:00 a.m. County Attorney meeting @ Co. Atty's Office**  
**1:45 p.m. Commissioner Brenneman: Interoperability Montana Finance Committee conference call**  
**5:30 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 June 24, 2010.

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**THURSDAY, JUNE 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.

**NO MEETINGS SCHEDULED**

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

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**FRIDAY, JUNE 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.

**NO MEETINGS SCHEDULED**

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

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