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## MONDAY, AUGUST 2, 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,**

John deNeeve stated he ran against Cheryl Steenson in the 2008 Primary Election and said he feels the time frame for the open seat should continue from that election, not the current one.

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

### **CONSIDERATION OF VACANCY APPOINTMENT: HOUSE DISTRICT 8**

[10:15:17 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Roxanne Brothers, John deNeeve, Clerk Kile

Chairman Brenneman stated the Secretary of State informed them a resignation letter from Cheryl Steenson, current representative of House District 8 was received. He explained the procedures for filling the open seat and reported the names received from the Democratic Central Committee are: Bryan Schutt, Eve Dixon and John deNeeve for their consideration.

Commissioner Lauman suggested Chairman Brenneman make the nomination since he is with the Democratic Party.

Chairman Brenneman stated all candidates are extremely well qualified and said he feels any of the three would do an excellent job, however, he feels the decision as hard as it is to make that in contrast to what John deNeeve has related to us that the voters have most recently chosen Bryan Schutt as their representative in the 2010 Primary and made a **motion** to nominate Bryan Schutt to fill the position. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

### **DOCUMENT FOR SIGNATURE: COMMUNITY ACTION PARTNERSHIP PROVIDER AGREEMENT ADDENDUM/ AOA**

[10:23:23 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 Community Action Partnership agreement. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

### **DOCUMENT FOR SIGNATURE: LEASE/ RENTAL 1115 1<sup>ST</sup> AVENUE WEST**

[10:24:26 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Pence explained the rental/lease agreement with a property management agency has been terminated.

Commissioner Lauman made a **motion** to authorize the chair to sign the lease regarding property at 1115 1<sup>st</sup> Avenue West. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

### **QUARTERLY REPORT W/ ADELE KRANTZ, TREASURER**

[10:29:08 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

Krantz presented a 4<sup>th</sup> quarter investment report to the commission and reported the STIP average for June was at .36 % and the Sweep Account is at 1.15 %. She then reported delinquent taxes for the first quarter are at \$9 million and protested taxes are at \$2.7 million as of June 30, 2010. In other business it was reported there have been eight new organizational plates added which brings the total now to 140 different plates to choose from. Discussion was held relative to progress with remodeling the Blue Building.

MONDAY, AUGUST 2, 2010  
(Continued)

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: LARGE TRACT RURAL ZONING TEXT AMENDMENT/ FLATHEAD COUNTY ZONING REGULATIONS**

[10:45:41 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 authorize publication of the Notice of Public Hearing and authorized the chair to sign. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a change to the text of the Flathead County Zoning Regulations proposed by the Flathead County Planning Board and the Flathead County Planning and Zoning Office.

The proposed text amendment would create a new use district known as the Large-Tract-Rural (L-T-R) for inclusion within the Flathead County Zoning Regulations as Section 3.44. The purpose of the L-T-R use district is to protect and encourage the continuation of traditional natural resource based uses, such as timber management, agriculture production, rock picking and gravel excavations, in rural areas of Flathead County by encouraging cluster development and overall development plans that preserve open space and maintain buffers between traditional resource uses and future development. If approved, amendments to other sections of the zoning regulations will be required for administrative purposes and to cross-reference the new use district. A new definition is also proposed as part of the L-T-R text amendment, to address the permitted use of "Low impact mineral extraction" within the proposed L-T-R use district. If approved, the new definition would be added to the regulations as Section 7.13.075.

The Flathead County Zoning Regulations apply in all Flathead County zoning districts created under Section 7-2-205, M.C.A., and are on file for public inspection at the Office of the Clerk and Recorder, 800 South Main, Kalispell, Montana, and 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 amendments to those regulations are on file for public inspection at the Office of the County Clerk and Recorder, and the Flathead County Planning and Zoning Office. The full text of the proposed L-T-R use district and definition for "Low impact mineral extraction" is available for review at the Flathead County Planning and Zoning Office, as well as online at [http://flathead.mt.gov/planning\\_zoning/Drafts.php](http://flathead.mt.gov/planning_zoning/Drafts.php).

The public hearing will be held on the **21<sup>st</sup> day of September, 2010 at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

DATED this 2<sup>nd</sup> day of August, 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 September 7 and September 14, 2010.

**DOCUMENT FOR SIGNATURE: SETTLEMENT AGREEMENT/ KILA-SMITH LAKE V. COUNTY**

[10:45:09 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, Sean Frampton, Clerk Kile

Steele explained certain lots will now have conservation easements on them and existing lots will stay the same.

Commissioner Dupont made a **motion** to authorize the chairman to sign the release and settlement agreement. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

MONDAY, AUGUST 2, 2010  
(Continued)

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD NAME APPEAL/ RERIDE TRAIL**

[10:47:09 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 publication of the Notice of Public Hearing and authorized the chair to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **RERIDE TRAIL**.

**Road generally running southerly off Coclet Lane and located in the NE¼ SW¼ Section 28, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **19<sup>th</sup> day of August, 2010, at 10:00 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **RERIDE TRAIL**.

This notice shall be mailed to each landowner who has access off of the proposed **RERIDE TRAIL**, who has an address assignment on the proposed **RERIDE TRAIL** or who owns property along the proposed **RERIDE TRAIL**.

Dated this 2<sup>nd</sup> day of August, 2010.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:

Paula Robinson, Clerk

By/s/Diana Kile

Diana Kile, Deputy

Publish on August 5 and August 12, 2010.

**DOCUMENT FOR SIGNATURE: AMENDMENT TO PROGRAM INCOME AGREEMENT/ NEIGHBOR WORKS (GREEN ACRES PROJECT)**

[10:53:37 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Pierson explained the Program Income Agreement between Flathead, Glacier, Lincoln and Sanders County needs amended to transfer management responsibilities to NeighborWorks who will assume management responsibilities for program income.

Commissioner Dupont made a **motion** to authorize the chair to sign the amendment agreement. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

**MONTHLY MEETING W/ DAVE PRUNTY, ROAD DEPT.**

[10:59:49 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

Prunty met with the Commission and reviewed work done on county roads through the month of July. He noted a crushing bid will be coming before them for the Four Corners Pit where negotiations have been held for a one dollar per cubic yard royalty for gravel on a neighboring property. Prunty stated the North Fork Road is holding up well and dust issues are minimal with very few dust complaints in their office. It was noted the Badrock Road RSID is close to being wrapped up.

MONDAY, AUGUST 2, 2010  
(Continued)

**DOCUMENT FOR SIGNATURE: EMPLOYMENT CONTRACT/ DAVE PRUNTY**

[11:19:40 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 approve the employment contract for Dave Prunty. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

**MEETING W/ PLANNING & ZONING OFFICE RE: RECENT APPLICATION FOR LAKESIDE BLVD. NORTH ZONING DISTRICT**

[11:30:34 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Interim Planning & Zoning Director B J Grieve, Planner Andrew Hagemeyer, Greg Schoh, Clerk Kile

Grieve reviewed the proposed processing plan for a new zoning district petition that was received on July 15 from Greg Schoh and three of his neighbors. He stated typically when a new zoning district is applied for the first thing they do is look at what support they have for it; as a private applicant for a zoning district he did submit evidence showing he has 73% of the landowners within the district in support. He explained in theory 73% support this and that leaves 27% that have either not responded or are not okay with it. Grieve stated he wanted to make it clear up front what the processing plan for a new zoning district is and to outline clearly who will be in charge of what since it is a private citizen requesting zoning be imposed on them. It was explained every landowner in the district will be sent a letter from the Planning and Zoning Office so there can be no one who says they were not contacted.

Discussion was held relative to the remaining 27% that did not sign the petition.

Greg Schoh explained half of the 27% that did not sign the petition they have not been able to contact yet and the other half said they wouldn't fight it, but did not wish to sign the petition.

Unanimous Commissioner approval was given to proceed.

**8:30 a.m. Weed & Parks Board meeting @ Weed & Parks Office**  
**9:30 a.m. Quarterly Jail Facility Tour**  
**3:00 p.m. Commissioner Brenneman: MACo Interoperability Montana Webinar**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 3, 2010.

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**TUESDAY, AUGUST 3, 2010**

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

**Chairman Brenneman opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Brenneman closed the public comment period.**

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

[9:15:59 AM](#)

Members present:

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

Others present:

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

Saxby reported the first draft of the COOP Plan has been developed and input from other departments is still pending in regards to their I.T. needs in the event of a disaster. She then spoke about the big jump in Summitnet (internet access) charges that will go into effect next year and requirements by Western States that would need to be met in order to obtain cyber security insurance. The network and tech projects were reviewed and included: addressing Merlin system problems, a continuity of service CIP project, moving equipment out of the Blue Building, starting the process of moving employees off the EBB Server, campus cabling upgrades and moving to a new "double-label" domain. The programmer projects were also reviewed and included: loading real estate values in our system from the DOR, new payroll software changes and implementation of a purchase order program for I.T. Also noted was a child support application for Clerk of Court will go live on August 6. Saxby reported support calls continue to rise and presented a graph of website usage by departments.

TUESDAY, AUGUST 3, 2010  
(Continued)

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: JEFFERS TRUST TEXT AMENDMENT/ FLATHEAD COUNTY ZONING REGULATIONS**

[9:30:07 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

Mouch noted the proposed amendment would include adding text to Section 3.34.030 of the Flathead County Zoning Regulations by adding "community residential facilities" as a conditional use under the West Valley zoning designation.

Commissioner Lauman made a **motion** to authorize publication of the Notice of Public Hearing and authorized the chair to sign. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider changes proposed by members of the Theodore Jeffers Trust to the text of the Flathead County Zoning Regulations.

The proposed amendment would include adding text to Section 3.34.030 of the Flathead County Zoning Regulations by adding "Community residential facilities" as a conditional use under the West Valley zoning designation with facilities serving eight or fewer residents eligible for an administrative conditional use permit (defined as Class I facilities according to Section 7.04.120 of the zoning regulations).

The Flathead County Zoning Regulations apply in all County zoning districts created under Section 76-2-205, M.C.A., and are on file for public inspection at the Office of the Clerk and Recorder, 800 South Main, Kalispell, Montana, 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 amendments to those regulations are on file for public inspection at the Office of the County Clerk and Recorder and at the Flathead County Planning and Zoning Office.

The public hearing will be held on the **27<sup>th</sup> day of September, 2010, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

DATED this 3<sup>rd</sup> day of August, 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 September 13 and September 20, 2010.

**CONSIDERATION OF PRINTING BIDS: HEALTH DEPT. AND JUSTICE COURT**

[9:38:58 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 award the print bid to Insty Prints for 3 sets of 500 business cards for \$29.95 each and 2,000 dental clinic appointment cards for \$77.40 for the Health Department along with 1,000 laser checks for \$119.00 and from North Star Printing 500 Medicaid health improvement program forms for \$92.00. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

**TAX REFUND: KONOPATZKE**

[9:41:58 AM](#) [10:51:26 AM](#)

Members present:

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

Others present:

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

General discussion was held relative to the request for a tax refund on property in Columbia Falls.



TUESDAY, AUGUST 3, 2010  
(Continued)

Steele explained the applicant has been getting two tax notices since 1980 because they were two parcels; in 2010 they were combined.

Commissioner Dupont made a **motion** to deny on the basis the county did not make an error. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #11-07-5-01-015-0**

[9:42:22 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

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

**INTERVIEW: ASSISTANT EXAMINING LAND SURVEYOR**

[9:45:45 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, Bryan Block, Clerk Kile

Chairman Brenneman noted the recommendation from the Plat Room Office Administrator Vicki Gallo is to recommend Bryan Block for the position.

Bryan Block explained it costs him \$100 per year to list the county as additionally insured, and stated he may not even make that up in wages this year being the assistant examining land surveyor.

Mike Pence stated he feels the county would have no problem paying for the Certificate of Insurance for Bryan Block that is required on all contractors.

Commissioner Lauman made a **motion** to approve Bryan Block as the Assistant Examining Land Surveyor and authorized the signature of a contract once written and approved by the County Attorney's office. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

**INTERVIEW: EXAMINING LAND SURVEYOR**

[10:15:36 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, Jim Burton, Clerk Kile

Chairman Brenneman noted the recommendation from the Plat Room Office Administrator Vicki Gallo is to recommend Jim Burton for the position.

Jim Burton noted he has held the position for the past 28 years. Discussion was then held relative to the rate of pay and mileage which was changed to \$35.00/ hour and 35¢ per mile.

Commissioner Dupont made a **motion** to approve Jim Burton as the Examining Land Surveyor and authorized the signature of a contract once written and approved by the County Attorney's Office. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: PROJECT MANAGEMENT PLAN & IMPLEMENTATION SCHEDULE FOR TREASURE STATE ENDOWMENT PROGRAM/ BIGFORK STORMWATER PROJECT**

[10:30:12 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Pierson explained the TCEP document is a project management plan for the start up contract documents that are required to initiate the contract for the Bigfork Stormwater Project. It was noted the document is a basic overview of what the rules are in the process of managing funds.

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

TUESDAY, AUGUST 3, 2010  
(Continued)

**CONSIDERATION OF ADOPTION OF BUDGET AUTHORITY RESOLUTION: FLATHEAD COUNTY IN-KIND COMMITMENT FOR TREASURE STATE ENDOWMENT PROGRAM GRANT/ BIGFORK STORMWATER PROJECT**

[10:35:12 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Pierson explained the budget authority resolution commits \$15,000 of match to the grant.

Commissioner Lauman made a **motion** to approve Budget Authority Resolution 2268. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

**BUDGETARY AUTHORITY RESOLUTION  
RESOLUTION NO. 2268**

WHEREAS, on May 6, 2009, Flathead County received notification of Montana Treasure State Endowment funds in the amount of \$625,000, for which no provision was made in the fiscal year 2010 or 2011 Flathead County budget; and

WHEREAS, Flathead County is required to provide dollar for dollar matching funds either in-kind or cash,

WHEREAS, Flathead County may appropriate federal or state money received during the fiscal year by formal resolution,

NOW THEREFORE, BE IT RESOLVED that Flathead County Board of Commissioners hereby appropriates the sum of \$15,000 in-kind match from Flathead County in support of the Bigfork Stormwater Project.

BE IT FURTHER RESOLVED that the above appropriation shall become effective as of July 1, 2010.

Date: August 3, 2010.

BOARD OF 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

**CONSIDERATION OF LAKESHORE PERMIT: ROWLAND & HARRIS**

[10:47:35 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 Bailey Iott, Clerk Kile

Iott entered into record Lakeshore Permit FLP 10-62; an application submitted by Herm Rowland to remove the current boat cover and install a permanent boat shelter structure at 975 Angel Point Road.

Commissioner Lauman made a **motion** to approve Lakeshore Permit FLP 10-62. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

**MEETING W/ MYNI FERGUSON RE: ANIMAL CONTROL ADVISORY COMMITTEE BY-LAWS APPROVAL**

[11:00:19 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, Myni Ferguson, Clerk Kile

Ferguson stated the amended by-laws will bring them into compliance with the new resolution approved on February 1, 2010.

Commissioner Lauman made a **motion** to approve the amended by-laws for the Animal Advisory Committee. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

TUESDAY, AUGUST 3, 2010  
(Continued)

**PRELIMINARY PLAT: SUBDIVISION NO. 278**

11:15:53 AM

Members present:

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

Others present:

Assistant Mike Pence, Planner Andrew Hagemeyer, Erica Wirtala, Clerk Kile

Hagemeyer entered into record Staff Report #FSR 10-05; an application submitted by Vivian Managhan Family Trust with technical assistance from Sands Surveying for a minor subdivision that would create two residential/commercial lots on 90.39 acres located on Hwy 2 West. Lot 1 would be approximately 80.29 acres and Lot 2 would be approximately 10.01 acres.

Discussion was held relative to the variance request for moving lot lines and changing school district boundary lines.

Chairman Brenneman said the hardship has nothing to do with the owner because they weren't the ones that established the school district and it seems illogical that we would require landowners to conform the size of their lots based upon somewhat arbitrary designations of where school boundaries go.

General discussion continued in regards to boundary lines.

Erica Wirtala explained that she feels it would be no problem to change the boundaries.

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

Commissioner Dupont made a **motion** to approve preliminary plat of Subdivision 278. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626B. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.18(g)(iv), 4.7.28(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road Department for the approach onto Managhan Lane for Lot 1, and for a joint-use approach for Lot 2 from the Montana Department of Transportation. The proof shall indicate 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 for Lot 2 as shown on the preliminary plat. [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]



**TUESDAY, AUGUST 3, 2010  
(Continued)**

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 applicant shall amend the boundaries of School District 20 and School District 89 to correspond to the lot line between Lot 1 and Lot 2 as shown on the preliminary plat, or move the lot line between Lot 1 and Lot 2 as shown on the preliminary plat to correspond to the existing school district boundaries. One of the two shall occur prior to final plat. [Section 4.7.5 (h) FCSR]

**DOCUMENT FOR SIGNATURE: CONTRACT MODIFICATION DPHHS #10-14-0600/ EAGLE TRANSIT**

[11:31:21 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 contract modification and authorized Dave Polansky to sign the contract. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

**1:00 p.m. Commissioner Brenneman: FECC Operations meeting**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 4, 2010.

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**WEDNESDAY, AUGUST 4, 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.**

Patrick McCracken, 4250 Columbia Falls Stage Road explained he is a business owner in Columbia Falls with one full time assistant and seven part time employees. He stated as a citizen of Columbia Falls and neighbor to the bridge he sees considerable unmeasureable economic and social benefits to the creation of a pedestrian walkway. McCracken presented a map in which he showed approximately 90 lots on the east side of the river within a mile of surface roads which would benefit by the walkway. He then questioned why only \$250,000 of the available CTEP funds for this year were being asked for when they are ready to break ground right now and start the project tomorrow. He then stated with the money that is available that the entire project should be funded today for the full amount.

Theresa Conner, 1175 4<sup>th</sup> Avenue W. N., Columbia Falls said the Commission prioritized this project in 2009 with CTEP funds. She stated currently the county has \$920,000 in CTEP funds and are set to receive another \$250,000 in 2011. Connors explained if \$250,000 was given to the project now and \$250,000 given next year the other projects could still be funded. She reported \$35,000 has been spent so far with \$15,000 raised and \$50,000 pledged from the City of Columbia Falls. It was noted for the past 15 years no CTEP money has been spent in Columbia Falls. She pointed out Blacktail has raised no money and the only money raised by Swan River has been \$10,000 which was pledged by the Rotary Club.

Barry Conger, representing the First Best Place in Columbia Falls explained the Red Bridge project is ready to go forward now after having spent the past two years working on developing plans and getting preliminary work done. He reviewed the team of dedicated professional firms that have done the engineering, design and civil work with some of it done as a donation to the project. He asked for Commissioner approval to move forward with the project as it is now listed on the Master Plan Trail System as a connector that will benefit the entire Flathead Valley. Conger stated now is the moment from the funding perspective to make this happen.

Leo Renfrow said he supports restoration of the Red Bridge and stated it would have cost less to repair if it had been maintained. He added it would be a world class asset that this generation needs to show the younger generation they are going to take care of.

Zac Perry noted he has been a volunteer with the First Best Place Task Force and was assigned the task of going out into the community to see if there was support for the project. He stated every business that he spoke to was adamant in terms of their support for the project and that it is pretty clear the community is behind the renovation.

Dave Renfrow stated a MOU was signed a little over a year ago and the community then went to work and did exactly what they were asked to do. He explained a number of funding sources were found since that time and the project has been listed on the National Historic Registry. Renfrow noted \$3.8 million in CTEP money has been spent on county projects and none of that has been spent in Columbia Falls.

Jami Belt, 187 Red Barn Road explained about 16 children pile up outside her driveway to get on the school bus and there are nine children below the age of four that will be added to that group. She stated it will be a great route to get kids to school without having to go out onto the highway. Belt spoke about a nationwide biking organization being in support of the route they would now have.

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

WEDNESDAY, AUGUST 4, 2010  
(Continued)

**MEETING W/ VIRGINIA SLOAN FROM SENATOR TESTER'S OFFICE RE: UPDATE**

9:05:53 AM

Members present:

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

Others present:

Virginia Sloan, Kirby Campbell, Clerk Kile

Virginia Sloan and Kirby Campbell met with the Commission and discussed issues related to appropriations, potential closure of the refuse sites at Essex, Denny's and Nyack Flats, retiring leases in the North Fork, condition of the North Fork Road, the 911 Dispatch Center and criteria in applying for tiger grants.

**CONTINUATION OF CTEP PROJECT SELECTION**

9:30:53 AM

Members present:

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

Others present:

Interim Planning & Zoning Director B J Grieve, Planner Alex Hogle, Planner Andrew Hagemeyer, Weed & Parks Director Jed Fisher, Public Works Director Dave Prunty, Barry Conger, Theresa Conner, Barb Miller, Joshua Townsley, Craig Koontz, David Fetveit, Patrick McCracken, Fred McCracken, Allen Sieler, Carla Fisher, Mike Wilson, Lanny McDonald, Heidi Desch, Andy Vaughan, Keith Buzzard, Andrew Kerr, Aaron McConkey, Marc Liechti, Dave Renfrow, Leo Renfrow, Zac Perry, Dennis Reese, Ron Nash, Rick Prestbye, Clerk Kile

Chairman Brenneman reviewed the history leading up to the CTEP proposals received and the procedures the review team used in rating the projects. He explained the options today would be to accept the recommendation made by the review committee, reallocate the money according to how they feel would be most appropriate, ask that the three projects before them be further reviewed by a different team or start the process over. It was clarified this is not a public hearing and in the interest of being fair to everyone the only comments allowed will be if you are called on to help us make a better decision.

Commissioner Dupont asked for clarification in regards to whether CTEP vs. Safe Routes to School are two separate projects.

Hogle stated they are separate.

Commissioner Dupont asked what the influence of CTEP was specific to trails used for children going to school.

Hogle explained the main priority supported by the CTEP Program is that it holds safety of pedestrians, foot travelers or bicyclists as the main priority. He pointed out that he has consulted with the CTEP office and there is not a specific requirement as to how local governments choose to prioritize projects; it is left to the discretion of the local government. It was noted in terms of procedures a manual prepared in 2006 by a prior employee is all they have to go on in terms of procedures in prioritizing and selecting projects. Hogle spoke about conflict in regards to the results from the review committee's evaluation.

Chairman Brenneman noted a certain amount of CTEP money is received every year based upon population.

Hogle stated the active unallocated fund balance as of August 1, 2010 is \$911,697.00 which includes the 2010 allocation of \$341,131.32.

Chairman Brenneman asked if the Commission was comfortable with the three proposals received or would like to start the whole process over or modify it somehow.

Commissioner Dupont stated he is comfortable with the three proposals.

Chairman Brenneman asked if the commission was comfortable allocating the money as proposed by the CTEP Review Committee with \$400,000 to Lakeside and \$400,000 to Swan River.

Commissioner Dupont stated he was not.

Commissioner Lauman said he was comfortable with the allocations.

Chairman Brenneman said he agreed with Commissioner Dupont and was not ready to go with the allocations as proposed.

Commissioner Dupont said we have three projects and are saying we will fund two and give nothing to the third which in and by itself is unfair to the citizens in the north end of the county. He pointed out during public comment this morning that it was noted no CTEP funds have been spent in the north end of the community. Dupont stated he would like to see the money more evenly split up and noted an awful lot of work has been done with the Red Bridge Project already in getting donations and putting on community events in order to get the project done.

Chairman Brenneman asked Barb Miller if any portion of the path has been started or completed.

Barb Miller said a sidewalk in front of Tamarack Brewery.

**WEDNESDAY, AUGUST 4, 2010**  
**(Continued)**

Chairman Brenneman asked if it would all be built in county right of way.

Barb Miller said according to the figures they have the road is currently 23 feet wide with a 60 foot easement that the path could be in. She stated they feel easements will not be an issue.

Discussion was held relative to the road being surveyed.

Barb Miller emphasized the issue of public safety along the road with YWAM having 130 full time staff with families plus 50-150 students every quarter with most of them not having vehicles and riding bikes or walking. Miller said YWAM has volunteered labor to both build and maintain the bike/walk path and to help with fund raising for the community part of funding that is needed.

Chairman Brenneman asked if they were confident that there are resources available to make this bike path happen if the funding doesn't allow for everything to be done immediately.

Barb Miller said they are confident they can.

Chairman Brenneman clarified with Barry Conger the request for the Red Bridge project is that he is asking for \$500,000 over two years and grant funding which is a major component of \$300,000. It was asked how much of that has been acquired.

Barry Conger said the bulk of the money is the Safe Routes to School Program which they will continue pursuing through this fall and they won't have a final answer until the end of the year. He explained they have been told the Safe Routes to Schools is in support of the project and said that securing the bulk of the funding from CTEP is a key element to making their grant happen.

Chairman Brenneman asked what would happen if they ran out of money and they didn't qualify.

Barry Conger said they have identified 130% of their funding in general. He stated now that the bridge is on the Historical Register there are historic restoration grants that are available in addition to other transportation type grants that they would turn to as an alternative if the Safe Routes to Schools didn't come through with as much money as they anticipated.

Chairman Brenneman clarified that the funding is in place with Columbia Falls.

Barry Conger explained the City of Columbia Falls has recommitted themselves up to \$50,000 in the project for restoring the western approach (city side), and installing the parking lots as well as taking ownership of the bridge if that is what needs to happen once it is restored.

Chairman Brenneman asked how much of the \$60,000 in private donations they currently have.

Barry Conger said they have \$15,000 in cash raised, plus \$35,000 in service donations committed so far plus they have spent \$22,000 in preliminary engineering design work. He further explained they have identified \$143,000 of local match.

Discussion was then held relative to the Swan River Trail which has already been started.

Chairman Brenneman said if the money is allocated today the money doesn't actually leave the bank until the project is started. He then added in light of that if we allocate somewhere in the neighborhood of \$300,000 for Lakeside, \$300,000 for Swan River and \$250,000 as requested for the Red Bridge Project it comes to a total of \$850,000 allocated, leaving about \$62,000 unallocated. Next year if we get at least \$300,000 conservatively for a total of \$362,000 we could then allocate \$250,000 to the Red Bridge as requested and at that point they should be aware of whether or not the funding to go ahead was received. If Safe Routes to Schools follows through we can probably push everything back another year; if the Red Bridge is a go at that point and \$250,000 is needed the other two projects are probably well under way and if the community can make up some of the difference we are at least putting something in the ground and could put \$50,000 more into each of the other two projects if the Commission at that time so determines.

Chairman Brenneman made a **motion** to allocate \$300,000 to Blacktail Trail, \$300,000 to Swan River Trail and \$250,000 to the Red Bridge Project with the understanding if we get \$300,000 in 2011 that \$250,000 would be allocated to the Red Bridge Project assuming the Safe Routes to School and other funding is in place; a determination would then be made regarding unallocated funds. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

**CONSIDERATION OF RELEASE OF COLLATERAL: SIA/ THE HOMESTEAD AT WHITEFISH, PHASE 2**

[9:58:53 AM](#)

Members present:

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

Others present:

Interim Planning & Zoning Director B J Grieve, Planner Andrew Hagemeyer, Clerk Kile

Hagemeyer explained a letter was received from the engineer stating the emergency access road has been built and the remaining \$6,000.00 in collateral is ready to be released.

Commissioner Dupont made a **motion** to release collateral for Homestead at Whitefish, Phase 2. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

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

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

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**THURSDAY, AUGUST 5, 2010**

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

**8:30 a.m. AOA TAB @ Eagle Transit**

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

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**FRIDAY, AUGUST 6, 2010**

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

**NO MEETINGS SCHEDULED**

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

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