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## MONDAY, NOVEMBER 15, 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 Dupont PT opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Commissioner Dupont PT closed the public comment period.**

### MONTHLY MEETING W/JIM ATKINSON, AOA

[9:01:19 AM](#)

Members present:

Commissioner Dale W. Lauman  
Commissioner James R. Dupont PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

AOA Director Jim Atkinson, RSVP Director Sara Cowger, Clerk Kile

Jim Atkinson presented statistics on Glacier Park bus ridership and local routes which continue to steadily increase. He noted November 15 is the opening date for senior citizens to start filing for changes or additions to their Medicare Part D. Atkinson then spoke about progress with potentially moving to Gateway Community Center and different financing options.

Sara Cowger gave an update on budgeting and funding for RSVP. She spoke about her work with the Lakeside Community Club and Clothes Closet who both give funding back out to the community. Cowger also spoke about the cribbage program that has been a great success and continues to grow.

### CONSIDERATION OF LAKESHORE VARIANCE: MC DERMOTT

[9:30:20 AM](#)

Members present:

Commissioner Dale W. Lauman  
Commissioner James R. Dupont PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Planner Bailey Minnich, Clerk Kile

Bailey Minnich reviewed FLV 10-69; a minor variance application submitted by Gary and Vivian McDermott to place fill in Lake Five at 742 Belton Stage Road.

Commissioner Dupont PT made a **motion** to adopt the staff report as findings of fact and approve Lakeshore Permit FLV 10-69. Commissioner Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

### CONSIDERATION OF LAKESHORE PERMIT: MC DERMOTT

[9:32:45 AM](#)

Members present:

Commissioner Dale W. Lauman  
Commissioner James R. Dupont PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Planner Bailey Minnich, Clerk Kile

Bailey Minnich reviewed FLP 10-69; an application submitted by Gary and Vivian McDermott to remove a failing wood retaining wall and replace it with a natural stone tiered rock wall along with construction to an existing well house with a tiered deck.

Commissioner Lauman made a **motion** to approve Lakeshore Permit FLP 10-69. Commissioner Dupont PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

### AUTHORIZATION TO PUBLISH CALL FOR BIDS: LEGAL ADVERTISING 2011

[9:52:02 AM](#)

Members present:

Commissioner Dale W. Lauman  
Commissioner James R. Dupont PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to authorize publication of Call for Bids for legal advertising and authorized the chair to sign. Commissioner Dupont PT **seconded** the motion. **Aye** Lauman and Dupont. Motion carried by quorum.

MONDAY, NOVEMBER 15, 2010  
(Continued)

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana will receive bids on Legal Advertising.

Bids are to be submitted on percentage of Code prices as outlined in the Montana Code Annotated, Section 18-7-401, et seq., and the Administrative Rules of Montana, Section 2.67.301, et seq. Bidders shall bid by section.

Each bidder must deposit with their bid, a bid security in the amount of One Thousand Dollars (\$1,000.00) to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the provision of Legal Advertising. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States, a cashier's check, certified check, bank money order, or bank draft issued by a Montana bank, or bid bond executed by a surety corporation authorized to do business in Montana.

The bidder shall include with his bid a signed contract, which will be for a term of one (1) year, commencing **January 1, 2011**, and terminating **December 31, 2011**. The successful bidder will be required to furnish a bond in the amount of Two Thousand Dollars (\$2,000.00) signed by sufficient sureties, to secure the contractor's covenant to faithfully perform all of the conditions of the contract in accordance with the law and that contract.

All sealed bids, plainly marked "**SEALED BID - LEGAL ADVERTISING**" must be in the hands of the Clerk to the Board of Commissioners, West Annex, 800 South Main Street, Kalispell, Montana 59901, at or before 9:30 o'clock a.m. on December 9, 2010. Bids will be opened and read immediately thereafter on December 9, 2010, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main Street, Kalispell, Montana.

Flathead County reserves the right to accept or reject any bid and to waive any irregularities which are deemed to be in the best interest of the County. Preference will be given to bidders who will receive legal advertising text via electronic transmission.

The award of bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the County Clerk and Recorder.

DATED this 15<sup>th</sup> day of November, 2010.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

By/s/James R. Dupont PT  
Joseph D. Brenneman, Chairman

By/s/Diana Kile  
Diana Kile, Deputy

Publish on November 18 and November 25, 2010.

**DOCUMENT FOR SIGNATURE: TRC SOLUTIONS ELECTRONIC COURTROOM/ DISTRICT COURT**

[9:46:22 AM](#)

Members present:

Commissioner Dale W. Lauman  
Commissioner James R. Dupont PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

District Court Office Administrator Bonnie Olson, Clerk Kile

Commissioner Lauman made a **motion** to approve the contract between TRC Solutions Incorporated and Flathead County. Commissioner Dupont PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: CDBG LETTER/ JOHN JUMP TRUCKING**

[9:48:19 AM](#)

Members present:

Commissioner Dale W. Lauman  
Commissioner James R. Dupont PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Kellie Danielson, Clerk Kile

Kellie Danielson explained John Jump Trucking has asked for permission to defer their principal and interest payments for six months to the Department of Commerce in order to help stabilize their company. She noted a requirement is approval by the Commission.

Commissioner Lauman made a **motion** to approve the document for signature for John Jump Trucking. Commissioner Dupont PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

MONDAY, NOVEMBER 15, 2010  
(Continued)

**CONSIDERATION OF PRINT BID: EMS**

[9:51:28 AM](#)

Members present:  
Commissioner Dale W. Lauman  
Commissioner James R. Dupont PT  
Members absent:  
Chairman Joseph D. Brenneman  
Others present:  
Clerk Kile

Commissioner Dupont made a **motion** to approve the print bid from Eagle Business Forms for 5,000 patient short forms for \$344.55 and authorized the chair to sign. Commissioner Dupont PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: DPHHS #11-07-5-11-008-0 & #11-07-5-21-038-0**

[9:54:49 AM](#)

Members present:  
Commissioner Dale W. Lauman  
Commissioner James R. Dupont PT  
Members absent:  
Chairman Joseph D. Brenneman  
Others present:  
Clerk Kile

Commissioner Lauman made a **motion** to approve DPHHS Contract #11-07-5-11-008-0 and #11-07-5-21-038-0 and authorized the chair to sign. Commissioner Dupont PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 16, 2010.

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**TUESDAY, NOVEMBER 16, 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 Dupont PT opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Commissioner Dupont PT closed the public comment period.**

**CONTINUATION OF DOCUMENT FOR SIGNATURE: AGREEMENT AND NOTICE TO PROCEED/ GRAND DRIVE CONSTRUCTION**

[9:00:38 AM](#)

Members present:  
Commissioner Dale W. Lauman  
Commissioner James R. Dupont PT  
Members absent:  
Chairman Joseph D. Brenneman  
Others present:  
Assistant Mike Pence, Grant Writer Debbie Pierson, Brett Walcheck, Clerk Kile

Brett Walcheck presented a contractor agreement for construction on the Bigfork Stormwater Project.

Commissioner Lauman made a **motion** to authorize the chair to sign the construction agreement. Commissioner Dupont PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

Brett Walcheck then presented the Notice to Proceed on Grand Drive.

Commissioner Lauman made a **motion** to authorize the chair to sign the Notice to Proceed. Commissioner Dupont PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: DEQ 319 GRANT APPLICATION/ BIGFORK STORMWATER PROJECT**

[9:08:29 AM](#)

Members present:  
Commissioner Dale W. Lauman  
Commissioner James R. Dupont PT  
Members absent:  
Chairman Joseph D. Brenneman  
Others present:  
Assistant Mike Pence, Grant Writer Debbie Pierson, Brett Walcheck, Clerk Kile

Commissioner Lauman made a **motion** to authorize the chair to sign the DEQ 319 grant application. Commissioner Dupont PT **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

TUESDAY, NOVEMBER 16, 2010  
(Continued)

**CONSIDERATION OF RESCHEDULING OF PUBLIC HEARING: MK LAND HOLDINGS ZONE CHANGE/  
EVERGREEN & VICINITY ZONING DISTRICT**

9:10:58 AM

Members present:

Commissioner Dale W. Lauman

Commissioner James R. Dupont PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

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

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 request by MK Land Holdings, LLC, to change the zoning designation in a portion of the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) to B-2 (General Business).

The boundaries of the area proposed to be amended from R-2 to B-2 are in Section 4, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, containing approximately .59 acres. The property is located at 1347 Highway 2 East and legally described on the attached Exhibit A.

The proposed change would generally change the character of the zoning regulations applicable to the property from providing a residential district for large tract development in suburban areas, beyond sanitary sewer and/or water lines, to providing for retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities, and by businesses serving the general needs of the tourist and traveler.

The regulations defining the R-2 and B-2 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.

The public hearing will be held on the **3<sup>rd</sup> day of January, 2011, 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 in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

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 16<sup>th</sup> day of November, 2010.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/James R. Dupont PT  
Joseph D. Brenneman, Chairman

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish on December 20 and December 27, 2010.

Exhibit A

That portion of Flathead County Assessor's Tracts 8 and 8D in the Northwest <sup>1</sup>/<sub>4</sub> of the Southeast <sup>1</sup>/<sub>4</sub> of the Southwest <sup>1</sup>/<sub>4</sub> of Section 4, Township 28 North, Range 21 West, P.M.,M., Flathead County, Montana, described as follows:

Beginning at the Northwest Corner of Tract 2 per Certificate of Survey No. 9368, records of Flathead County, Montana; Thence along the Westerly boundary of Tract 1 per Certificate of Survey No. 9368, records of Flathead County, Montana, through the following three (3) courses:

North 00°05'30" East 46.47 feet, South 89°54'30" East 72.61 feet, and North 00°05'30" East 55 feet;

Thence leaving said Westerly boundary of Tract 1 per Certificate of Survey No. 9368, West 190 feet, more or less, to the Northerly extension of the East boundary of that parcel as described in Book 266, Page 43, records of Flathead County, Montana;

Thence Southerly 216 feet, more or less, along said Northerly extension and continuing along said East boundary to the Northerly boundary of the existing B-2 zone, said B-2 zone lies 130 feet Northerly of the highway right of way; Thence Northeasterly 127 feet, more or less, along said existing B-2 zone to a point on the West boundary of the above said Tract 2 per Certificate of Survey No. 9368;

Thence along said West boundary of the above said Tract 2 per Certificate of Survey No. 9368, North 00°05'30" East 55 feet, more or less, to the Point of Beginning.

TUESDAY, NOVEMBER 16, 2010  
(Continued)

**COMMISSIONERS' WORKSHOP: SUBDIVISION REVIEW COMMITTEE RECOMMENDATIONS**

10:30:00 AM

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director B J Grieve, Planner Alex Hogle, Dave DeGrandpre, Marc Liechti, Clerk Kile

B J Grieve reviewed suggested offsite road improvement requirements to be changed in the subdivision regulations. He broke the categories up into three scenarios a subdivision can fall into:

- Contributing less than 50 ADT's
- Contributing 51-399 (2 options) TIS or Standard Improvement Formula
- Greater than or equal to 400 a TIS is required

After significant discussion of the process it was agreed there is no simple solution for offsite road improvement requirements. The suggestion of exempting less than 50 ADT's except if your primary access is paved; otherwise if it's a gravel road you would use the standard improvement formula or pay \$500 per lot was decided.

**9:30 a.m. Canvass General Election @ Election Dept.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 17, 2010.

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**WEDNESDAY, NOVEMBER 17, 2010**

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

**9:15 a.m. RSVP Board meeting @ Heritage Place**  
**10:00 a.m. Commissioner Brenneman: Flathead Basin Commission meeting in Pablo**  
**11:00 a.m. County Attorney meeting @ Co. Atty's Office**  
**12:00 a.m. Safe Kids Safe Community meeting @ Earl Bennett Building**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 18, 2010.

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**THURSDAY, NOVEMBER 18, 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.

**2:00 p.m. Commissioner Brenneman: Health Board meeting @ Earl Bennett Building**  
**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 November 19, 2010.

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**FRIDAY, NOVEMBER 19, 2010**

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

**9:30 a.m. Commissioner Lauman: Mental Health Council & CDC meetings in Helena**

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

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