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**MONDAY, JANUARY 24, 2011**

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

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

**BI-MONTHLY MEETING W/ JOE RUSSELL, HEALTH DEPT.**

9:00:09 AM

Members present:

- Chairman James R. Dupont
- Commissioner Dale W. Lauman
- Commissioner Pamela J. Holmquist

Others present:

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

Joe Russell spoke about pending legislative concerns, issues regarding immunization exemptions and restaurant food service scores. Discussion was held relative to Camp Winnakee.

**OPEN BIDS: TIRES, LIQUID ASPHALT, EMULSIFIED ASPHALT, PROPANE, GAS & DIESEL**

9:30:52 AM

Members present:

- Chairman James R. Dupont
- Commissioner Dale W. Lauman
- Commissioner Pamela J. Holmquist

Others present:

- Assistant Mike Pence, Public Works Director Dave Prunty, Bruce Atkinson, Clerk Kile

Bids received with bid bonds enclosed for:

**Propane**

City Service /Valcon      Delivery Cost Per Gallon      \$.045 Old Steel Bridge Pit      w / \$1.00 Rental Fee

**Liquid Asphalt**

Montana Refining	PG 64-22	\$547.00 / Ton
	PG-58-22	\$547.00 / Ton
	SS I Tack Oil	\$497.00 / Ton
	CRS 2	\$524.00 / Ton

**Gasoline – Regular No. Lead/ Red Dyed Low Sulfur Diesel #2/ Red Dyed Low Sulfur Diesel #1/ Red Dyed Ultra Low Diesel #1**

City Service /Valcon	Reg No. <u>Lead</u>	Red Dyed <u>Diesel #2</u>	Red Dyed Low Sulfur <u>Diesel #1</u>	Red Dyed Ultra Low Sulfur <u>Diesel #1</u>
Delivery cost				
Martin City -	.229	.229	.229	xxxx
Columbia Falls	.189	.189	.189	xxxx
Busch Pit	.259	.259	.259	xxxx
County Shop	.159	.159	.159	.159
Bigfork – Sullivan	xxxx	.219	.219	xxxx
Shepherd Pit	xxxx	.189	.189	xxxx
Mixing Plant	xxxx	.159	.159	xxxx
Solid Waste, Dump	.159	.159	.159	.159

**Tires**

M & C Tires

LT235/75R15/C	BFG Commercial T/A Traction	\$ 109.00
LT235/75R15/C	BFG All Terrain T/A KO RWL	\$ 115.00
LT235/85R16/E	BFG Commercial T/A Traction	\$ 112.00
LT235/85R16/E	BFG All Terrain T/A KO	\$ 120.00
LT235/85R16/E	BFG Commercial T/A A/S	\$ 105.00
LT265/70R17/E	Mastercraft Courser MSR M & S	\$ 150.00
LT265/70R17/E	BFG All Terrain T/A RWL	\$ 175.00
LT265/70R17/E	BFG Commercial TA A/S 121/118Q	\$ 158.00
LT245/75R16/E	BFG Commercial T/A Traction	\$ 115.00
LT235/75R15/C	BFG Commercial T/A Traction	\$ 109.00
LT235/75R15/C	BFG All Terrain T/A KO RWL	\$ 115.00
11R22.5	Bandag Gripper	\$ 175.00
11R24.5	Bandag Gripper	\$ 185.00
	14.00 R24 TITAN TGS 2	\$1,150.00

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(Continued)**

Les Schwab Tires

10R-22.5/14 M-12	All Steel Hwy Tubeless	\$ 296.00
11R-22.5/16 M-147	Radial Hwy Tubeless	\$ 338.00
11R-22.5/16 M-610ZL	Radial Traction Tubeless	\$ 366.00
11R-24.5/16 M-147	Radial Hwy Tubeless	\$ 351.00
11R-24.5/16 M-610ZL	Radial Traction Tubeless	\$ 386.00
1400R-24	Double Coin REM-1 G2 Lug Tubeless	\$ 815.00
20.5-25/16	SDT LD L5 Lug Tubeless	\$2,000.00
23.5-25/16	SDT LD L5 Lug Tubeless	\$2,700.00
12-16.5/10	Solideal SKS Gripper Skid Steer	\$ 135.00
10-22.5	PC-7 Traction Retread	\$ 118.00
11-22.5	PC-7 Traction Retread	\$ 136.00
11-24.5	PC-7 Traction Retread	\$ 143.00
LT265/70R-17/10	Wintercat SST Trac BW Pinned	\$ 186.00
LT235/85R-16/10	Wintercat SST Trac Blackwall Pinned	\$ 135.00
235/55R-17 99T	Hankook W409 Mud & Snow BW Pinned	\$ 135.00
225/60R-16 98T	Wintercat XT Mud & Snow BW Pinned	\$ 98.00
LT245/75R-16/10	Wintercat SST Trac BW Pinned	\$ 150.00
P225/60R-16 97V	P-6 Four Seasons All Season BW	\$ 119.00
P235/55ZR-17 98W	P-Zero Nero All Season BW	\$ 127.00
LT235/75R-15/6	Mastercraft Courser LTR AS OW	\$ 107.00
LT235/85R-16/10	Wildcat Radial A/T All Position BW	\$ 128.00
LT265/70R-17/10	Wildcat Radial A/T All Position OWL	\$ 168.00

Eisinger Motors

225/60R16	Firestone/Winterforce	\$ 81.00
235/55R17	Firestone/Winterforce	\$ 95.00
LT235/85R16	Firestone/Winterforce	\$ 134.00
LT245/75R16	Firestone/Winterforce	\$ 133.00
LT265/70R17	Firestone/Winterforce	\$ 153.00
225/60R16	Goodyear/Eagle GT	\$ 101.00
235/55R17	Goodyear/Eagle GT	\$ 143.00
LT235/75R15	Goodyear/Wrangler Silent ARMOF	\$ 150.00
LT235/85R16	Dunlop/Rover H/T	\$ 141.00
LT265/70R17	Dunlop/Rover H/T	\$ 168.00
225/60R16	Goodyear	

Tire Rama

225/60R16	Firestone Firehawk PV41 A/S	\$ 76.29
235/55R17	Firestone Firehawk GT Z A/S	\$ 91.00
235/75R15	Firestone Destination 6 Ply A/T A/S	\$ 91.71
235/85R16	Firestone Transforce 10 Ply A/T A/S	\$ 101.59
265/70R17	Firestone Transforce 10 Ply A/T A/S	\$ 115.82
265/70R17	Firestone 10 Ply Mud & Snow	\$ 128.55
235/85R16	Firestone 10 Ply Mud & Snow	\$ 129.00
245/75R6	Firestone 10 Ply Mud & Snow	\$ 139.51
235/55R17	Firestone Mud & Snow	\$ 105.00
225/60R16	Firestone Mud & Snow	\$ 91.09
10R22.5	Firestone 12 Ply Steer Tire	\$ 269.92
11R22.5	Firestone 16 Ply Steer Tire	\$ 289.20
11R22.5	Firestone 16 Ply Drive Tire	\$ 289.37
11R24.5	Firestone 16 Ply Steer Tire	\$ 305.99
11R24.5	Firestone 16 Ply Drive Tire	\$ 305.15
1400R24	Michelin XGLA2 12 Ply	\$ 799.00
20.5X25 L5	Primex 20 Ply Rock Service EHT	\$2,055.00
23.5X25 L5	Primex 20 Ply Rock Service EHT	\$2,653.00
12X16.5	Primex 12 Ply Boss Grip	\$ 206.90
10R22.5	Recap/ Gripper Cap	\$ 127.00
11R22.5	Recap/ Gripper Cap	\$ 140.00
11R24.5	Recap / Gripper Cap	\$ 152.00

Commissioner Lauman made a **motion** to accept the bids and take them under advisement. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**OPEN BIDS: GRADERS**

[9:45:34 AM](#)

Members present:

- Chairman James R. Dupont
- Commissioner Dale W. Lauman
- Commissioner Pamela J. Holmquist

Others present:

- Assistant Mike Pence, Public Works Director Dave Prunty, Todd Kitch, Dennis Schwenk, Clerk Kile

Multiple bids were received with bid bonds enclosed from Triple W Equipment and Western States Equipment.

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(Continued)

Commissioner Lauman made a **motion** to refer the bids to the Road Department for a recommendation. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**MEETING W/ VIRGINIA SLOAN/ SENATOR TESTER'S OFFICE AND KIRBY CAMPBELL-RIERSON/ SENATOR BAUCUS' OFFICE RE: UPDATE**

[10:00:51 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Kirby Campbell-Rierson, Virginia Sloan, Clerk Kile

Kirby Campbell-Rierson and Virginia Sloan met with the commission and discussed the appropriation process and potential appropriation requests. Discussion was held relative to possibilities of CFAC re-opening and PILT money.

**MONTHLY MEETING W/ SANDY CARLSON, FINANCE DEPT.**

[10:30:43 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Finance Director Sandy Carlson, Clerk Kile

Sandy Carlson presented a departmental business plan and reviewed fund balances. She reported a portion of the county audit is complete and an audit of 911 funds is scheduled for February.

**MEETING W/ DEBBIE PIERSON/ GRANT WRITER RE: POTENTIAL CDBG APPLICATIONS FOR 2011**

[10:45:40 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Deputy County Attorney Tara Fugina, David Creamer, Clerk Kile

Debbie Pierson reported Tom Jentz with the City of Kalispell and County Administrator Mike Pence participated in a community needs assessment public hearing held to give citizens the opportunity to offer their insight into the current needs of the community. She explained at the hearing the two projects of interest were Agency on Aging and Intermountain. Pierson stated confirmation from the City of Kalispell has been received in regards to support of AOA which would leave Intermountain for the counties slot.

Commissioner Holmquist made a **motion** to pursue an application on behalf of Intermountain. Commissioner Lauman **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

Commissioner Holmquist made a **motion** to initiate and authorize a second public hearing. Commissioner Lauman **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: ROAD DEPARTMENT 2011 DUST COST SHARE PROGRAM/ PECCIA & ASSOC.**

[10:52:50 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Public Works Director Dave Prunty, Clerk Kile

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

**DOCUMENT FOR SIGNATURE: ROAD DEPARTMENT 2011 CRACK SEAL PROGRAM/ PECCIA & ASSOC.**

[10:53:34 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Public Works Director Dave Prunty, Clerk Kile

Commissioner Holmquist made a **motion** to authorize chair to sign the document for signature between Flathead County and Peccia & Associates. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

MONDAY, JANUARY 24, 2011  
(Continued)

**BOARD APPOINTMENT: AOA BOARD**

[10:56:06 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Holmquist made a **motion** to appoint Jennifer Crowley to the AOA Board. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**CONSIDERATION OF EXTENSION REQUEST: GLACIER MEADOWS SUBDIVISION**

[10:56:43 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Planner Alex Hogle, Olaf Ervine, Clerk Kile

Commissioner Lauman made a **motion** to grant a one year extension to Glacier Meadows Subdivision. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**DISCUSSION AND CONSIDERATION OF ADOPTION OF RESOLUTION: AMEND RESOLUTION #2203/ FLATHEAD COUNTY RIVER COMMISSION**

[11:00:27 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Rusby Seabaugh, Steve Sekelsky, Ardis Larsen, Clerk Kile

Tara Fugina reported the scope of discussion today is the proposal to amend Resolution #2203 to expand membership of the River Commission from two at large members to up to four members at large; not meaning that all four would have to be appointed, and the appointments would change from the River Commission appointing members to county commissioner appointments.

Rusby Seabaugh, 395 Lower Valley Road read the following letter:

At a previous meeting of the county commissioners changes to the original Resolution #2203 forming the River Commission were discussed and then tabled until members of the River Commission could be present to discuss them.

Our request today is simple. We would like the county commissioners to leave the resolution intact as it is. This would leave a nine member River Commission with two members at large chosen by the River Commission.

The membership of the River Commission was carefully crafted. It consists of:

1. Landowners along the river who had knowledge of the river erosion, especially in the problematic area of the 22 or so miles that are subjected to marked fluctuations of Flathead Lake.
2. State and county officials who are dealing with permitting and stream bank stabilization, and
3. Two members at large picked by the River Commission from interested parties who could broaden the horizons of the commission, and bring special knowledge and training.

This nine member commission is working well for us, and we were hesitant ourselves to change the size of the River Commission. We lost two excellent members almost by accident with the confusion at year end, and were simply looking for a temporary fix so that we could make use of the knowledge they had accumulated over the year. They have both agreed to work with us as non-members if necessary.

Our membership is very important to us. We think you did a great job when you passed the resolution a year ago that created the River Commission, and are asking that you leave it intact as it is with no changes.

Commissioner Holmquist said in her opinion the River Commission appointing members is not consistent with other boards in the county and stated it should be the commissioner's job to appoint members to boards that represent them. Holmquist said I'm not saying they can't have input on to whoever applies because they surely can. She noted there was confusion in December when board appointments were made and the member at large position should be re-done since the River Commission should have appointed the position.

Commissioner Holmquist made a **motion** to change the resolution from members at large being appointed by the River Commission to members at large being appointed by the Flathead County Commissioners. Commissioner Lauman **seconded** the motion for discussion.

Commissioner Lauman said he believes that as long as the board appointed members can't out vote county commissioner appointed members he doesn't see a problem; such as the Planning Board has a Conservation District member appointment that is approved by the commission, but they do acknowledge the appointment from another agency. He noted he does not oppose the board as long as they don't become a majority of the vote.

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(Continued)**

Commissioner Holmquist noted there are four land owners along the river on the River Commission now.

Chairman Dupont questioned membership on the original resolution.

Commissioner Holmquist detailed current membership which consists of: one commissioner, one Flathead Conservation District member, one member from FWP, four members who own land bordering a navigable part of Flathead River and two members at large chosen by the River Commission.

Steve Sekelsky, 755 Lower Valley Road pointed out that consideration should be made in regards to changing the resolution that says members of the River Commission shall not receive salary or pay for their service when members are actually paid by other agencies to attend.

Tara Fugina explained that is not before the commission today since it was not noticed and if the commission wishes to address that later they can.

Commissioner Holmquist questioned the amount of members on the board.

Rusby Seabaugh stated it would have been a temporary fix for them for a year or so and could be discussed as a separate item.

Tara Fugina explained it looks like the request to add additional members has been dropped.

Rusby Seabaugh said it is not an issue that is important enough to change the resolution; it is fairly important in terms of membership and needs discussed at a group level to look for a solution in retaining members. He stated the amount of information the members have accumulated and the information they have dealt with is astronomical.

**Aye** - Dupont and Holmquist. **Opposed** – Lauman. Motion carried by quorum.

RESOLUTION NO. 2203A

WHEREAS, the Flathead County River Commission was created by Resolution No. 2203 of the Board of County Commissioners on April 29, 2009;

WHEREAS, Resolution 2203 states that the Flathead County River Commission will have nine members as follows: one Flathead County Commissioner, one member representing the Flathead Conservation District, one member representing Montana Fish Wildlife and Parks, and four members, each of whom own land bordering a navigable portion of the Flathead River or its tributaries, appointed by the Board of Commissioners, and two members at large chosen from interested applicants shall be appointed by the Flathead County River Commission;

WHEREAS, the Board of County Commissioners desires that the two at large members be appointed by the Board of County Commissioners instead of chosen by the Flathead County River Commission;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Commissioners of Flathead County, Montana, that the Flathead County River Commission will have nine members as follows: one Flathead County Commissioner, one member representing the Flathead Conservation District, one member representing Montana Fish Wildlife and Parks, and four members, each of whom own land bordering a navigable portion of the Flathead River or its tributaries, appointed by the Board of Commissioners, and two members at large chosen from interested applicants shall be appointed by the Board of Commissioners.

Dated this 24<sup>th</sup> day of January, 2011.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By/s/Opposed  
Dale W. Lauman, Member

By/s/Pamela J. Holmquist  
Pamela J. Holmquist, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

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

11:10:10 AM

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Treasurer Adele Krantz, Clerk Kile

Adele Krantz reported the December STIP rate is at .27 percent, sweep account interest earned totaled \$108,606.12. It was reported delinquent taxes total \$8.3 million and protested taxes total \$3.1 million as of December 31, 2010.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 25, 2011.

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## TUESDAY, JANUARY 25, 2011

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

### **Chairman Dupont opened public comment on matters within the Commissions' Jurisdiction.**

Present for public comment: Bill Myers, James Bartlett, Bob Keenan

Bill Myers, 450 Grand Drive stated the nature of his comments today are serious in that he believes he uncovered violations of state open meeting laws and other irregularities. He noted he has photo copies of notes he took during meetings he attended and copies of other documents which were presented. Myers said he would make himself available to clarify and elaborate on the following items.

1. The first meeting regarding meeting law violations on December 15, 2010. Verification can be made through Jasmine Berry with the Bigfork Eagle in that meetings were ended and they continued on. Jasmine's notes will reflect the same recorded adjournment of the meetings as his. Only his notes continue to record that the meeting in fact continued with all or most members and a quorum still present where financial and other business continued to be discussed. Specifically after the meeting was adjourned Grant Writer, Debbie Pierson brought spread sheets out of expenses to give them an idea money wise where they were at. Discussion continued from Tom Weller and other members present regarding financial and other matters that had been discussed in front of the committee.
2. The second meeting on January 12, 2011 after adjournment at 2:40 Sue Hanson discussed getting letters to business owners with all members present for seven to eight minutes.
3. Another violation is in regards to where committee members live. Paul Rana lives in Lake County, Mike Koppal lives in the north end of the valley, Tom Weller lives in Kalispell, Sue Hanson lives on Swan River Road and the other two also live outside Bigfork Stormwater boundaries.
4. The group has been quietly planning to implement an RSID tax district upon property owners within the district which was uncovered back in June at what was supposedly just a planning meeting.
5. In June, 2006 the county began the process of confronting known problems of storm water. A meeting was held with Commissioner Joe Brenneman, Charlie Johnson, Jed Fisher, Julie Spencer, Mark Langley and others where a gentlemen's agreement was made in how this was going to be resolved. Hundreds of thousands of dollars of taxpayers' money has now been spent in the interim before any work has been done on that particular portion of the project.

Myers then said a blatant inaccuracy was printed in a guest opinion column that beginning April 4, 2011 the first phase of the storm water upgrade will commence on Grand Drive from Marina K down. He stated the committee already authorized and help fund work at both the school district and on Grand Drive across from the school district where the two houses by Marina K had been flooded. He said the presentation made to the community by Sue Hanson is totally inaccurate. The guest opinion also says there will be no infiltration system which is a blatant inaccuracy. Myers said at the school there are two separate infiltration systems (leachfields) which is why he has repeatedly come to them and shown them evidence that the storm water is infiltrating down underneath the ground to his property. Documents from three engineering firms have been brought to them regarding the impact of the surface and subsurface water on his property and below the hill. He stated to date you have relied on the preliminary engineering review of 48 North and said a study was done by Morrison and Maierle in 2008 that he never understood the significance of until now. The flooding issues on neighboring properties they were aware of he said and the document recommends increasing the size of pipes and inlets even after they recommend putting in pervious pavers in the school parking lot. He said their method was tearing up the parking lot and putting in pervious pavers; later that was changed to infiltration beds. BSAC he noted rejected those findings and recommendations, supposedly because of cost even though today's cost is no different and turned around and hired 48 North to give them another approach. Myers said regarding input and participation of strategy planning and implementation he has been routinely cut off by Chairman, Sue Hanson and meeting dates are often changed from the monthly scheduled date without any notice in the Bigfork Eagle or Daily Inter Lake. At the last two meeting dates he stated proposed agendas handed out at the meeting are significantly changed at the time of the meeting and added to regarding major issues. Myers then reviewed his meeting minutes in regards to discussion held related to a logo and stated not only are agenda items changed but actual meeting minutes are deleted. He also spoke about conversations in regards to BSAC being placed under the Health Department. Myers stated he is calling for a complete investigation of BSAC and asked that he be assured a resolution to his concerns are being addressed before February 10.

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

### **BI-MONTHLY MEETING W/ MINDY COCHRAN, GIS**

[9:33:29 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, GIS Director Mindy Cochran, Clerk & Recorder Paula Robinson, Clerk Kile

Mindy Cochran met with the commission and detailed the status of a variety of projects the department is currently working on. She reported they have begun work on updating software to a new release which will require them to upgrade coding and rewrite data for interactive websites. She noted a MOU with Flathead Conservation District was renewed for another year. Cochran explained the Annual 2012 Intermountain GIS Conference will be held in Kalispell this year. Verbal approval was given by the commission to sign a MOU between Flathead County and Montana Department of Administration to continue to provide data to them for their state wide infrastructure layers.

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(Continued)

**MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICER RE: WELLNESS PROGRAM**

9:52:10 AM

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Clerk Kile

Mike Pence summarized the county wellness program that allows employees to participate in a blood panel test that reduces their deductible from \$500 to \$300. Following discussion the commission agreed to stay with the current program for another year.

**QUARTERLY JAIL FACILITY TOUR**

10:00:40 AM

Members present:

Chairman James R. Dupont  
Commissioner Pamela J. Holmquist

**12:00 p.m. CDC Board meeting @ Three Rivers Bank**  
**5:00 p.m. Commissioner Dupont: Refuse Board meeting @ Solid Waste District Office**  
**7:00 p.m. Flathead County River Commission meeting @ Earl Bennett Bldg., Conf. Rm. C**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 26, 2011.

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**WEDNESDAY, JANUARY 26, 2011**

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

**Chairman Dupont opened public comment on matters within the Commissions' Jurisdiction.**

Present for public comment: Denny Gignoux, Darwon Stoneman, Charles Lapp, Bill Lundgren, Chuck Brosten, Sharon DeMeester, Monica Jungster, Drew Paslawsky, Ron Hoff

Denny Gignoux, developer of Camp Winnakee stated he was there to make sure the commission did receive his e-mail.

Darwon Stoneman said he questioned the development before it was even built with them starting out as a motel and then changing their mind to it being a bed and breakfast. He stated he feels there was a certain amount of them knowing what they were doing; once it was built it would probably get compromised and accepted. Stoneman said that is okay with him as long as the water and septic issues are resolved with the individual land owners. He stated the reality is if it had gone through a major land use review process all the landowners would have been notified before the building was built and due process would have been done.

Monica Jungster, 535 Sloan Lane, West Glacier said a major land use approval should not be granted unless and until the septic and sanitation situation is completely and competently resolved. She stated there is no compromise that can be made when it comes to clean water, public health and the rights of others. Jungster said she feels they need to be held responsible for their decisions and the cost of possible contamination of the water supply due to their septic system. She asked that enforcement policies be put in place for whatever decision is rendered today.

Charles Lapp, 3230 Columbia Falls Stage Road said he is the owner of the building AOA currently resides in on Kelly Road. He stated over the last few weeks there has been talk about moving AOA to the Gateway Community Center. Lapp summarized all the improvements made to the AOA building over the years and compared the cost of the current facility with the cost of moving to Gateway West Mall.

Sharon DeMeester explained on two occasions they have sat down with the developers of Camp Winnakee to try to sort out their issues as far as the well and the septic system, and they have not come to a resolution yet. She stated through investigations she has found that since the water association is the homeowners and Camp Winnakee they are basically selling the water to a commercial entity. DeMeester explained they have checked the cost for insurance as the homeowner's association would be responsible and it would cost them around \$5,000 per year now.

Ron Hoff a business owner near Camp Winnakee spoke about septic issues and questioned how a well was put in so close to the one they have. He stated he doesn't feel they have all the information they would need to make a decision.

Drew Paslawsky a homeowner in the neighborhood said in their two meetings issues regarding insurance were discussed with a possible solution of breaking the water system apart which Camp Winnakee is not willing to do. He asked if the whole project is revoked by DEQ how it would impact their decision; is the decision today linked to that?

Denny Gignoux said basically what happens with planning and zoning is if it passes through the commission then there are still two contingencies which include a permit from Flathead County Environmental Health for an occupancy permit and review from DEQ. He stated they don't want to contaminate anyone's water and would abide by anything DEQ has as they want to make sure they do the right thing for their neighbors.

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

WEDNESDAY, JANUARY 26, 2011  
(Continued)

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

[9:34:52 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

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

Dave Prunty reported on progress regarding implementation of the cat trapping policy at Solid Waste. He then spoke about finalization of the landfill closure project, enforcement of litter ordinance #8 and container site consolidation on Highway 2 East on MDOT property.

**OPENS BIDS: COUNTY COURTHOUSE REMODEL PROJECT**

[10:00:28 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Clerk & Recorder Paula Robinson, Recording Manager Monica Eisenzimer, Weed/Parks & Maintenance Director Jed Fisher, Public Works Director Dave Prunty, Corey Johnson, David Mitchell, Fran Quiram, Kim Black, Louise Adamson, R. Knutson, Paul Williams, Clay Anderson, Josh Griffin Steve Conway, Judy Stack, Clerk Kile

Bids received with bid bonds enclosed from:

**Meredith Construction**

Lump Sum Base Bid	\$1,919,000.00
AARA – Exterior Window Replacement	\$ 182,735.00
AARA – Public Lobbies Casework	\$ 88,629.00
Alternate No. 1 Designated Dept. Cabinetry	\$ 37,000.00
Alternate No. 2 Temp Controls	\$ 36,620.00
Alternate No. 3 Fire Alarm System	\$ 20,100.00
Alternate No. 4 Water Repellents	\$ 13,740.00

**Swank Construction**

Lump Sum Base Bid	\$1,963,000.00
AARA – Exterior Window Replacement	\$ 160,000.00
AARA – Public Lobbies Casework	\$ 60,000.00
Alternate No. 1 Designated Dept. Cabinetry	\$ 39,000.00
Alternate No. 2 Temp Controls	\$ 39,000.00
Alternate No. 3 Fire Alarm System	\$ 21,000.00
Alternate No. 4 Water Repellents	\$ 14,500.00

**Dick Anderson Construction**

Lump Sum Base Bid	\$1,928,200.00
AARA – Exterior Window Replacement	\$ 164,300.00
AARA – Public Lobbies Casework	\$ 198,000.00
Alternate No. 1 Designated Dept. Cabinetry	\$ 39,250.00
Alternate No. 2 Temp Controls	\$ 38,000.00
Alternate No. 3 Fire Alarm System	\$ 20,600.00
Alternate No. 4 Water Repellents	\$ 14,274.00

**Diamond Construction**

Lump Sum Base Bid	\$1,975,700.00
AARA – Exterior Window Replacement	\$ 165,000.00
AARA – Public Lobbies Casework	\$ 65,000.00
Alternate No. 1 Designated Dept. Cabinetry	\$ 39,100.00
Alternate No. 2 Temp Controls	\$ 37,900.00
Alternate No. 3 Fire Alarm System	\$ 20,900.00
Alternate No. 4 Water Repellents	\$ 13,500.00

**Martel Construction**

Lump Sum Base Bid	\$1,829,000.00
AARA – Exterior Window Replacement	\$ 162,000.00
AARA – Public Lobbies Casework	\$ 67,000.00
Alternate No. 1 Designated Dept. Cabinetry	\$ 38,600.00
Alternate No. 2 Temp Controls	\$ 38,200.00
Alternate No. 3 Fire Alarm System	\$ 20,700.00
Alternate No. 4 Water Repellents	\$ 14,300.00



WEDNESDAY, JANUARY 26, 2011  
(Continued)

Commissioner Lauman made a **motion** to accept the bids and take them under advisement. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**AWARD BIDS: TIRES, LIQUID ASPHALT, PROPANE, GAS & DIESEL**

[10:16:08 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Shop Foreman Corey Pilsch, Clerk Kile

Commissioner Lauman made a **motion** to award to Montana Refining the bid for PG64-22 & PG58-22 for \$547.00/ ton, SSI Tack Oil for \$497.00/ ton, CRS-2 Chipping Oil for \$524.00/ ton; the bid for gas and propane to City Service Valcon; the bid for recap tires to Les Schwab; the bid for mud/snow passenger car and pickup tires to Eisinger Motors; the bid for new truck and equipment tires and all season pickup and passenger cars to Tire Rama. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**DECISION RE: MAJOR LAND USE PERMIT/ CAMP WINNAKEE**

[10:30:38 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Planning & Zoning Director B J Grieve, Planner Allison Mouch, Drew Paslawsky, Sharon DeMeester, Erick Robbins, Cris Coughlin, Bill Lundgren, Denny Gignoux, Monica Jungster, Chuck Brosten, Clerk Kile

Allison Mouch noted it is there understanding the public water system was sent back to the state for review and they have not heard or confirmed from them yet what has happened with that. She said environmental health has said the public well for the subdivision was not in state records, which may clear up the issue as to why the public system wasn't considered by the applicants when they originally went for permits. The public accommodations license she explained the applicants are currently working on with environmental health, and presently they do not have it; a required condition of approval is that the license be in place before they open which would limit the occupancy in the facility.

B J Grieve explained they administer CALURS regulations which are not perfect regulations and have challenges inherent with interpretation. In this particular application he said all applications are reviewed for their compliance with the regulations by which they are being reviewed and they stick to the review criteria. He stated this application was reviewed for conformance of chapter 4 of CALURS Zoning which includes outdoor advertising, structure setbacks, etc. Grieve noted like all zoning applications they review there are certain things referred to other agencies. CALURS does have a section on sanitation he stated which requires that appropriate permits be obtained from environmental health. He explained the reason they come for zoning first is because of a chicken and egg situation.

Commissioner Holmquist said at the county level I don't feel it can be denied since Camp Winnakee has met county requirements. She noted they still have legal requirements that have to be met with DEQ and Flathead County Environmental Health.

Discussion was held relative to water rights.

Commissioner Lauman noted it seems from the information they received they are held to DEQ and when they can respond and come back with their findings to them. He asked when DEQ comes back with a report that they are kept informed as he still has grave concerns about water contamination and water being protected.

Chairman Dupont said it is unfortunate that no one thought of defining a bed a breakfast by the amount of rooms in CALURS, because as it is written unfortunately it does comply. He noted if they had started the whole project the right way they wouldn't be here today. Dupont stated he has spoken to the county health department who has spoken to DEQ and they will be watched carefully with their numbers.

Commissioner Lauman made a **motion** to approve the land use permit for Camp Winnakee. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**7:00 a.m. Commissioner Dupont, Holmquist & Lauman: 9<sup>th</sup> Annual Future of the Flathead Breakfast Meeting @ FVCC Arts & Technology Bldg., Room 139**  
**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 January 27, 2011.

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**THURSDAY, JANUARY 27, 2011**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Dupont, Commissioners Lauman and Holmquist, 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 January 28, 2011.

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**FRIDAY, JANUARY 28, 2011**

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

**8:00 a.m. Commissioner Holmquist: Bigfork Stormwater DNRC RRGL Testimony in Helena**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 31, 2011.

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