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## MONDAY, MARCH 14, 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 March 15, 2011.

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## TUESDAY, MARCH 15, 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.

Jim Watson, Flathead County Parks and Recreation Board member updated the commission on the pedestrian bike path tunnel to be built underneath Hwy 93 between FVCC and Kids Sport this spring. He explained the county is not involved that it is a partnership between MDOT, Montana DNRC, FVCC and the City of Kalispell as well as outside private citizens. Preliminary engineering plans were presented and reviewed.

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

### MONTHLY MEETING W/ MARK CAMPBELL, FAIRGROUNDS

[9:00:25 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Fairground Operations Manager Mark Campbell, Clerk Kile

Campbell stated work is continuing with Bruce Boody, Landscape Design Architect for potential upgrades on exterior gate/entrance improvements which will provide better public access. He reported fair ticket booths have been modified and remodeled, meetings have been held with concessionaries, fair book is ready to go to the printer with advertising costs covering the charge for printing of the fair book and entertainment plans are being finalized. It was noted the Fair Board held a workshop to finalize Fair Board by-laws. Discussion was held relative to concerns raised in regards to alcohol sales. Campbell explained plans for alcohol sales are not definite yet and are still being worked on. Major upcoming events included the Great Rockies Sport Show, Flathead Builders Home and Garden Showcase, Kalispell Police Concert, NW Montana Arms Collectors, Flathead Roller Derby, Alert Banquet and Child Safety Fair.

### QUARTERLY MEETING W/ DEBBIE PIERSON, GRANT WRITER

[9:16:43 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Pierson reported construction was temporarily started on the Grand Drive project in Bigfork and will resume as soon as weather allows. She noted no word has been received on the DNRC/ RRGL grant; the EECBG grant will be complete after Courthouse construction, CDBG community needs assessment was held on January 13, 2011 and an emergency application for Green Acres to hook into the City of Kalispell's sewer system is being worked on. Pierson explained the Flathead County River Commission is planning on disbanding and will re-create themselves under the Flathead Conservation District.

### MONTHLY MEETING W/ B. J. GRIEVE, PLANNING & ZONING OFFICE

[9:30:18 AM](#)

Members present:

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

Others present:

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

Grieve reviewed the current violations report and explained their new procedures in forwarding complaints to the County Attorney's Office. He spoke about the status of their budget which is being monitored closely and reported amendments are being made to budget projections. Grieve reported under the national flood insurance program they are required to assess substantial flood damage if it occurs and will hold training in preparation of possible flooding. He noted planners did attend the annual conference for floodplain managers.

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(Continued)

**DOCUMENT FOR SIGNATURE: ASCENT STRATEGIC DEVELOPMENT/ HEALTH DEPT.**

[10:00:01 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

Russell reported the facilitator contract with Ned Cooney for Wastewater Management was for two years and needs renewed.

Commissioner Holmquist made a **motion** to approve the contract. Commissioner Lauman **seconded** the motion. **Aye –** Dupont, Lauman and Holmquist. Motion carried unanimously.

Discussion was held relative to the necessity for malpractice facilitator services and the cost thereof.

**DOCUMENT FOR SIGNATURE: ROAD CLOSURE PERMIT/ HODGSON ROAD**

[10:10:09 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, Clerk Kile

Prunty reported the request is from LHC to close a portion of Hodgson Road in order to do improvements to sewer mains on Antelope Trail and Goat Trail.

Commissioner Lauman made a **motion** to approve the road closure permit. Commissioner Holmquist **seconded** the motion. **Aye –** Dupont, Lauman and Holmquist. Motion carried unanimously.

**AUTHORIZATION TO PUBLISH REQUEST FOR PROPOSALS: FLATHEAD REGIONAL WASTEWATER MANAGEMENT GROUP AND GRANT ACCEPTANCE**

[10:08:16 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

Russell reported the RFP is to start the process of employing a qualified firm to do technical level management duties in order to fulfill grant obligations.

Commissioner Holmquist made a **motion** to authorize publication of the RFP. Commissioner Lauman **seconded** the motion. **Aye –** Dupont, Lauman and Holmquist. Motion carried unanimously.

*For the record this document was not completed and will go back on the agenda on Monday, March 21, 2011.*

**OPEN BIDS: ANNUAL STANDARD PRINTING**

[10:11:37 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Finance Director Sandra Carlson, Clerk Kile

Bids were received from Eagle Flight Business Forms and American Printing.

Commissioner Lauman made a **motion** to refer the bids to the Finance Committee. Commissioner Holmquist **seconded** the motion. **Aye –** Dupont, Lauman and Holmquist. Motion carried unanimously.

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(Continued)

**CONSIDERATION OF PRINT BIDS: HEALTH DEPT.**

[10:15:12 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the print bid from Insty Prints for 3 sets of 4 each prescription books for \$147.00 and 2 sets of business cards for \$29.95 each for the Health Department. Commissioner Holmquist **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

**5:00 p.m. Commissioner Dupont: Refuse Board meeting @ Solid Waste District Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 16, 2011.

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**WEDNESDAY, MARCH 16, 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.**

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

[9:30:05 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Pamela J. Holmquist

Members absent:

Commissioner Dale W. Lauman

Others present:

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

Prunty reported the Notice of Passage of Resolution of Intent to change mobile home disposal fees from per ton to a flat fee of \$300 per trailer was approved by the board, and a public hearing will be held before a final decision is made. Also reported was Sandry Construction was awarded the contract for a liner installation project for \$1.4 million. He spoke about their preliminary budget, the littering campaign with billboards to go up soon, container site consolidation on Hwy 2 East near the Red Rock Pit, proposed use of a building for storing construction materials for Habitat for Humanity and identity theft concerns at container sites.

**CONSIDERATION OF LAKESHORE PERMIT: DUGAN**

[10:00:42 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Pamela J. Holmquist

Members absent:

Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Bailey Minnich, Olaf Ervin, Clerk Kile

Minnich reviewed Lakeshore Permit FLP 11-02; an application submitted by Jolene Dugan to install an access bridge entirely on private property located off Holt Drive on Flathead Lake. The bridge will access a privately owned seasonal island and is proposed to be 481 feet long by 16 feet wide, built of steel pilings and concrete decking. The proposal is to also install an "h" shaped dock which will be located on the island and constructed with steel pilings and synthetic wood decking, and will extend out into the lake a maximum of 55 feet long by 8 feet wide. Minnich noted the application was reviewed under types of projects not specifically covered by design standards.

**SECTION OF REGULATIONS THE PERMIT APPLIES TO:**

The applicant is requesting a Standard Permit to the following section of the Flathead County Lake & Lakeshore Protection Regulations:

- Section 4.3 (M) Other types of projects which are not specifically covered by the foregoing design standards shall be reviewed on an individual basis under the "Policy Criteria for Issuance of a Permit" contained in Section 4.1 and the "Construction Standards" contained in Section 4.2 of these regulations.
- Section 4.3(A) Design Standards for Docks, Wharfs, and Piers

**EVALUATION OF REQUEST:**

The criteria set forth in the Flathead County Lake & Lakeshore Protection Regulations Section 4.3(M) regarding Other Projects was used to evaluate the permit request as outlined below:

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(Continued)

**Section 4.1 Policy Criteria for Issuance of a Permit:**

The proposed action shall not, during either its construction or its utilization:

- a. **Materially diminish water quality.**  
The proposed dock will not have a significant impact on water quality greater than other structures currently located on Flathead Lake. The proposed project will be constructed with materials and methods allowed by the lakeshore regulations to prevent diminishment of water quality. Best Management Practices should be used during construction to contain any turbidity.
- b. **Materially diminish habitat for fish or wildlife.**  
The structure is proposed to be built using pilings. No solid fill, cribbing, or any sort of impediment will be utilized. This will allow the movement of fish and other aquatic wildlife in the water, similar to other structures on the lake.
- c. **Interfere with navigation or other lawful recreation.**  
The proposed project is not anticipated to interfere with navigation, as the subject area is very shallow, and not an area of important navigation. The US Army Corps of Engineers has issued a letter indicating that the project will not require a Section 404 permit since they do not consider pilings fill material. Additionally, the applicant is proposing a navigation opening for use by canoes and other small watercraft when the lake is at full pool.
- d. **Create a public nuisance.**  
The proposed dock and bridge will not create a public nuisance, as it is located on private property. The canoe opening will allow public access when the property is underwater at full pool. However, when the water is down, the private ownership of the parcel extend to the island and partially beyond according to the Flathead County GIS website and Certificate of Survey #18102. Therefore the property is only legally accessed by the public when the lake is at full pool elevation.
- e. **Create a visual impact discordant with natural scenic values, as determined by the governing body, where such values form the predominant landscape elements.**  
This criterion can only be determined by the governing body, which according to the Flathead County Lake and Lakeshore Protection Regulations, is the Board of County Commissioners.
- f. **Alter the characteristics of the shoreline.**  
The proposed project has the potential to alter the characteristics of the shoreline. The proposed project will be creating a structure within the lake between the island and the shore, altering the natural landscape. However, the island was formerly connected to the shoreline, allowing natural access to the land. The water in the area is very shallow so it is possible that restoring historic access to the island would not be considered an alteration of the shoreline.

**Section 4.2 General Construction Standards**

Any proposed project or action shall be in compliance with the following requirements:

- a. **Construction Season**  
The applicant is proposing all work to be completed during low pool in compliance with this requirement. If the applicant wishes to construct the access bridge during another season, they must use a barge or other land mounted crane to install the pilings, no vegetation may be removed, and the decking for the bridge must be pre-cut to avoid materials entering the lake water.
- b. **General Construction Materials**  
The proposed access structure will be constructed using steel pilings and concrete decking. According to Section 4.2(B)(2)(b), metal is allowed within the lakeshore protection zone if any paint or sealant has been thoroughly dried/cured prior to use, minimal lubrication is applied, and the metal does not contain any chemical or substance which will wash off or dissolve when in contact with water. Concrete is allowed within the lakeshore protection zone, however it is the least desirable construction material. Concrete may be painted or coated using the same standards as metal. The concrete should be aesthetically shielded by the use of creative rock or wood, and wet concrete shall not be poured or allowed to come into contact with the lake water.  
**Excavation or Filling of Materials**  
The applicant is not proposing to excavate material from the lake or lakeshore. They are also not proposing the placement of fill within the lake or lakeshore.
- c. **Erosion, Sedimentation and Storm Runoff**  
The proposed project does not include the placement of fill within the lake or lakeshore protection zone. The applicant will be required to preserve as much natural vegetation as possible to prevent erosion along the shoreline. All construction is proposed to be completed while the lake is at low pool elevation to prevent sediments from entering the water.
- d. **Impervious Cover (Constructed Area)**  
The subject property contains approximately 100 feet of shoreline along the mainland. However, the island can also be classified as having 1,758.15 feet of shoreline. According to a determination made by the Planning Director, and to be confirmed by the governing body, it is reasonable to use the lake frontage of the island with the lake frontage of the mainland to calculate the amount of impervious coverage allowed under the regulations. According to the standards of Section 4.2(E), the amount of impervious coverage allowed for the entire property is 14,865.20 square feet. The proposed access bridge will contain approximately 7,696 square feet, and the proposed dock will include approximately 840 square feet. Therefore the total amount of impervious coverage proposed at this time is approximately 8,536 square feet, well within the amount allowed for the entire property.
- e. **Removal of Debris**  
The proposed project will be conditioned to remove all construction debris from the lake and lakeshore protection zone to comply with this requirement.
- f. **Burning**  
The applicant is not proposing the burning of materials within the lakeshore protection zone.
- g. **Setback Requirements**  
It is difficult to determine the setbacks required for the proposed project because the island really has no side property lines as it is essentially a circle. However, as the proposed access will be located partly on the mainland, it shall be required to comply with the setbacks located in Section 4.2(H)(2). Since the property has more than 75 feet of lakeshore frontage, the proposed bridge must be located at least 15 feet from the side property line/riparian line.

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(Continued)**

Olaf Ervin presented an aerial map showing how the property was connected in 1937, and explained erosion problems the applicant is having. He noted the applicants own property at both ends of the proposed dock and this shouldn't have any more of an impact than a dock on Flathead Lake.

Commissioner Holmquist questioned the process in regards to notifying adjoining landowners and neighbors.

Minnich explained the only way public notice would be given is if the application went through the Flathead County Planning Board.

General discussion continued in regards to procedures and the process followed.

Commissioner Holmquist made a **motion** to approve Lakeshore Permit FLP 11-02. Chairman Dupont **seconded** the motion. **Aye** – Dupont and Holmquist. Motion carried by quorum.

**TAX REFUND: ASPEN FUNDING, LLC**

[10:17:51 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Pamela J. Holmquist

Members absent:

Commissioner Dale W. Lauman

Others present:

Clerk Kile

Commissioner Holmquist made a **motion** to deny the refund with the deadline to submit the request not met. Chairman Dupont **seconded** the motion. **Aye** – Dupont and Holmquist. Motion carried by quorum.

**9:15 a.m.    RSVP Board meeting @ Heritage Place**  
**11:00 a.m.    County Attorney Meeting @ Co. Atty's Office**  
**12:00 p.m.    Commissioner Holmquist: College Republicans meeting @ FVCC**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 17, 2011.

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**THURSDAY, MARCH 17, 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.

**11:00 a.m.    Commissioner Dupont: FECC Maintenance Budget meeting @ FECC**  
**12:00 p.m.    Commissioner Holmquist: Health Board Budget/ Finance Committee meeting @ EBB**  
**1:00 p.m.    Commissioner Holmquist: Health Board meeting @ EBB**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 18, 2011.

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**FRIDAY, MARCH 18, 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.

**10:30 a.m.    Commissioner Dupont: Meeting w/ Scott Sampey @ OES**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 21, 2011.

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