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## MONDAY, JUNE 6, 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.

### 8:30 a.m. Weed & Parks Board meeting @ Weed & Parks Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 7, 2011.

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## TUESDAY, JUNE 7, 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/ VICKI SAXBY, INFORMATION TECHNOLOGY**

[9:15:44 AM](#)

Members present:

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

Others present:

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

Saxby met with the commission and gave a bi-monthly report from the I.T. Department. She reviewed network and tech projects and programmer/ database administration projects.

### **BI-MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE & PAT MC GLYNN, MSU EXTENSION AGENT**

[9:28:31 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, 4-H Youth Director Karole Sommerfield, MSU Extension Agent Pat McGlynn, Clerk Kile

McGlynn spoke about continuing cherry grower's research, community garden work and master gardener classes. She reported a proposal for \$44,000 for wine grape trials was submitted to USDA.

Sommerfield stated it has been a privilege to be the 4-H Director for Flathead County and said she appreciated the support received by the commission. She noted as a 4-H member herself she has her own story in that the program gave her a place of peace, accomplishment and inclusion as she grew up. She explained she gave back to the program a lot of years, and it is now time to open a different door and make a change. She stated that over the years she has seen the 4-H program grow from 400 to 600 youth, as well as adding new clubs. Sommerfield explained there are good people lined up and willing to step in so programs in place do not fall or slide.

Commissioner Lauman stated her shoes will be extremely hard to fill and expressed his appreciation and gratitude for her dedication to the program.

Chairman Dupont stated that says it for all of us and wished her the best of luck.

Discussion was held relative to the need to have an interim 4-H Director to temporarily fill the void after June 30, 2011 with Sommerfield's resignation as the 4-H Director. Sommerfield noted MSU Regional Department Director, Steve Siegelin would be discussing the office transition with them.

### **MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE RE: CYBER POLICY**

[9:45:54 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, I.T. Director Vicki Saxby, H. R. Director Raeann Campbell, Western States Representatives Robin Boon, Brad Salonen, Kim Thomas, Clerk Kile

Saxby explained cyber insurance technically would cover any data breach, which could be anything from loss of sensitive material or protected confidential information. She noted the current cost for a data breach is approximately \$214.00. Saxby stated beginning July 1, 2011 the county has a new security breach policy that explains employees role if there is a security breach.

TUESDAY, JUNE 7, 2011  
(Continued)

Salonen reported the counties general liability coverage does not give any coverage in the case of a security breach. He explained the premium this year would be \$12,707.17 with \$25,000 deductible and \$11,909.00 with \$50,000 deductible; the recommendation is to go with the lower deductible.

General discussion was held relative to the need for cyber insurance and personal use of internet access.

Commissioner Lauman made a **motion** to approve implementation of a cyber security/privacy policy effective July 1, 2011. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE & MEETING W/ WESTERN STATES**  
**RE: MAC0 RENEWAL**

[10:03:12 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, H. R. Director Raeann Campbell, I.T. Director Vicki Saxby, Western States  
Representatives Robin Boon, Brad Salonen, Kim Thomas, Clerk Kile

Campbell presented May, 2011 personnel transactions for review.

Commissioner Lauman made a **motion** to approve May personnel transactions as presented. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

Campbell reviewed work comp statistics by department and reported the trust fund balance was close to \$4 million and claims are up approximately \$365,000.

Salonen reviewed the counties property and liability premium for FY11-12. The premium for the past year he reported was set at \$871,470 and after the commission agreed to increase their deductible, the premium was reduced to \$817,373. He noted Flathead County paid the invoice for \$871,470, which was not caught until recently; the county now has a credit of \$54,097. Salonen stated the premium this year will be \$845,334 minus the premium credit, which will amount to \$791,237 due for FY11-12. He reported the loss control credit this year is \$13,987. Discussion was held relative to focusing on cleaning up auto collision this next year.

**CONSIDERATION OF ADOPTION OF RESOLUTION: AUTHORIZE ATTORNEY GENERAL TO ACT AS PROSECUTOR IN STATE V. MATTHEW L. OLSON**

[10:29:52 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, County Attorney Office Administrator Vicki Eggum, Clerk Kile

Commissioner Holmquist made a **motion** to adopt the resolution to authorize the attorney general to act as prosecutor in State v. Matthew L. Olson. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #11-07-5-31-007-0**

[10:32:11 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 DPHHS Contract #11-07-5-31-007-0. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**CONSIDERATION OF H.R. TRANSMITTALS: RN CASE MANAGER/ HEALTH DEPT. AND TIRE TECHNICIAN/ ROAD DEPT.**

[10:33:08 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 approve the H.R. Transmittal for a RN Case Manager for the Health Department. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

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(Continued)

Commissioner Lauman made a **motion** to approve the job description change for a Tire Technician at the Road Department. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

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

[11:00:42 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, Tom Sands, Mike Schlegel, Jeff Larsen, Larry Brosten, Clerk Kile

Prunty presented a statistic sheet on road department work completed and explained work they have done with Office of Emergency Services regarding spring flooding. He spoke about citizen concerns regarding increased traffic on Lion Mountain Loop Road in Whitefish. An update on final dust cost share statistics was reviewed.

**CONSIDERATION OF ADOPTION OF RESOLUTION: DISSOLUTION OF ROAD ADVISORY COMMITTEE**

[11:30:41 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Public Works Director Dave Prunty, Larry Brosten, Road Advisory Committee Members Mike Schlegel, Tom Sands, Jeff Larsen, Clerk Kile

General discussion was held relative to disbanding the Road Advisory Committee that was established in 2007 to advise the commission concerning issues regarding road maintenance/improvements, and to provide public education regarding county road improvements.

Prunty said currently the committee struggles with agenda items to come up with and are frustrated regarding the outcome of their work.

Chairman Dupont said one hand says we definitely still need a committee, and the other hand says I don't know if we need a committee. He stated it has gotten to the point that argumentative things were going on with the committee, which did not solve any purpose.

Larsen said the Road Advisory Committee has served a good purpose through the years, and stated the private sector needs to be able to weigh in on road issues and this committee has a huge amount of knowledge. He suggested scaling back meetings to when they are necessary, and to set them up similar to how the Planning Board functions; they make a recommendation only, so the commission has more information before making their decisions.

Schlegel spoke in support of the committee and stated their goal is to be more efficient with taxpayer's money. He explained they took the political realm out roads by listening to contentious road issues from citizens, and after awhile instead of having a room full the room was empty.

Sands commented he does not have a problem being on the board and said there was frustration when changes were suggested yet nothing happened.

Commissioner Lauman stated the committee helped tremendously over the past five years, and suggested quarterly meetings be held.

Chairman Dupont said obviously like the Planning Board the Road Advisory Committees' purpose is to make recommendations to them, and not always will we necessarily agree with the recommendation. He stated for instance on the proposal to stop maintenance on certain county roads, I agreed that 80 percent of the roads on the list presented to them they should not be maintaining, yet 20 percent of them I did not agree with. Dupont noted the way it was presented to them they either close all of them or none at all. He stated the commissioners made a critical error a long time ago by taking calls from the public and telling the Road Department how to fix a road.

Discussion was held relative to holding a workshop with the Road Advisory Committee and Public Works Director Dave Prunty to clarify their by-laws and discuss what their goals and objectives would be.

Commissioner Lauman made a **motion** to deny the proposed resolution to dissolve the Road Advisory Committee, but instead to hold a workshop with them and Public Works Director Dave Prunty to provide a direction. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

TUESDAY, JUNE 7, 2011  
(Continued)

**DOCUMENT FOR SIGNATURE: TEMPORARY ROAD CLOSURE PERMIT/ GRAND DRIVE & ELECTRIC AVENUE**

[11:57:44 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Public Works Director Dave Prunty, Clerk Kile

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

**CONSIDERATION OF ADOPTION OF RESOLUTION: LIFT LOAD LIMITS/ ROAD DEPT.**

[11:58:37 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Public Works Director Dave Prunty, Clerk Kile

Prunty reported load limits will remain in effect on North Ashley Lake Road, Ashley Lake Road from the intersection with North Ashley Lake Road on the east end to Hwy. 2 West and FAS 486 (North Fork Road) from the intersection with Whale Creek Road north to the end of the road at the border.

Commissioner Lauman made a **motion** to adopt Resolution 2286D. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

Resolution No. 2286D

WHEREAS, the Board of Commissioners of Flathead County, Montana, is responsible for the maintenance of public highways under its jurisdiction;

WHEREAS, said public highways can be seriously damaged or destroyed by deterioration, rain, snow, thawing, or other climatic conditions unless the permissible vehicle weights are reduced;

WHEREAS, the Board of Commissioners of Flathead County, Montana, has the authority under Section 61-10-128, M.C.A., to impose restrictions on the weight of vehicles traveling on public roads under its jurisdiction;

WHEREAS, the public safety requires the immediate imposition of limits on county roads as an emergency measure to prevent accidents and damage to property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Section 61-10-128, M.C.A., that the following load limits shall apply until further order of the Board.

Load limit single axle 7 tons, tandem axle 14 tons, 350 lbs. per inch width of tire, however, at no time will the weight exceed 14,000 lbs. per single axle and 28,000 lbs. per tandem axle. Speed limit as posted.

Load limit single axle 8 tons, tandem axle 16 tons, 400 lbs. per inch width of tire, however, at no time will the weight exceed 16,000 lbs. per single axle and 32,000 lbs. per tandem axle. Speed limit as posted.

The load limit on the following roads shall be 350 to 400 pounds per inch of tire width as marked as well as 35 miles per hour speed limit: (If a particular road on this list has not been marked then no load limit is imposed at this time.)

<u>350</u>	<u>400</u>	<u>pounds per inch of tire.</u>
<u>350</u>	—	Ashley Lake Road from intersection with North Ashley Lake Road
		on the east end to Highway 2 West.
<u>*350</u>	—	FAS 486 (North Fork Road) from the intersection with Whale Creek Road north to the end of the road at the border.
<u>350</u>	—	North Ashley Lake Road for the entire length of the road.

**\*Note changes for 2011.**

**TUESDAY, JUNE 7, 2011  
(Continued)**

Variations may be granted by permit obtained through the County Road Department.

BE IT FURTHER RESOLVED, that this resolution shall be effective June 7, 2011, and shall be in effect until load limits are removed by motion of this Board.

Dated this 7<sup>th</sup> day of June, 2011.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

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

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**WEDNESDAY, JUNE 8, 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. County Attorney meeting @ Co. Atty's Office**  
**1:15 p.m. 911 meeting @ FECC**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 9, 2011.

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**THURSDAY, JUNE 9, 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.**

Debbie Spaulding, 405 Tacklin Creek Road read the following letter regarding the Lakeside Community Neighborhood Plan and Lakeside Community Council.

We, the undersigned, from the Lakeside community and planning area, do hereby declare and affirm the facts enumerated below and ask the unwavering support of the Board of Commissioners and the County Attorney's office in the vigorous defense of false and frivolous allegations. These allegations are brought by a small group of property owners in the County who's ultimate goal seems to be to interfere with and possibly do away with any planning in Flathead County.

These allegations involve the Board of Commissioners. The allegations have recently been amended to allege that the Lakeside Community Council and the Lakeside Neighborhood Plan Committee were not legally formed and all of their actions are illegal since their inception. In addition, the plaintiffs are asking the judge to stop all neighborhood planning in Flathead County, which expands the impact of this lawsuit to all of planning within Flathead County.

In fact, the Board of Commissioners passed a resolution to form the Lakeside Community Council sometime after adopting the original Lakeside Neighborhood Plan in November 1995. It is an elected Council – with official elections occurring ever since the Board resolution to create it. The Council is a Land Use Advisory Committee representing the Lakeside planning area whose boundaries are defined in the 1995 Lakeside Plan.

In 2007, the County requested that all existing Neighborhood Plans be updated to comply with the Growth Policy, which was adopted by this Board in 2007. Staff was assigned by the Planning & Zoning Office in the summer of 2007 to help Lakeside with the update and with the full knowledge of the Planning Board and the Board of Commissioners.

The Lakeside Community Council, at the request of the County to update the 1995 Lakeside Plan and within the Council's authority as granted in their By-Laws approved by this Board, formed the Lakeside Neighborhood Plan Committee. News media reported the process by which people could volunteer to serve on the committee. The process was to submit a letter and/or resume to the Lakeside Community Council – 13 of us did so – and the Council approved the Committee membership of all 13 members who expressed interest. Thus, the Lakeside Neighborhood Plan Committee was properly formed and consisted of residents who volunteered and spent thousands of hours on this Board's behalf to revise and update the Lakeside Plan per mandate from the County.

**THURSDAY, JUNE 9, 2011  
(Continued)**

Despite negative and one-sided press coverage since the lawsuit was filed, we in Lakeside, have been quiet and patient believing that the truth would prevail, – yet here we are now with our integrity being questioned more than ever and with an injunction against the Lakeside Plan that is:

- Based on false allegations
- Based on false, incomplete, or misrepresented testimony in a court of law
- Preventing any planning from proceeding in Lakeside, even though the plaintiffs are not even protesting the content of the Plan.

The allegations of improper formation of the Lakeside Community Council and the Lakeside Neighborhood Plan Committee were addressed above. So let's look at 9 other allegations and some facts related to them:

**1. "meetings with no notice"**

- a. The Committee had a communications strategy: To create lakesideplan2008.com website and blast the media, Chamber of Commerce, Lakeside Community Club, local businesses and others with knowledge of the committee, its purpose, the website link, and contact information all of this was done before the end of 2007.
- b. Continuing in 2008 and throughout the rest of the project, posters were left all over town and hand-outs were given at meetings – all explained the Committee's purpose and gave the website link and email address and encouraged public input. Status updates were presented to the Community Club, Chamber of Commerce and others.
- c. News media covered the formation of the committee, the process to join, and the website link and email address.
- d. The website became active in December 2007
- e. In addition, posters announcing meetings were hung in the Library and Post Office over the 3-year period. Meetings were also announced on the County's Calendar of Events web page.
- f. Cover letters, that went out with a community survey (February 2008 and May 2008), explained the purpose of the work and gave the website link and email address – between these two mailings, both local and absentee property owners would have the contact information and website for additional information and meeting schedules.
- g. Over the 3 years, news media periodically covered progress and continued to point to the website link for more information & meeting schedules.

**2. "denying participation on the committee"**

- a. In fact, a new committee member was added in late January 2008, following the prescribed process to send a letter/resume to the Community Council.
- b. A property owner claiming he was denied, in fact, asked a P&Z staff member if he could be on the committee since he was not a resident. This property owner never followed through and never sent a letter/resume to the Community Council. Yet, in fact, he participated in many meetings of the committee, providing valuable input, without being a voting member. He was never denied membership on the committee.
- c. Not a single one of the plaintiffs ever asked to be on the committee, or followed the process to do so, and most didn't attend any meetings.

**3. "secret meetings in Committee members' homes"**

- a. These meetings, along with all others, were posted on the Committee's Website – lakesideplan2008.com.
- b. These meetings were open to the public and, in fact, some were attended by members of the public.
- c. 12 of 72 meetings (16.7%) were held in Committee members' homes.
- d. The LAST meeting held in someone's home was October 13, 2008 – the other 60 meetings (83.3%) were held in 2008, 2009, and 2010 in places open and accessible – the minute it was brought to our attention in October 2008 that we should be meeting in more public places, we changed ALL subsequent meeting locations.
- e. After the complaint of meetings in homes came to our attention, the Committee completely went through the Plan again – twice – from page one – to give everyone another opportunity to comment.

**4. "A secret website for doing business without public participation"**

- a. The Yahoo Group is not a website – it is an email distribution list used to schedule meetings, send meeting reminders, share documents, reference material and sometimes opinions – all of which were later discussed in noticed meetings open to the public.
- b. No decision was ever made on the Yahoo Group.
- c. No business was ever concluded using the Yahoo Group.
- d. It is not possible to have a meeting on a Yahoo Group because there is no chat or conference capability.

**5. "meetings in places not ADA compliant"**

- a. Though the members' homes (12 meetings) are not likely ADA compliant, all other locations (and 60 other meetings), were ADA compliant.
- b. No one ever requested accommodation.
- c. To our knowledge, no one ever attempted to attend any meeting and could not due to physical restrictions. The plaintiffs have given no specific information such as name, date, place, time and the nature of the restricted access.
- d. It is ludicrous that this allegation is made over 3 years after committee meetings were held.

**6. "the Plan being written before work even started"; and "Plan was written without public input"**

- a. It is immediately evident from meeting minutes and the various Plan versions that no in depth writing of the plan occurred before August 2008.
- b. Following the revision process prescribed by the Growth Policy, the Committee went above and beyond requirements stated in the revision process for public input:
  - i. No community survey is required by the Growth Policy. The Committee conducted one and, between two mailings of the survey covered both local and absentee property owners. The survey was completed and all results (over 33% return) were collated and tallied prior to August 2008.
  - ii. Four (4) public workshops and an information booth at the Lakeside Fair were all held prior to August 2008.

**THURSDAY, JUNE 9, 2011  
(Continued)**

- iii. Later, when the draft plan was ready for public comment, legal notification and request for public comment on the draft Plan were sent officially from P&Z in late April 2009 to all property owners of record.
- iv. Two public comment periods (early May 2009 – late June 2009), a special meeting of the Community Council in July 2009 to hear public input, two Planning Board Workshops in 2009 and 2010, and a Planning Board hearing, legally noticed, were held prior to the Plan being submitted to this Board for adoption.
- v. All comments from public review of the draft Plan and all comments/suggestions from Planning Board workshops are documented, including their disposition and rationale for that disposition.
- vi. No one was ever prevented from providing input or participating in meetings.
- c. The document waved around in the Preliminary Hearing in February, purported by Plaintiff's attorney to be THE PLAN, created before any public input, is NOT and never was a neighborhood plan. This document was an "issue paper" created by Eric Giles in the summer of 2007 to help the Community Council and later the Committee understand the work to be done. This "Issue Paper" provided some helpful information about neighborhood plans and the history of Lakeside. Calling it the Neighborhood Plan produced before the committee was even formed is a gross misrepresentation of the truth.

**7. "destroying documents"**

- a. Some meeting reminders, and old draft versions of documents were, in fact, deleted due to space restrictions on the Yahoo Group. All documents and emails from the Yahoo group are on file in the P&Z office in either electronic or printed form.
- b. The Yahoo Group was never the official repository for Committee work. Again, all documents are kept on an external disk drive or hard copy at the P&Z office.

**8. "followed the revision process, but should have followed the new plan process"**

- a. In December of 2007, the Committee was considering expanding the planning area boundaries north of Spring Creek Rd. and were advised by the P&Z planner to follow the new process if the boundaries changed. In January 2008, committee was advised by the P&Z staff planner not to change the boundaries and therefore follow the revision process.
- b. The Growth Policy clearly defines the revision process and clearly states that Lakeside is one of the existing plans that would need revision to comply with the Growth Policy. The revision process was the appropriate process to follow.
- c. Plaintiffs additionally allege that the 1995 Plan states that a revision to the Plan should follow the process used to develop the Plan. Though this is true, they additionally allege and interpret this to mean following the new plan process in the Growth Policy. It is ludicrous that the Committee in 1995 was referencing a process that wasn't adopted until 2007. Assuming the 1995 Committee actually meant to follow the 1995 process to develop the original plan, this current revised plan went above and beyond steps taken in 1995 in developing the revised Plan.
- d. The Committee asked the Community Council, the Planning & Zoning Office and the County Attorney's office to review the process being used and they found nothing wrong.
- e. The independent private investigator hired by this Board, also found nothing wrong.

**9. "size of the revised Plan (167 pages replacing the old 22-page 1995 Plan) dictates it should have followed the new plan process"**

- a. The Growth Policy has no size requirements or restrictions. Size is not mentioned as a criteria in defining new versus revised processes.
- b. 15 years had elapsed since the 1995 Plan. The committee committed to do a thorough job investigating existing conditions and documenting them. Research, interviews with land and business owners, community surveys, and public workshops, occurred between December 2007 and August 2008, when in depth work began on the content of the draft revised plan, and continued throughout the rest of the process.
- c. 150 of the 167 pages are dedicated to background, processes, vision statement, existing conditions and analysis, goals & policies developed from the existing conditions and vision statement, and the history of Lakeside; 17 pages are devoted to future land use designations including a map.
- d. Requirements for plan contents dictated by the Growth Policy are comprehensive and required much more information than included in the 1995 Plan. The committee documented in the revised Plan the differences between Growth Policy requirements as compared to the 1995 Plan contents and the 2010 revised Plan contents. The increase in the number of pages is caused by the increase in content requirements specified in the Growth Policy
- e. The Bigfork Plan, revised, adopted in June 2009, and uncontested by lawsuits, followed the revision process. The final adopted version is 140 pages long.

Although the above iteration of allegations and facts might have been tedious or even boring to listen to, there is little or no basis for the allegations in this frivolous lawsuit that is wasting County staff and resources and attacking the integrity of the volunteers who spent thousands of hours working on the County's behalf. We ask that you be confident that the Plan Committee did the right thing throughout the process, correcting the few missteps as soon as we knew about them. We were never secretive, deceptive or in any way harmful.

We have a large amount of evidence, documentation and witness testimony and we are anxious for our day in court. The truth will prevail, as long as the evidence is presented in its entirety. We ask that this Board encourage and ask for energetic, experienced and impeccably prepared representation by the County Attorneys' office. Additionally, Lakeside would like to be included in meetings between the County Attorneys and this Board, if this lawsuit is to be discussed – one person would be sufficient. We additionally suggest that outside legal representation could be sought to supplement the County Attorney's office and help prepare the defense, if the Board sees fit to do so.

The undersigned ask for your support and the unwavering dedication of the County Attorney's staff to defend this lawsuit on your behalf. Thank you for listening.

**Debra Spaulding  
Barb Miller  
Rex Boller**

**John Ulrich  
Brent Hall  
Keith Brown**

**Jan Williams  
Mike Wilson  
Gene Shellrud**

**Mark Tanberg  
Craig Koontz  
Trevor Schaefer**

**Bob Berreth  
David Fetveit**

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

THURSDAY, JUNE 9, 2011  
(Continued)

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

[9:00:09 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 spoke about their role in the event of significant flooding and reviewed planner projects. Other items discussed included:

- continued work on ADA compliance issues
- creation of a process to deal with HB522 preliminary plat extensions
- creation of a customer service survey
- meetings held with developers and banks regarding various subdivisions
- zoning violations and enforcement issues
- budget issues and cost saving measures
- highway greenbelt - Noonan text amendment

General discussion was held relative to the feasibility of hiring a temporary employee to close out the community decay and violation report.

**CONSIDERATION OF PRELIMINARY PLAT EXTENSION AGREEMENT: VIKING MOUNTAIN RANCH**

[9:31:30 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, Planner Alex Hogle, Clerk Kile

Hogle explained HB522 was recently passed and provides that the governing body and a subdivider may extend a preliminary plat approval for a mutually agreed upon time. The draft agreement would extend Viking Mountain Ranch for an additional year to July 12, 2012.

Commissioner Lauman made a **motion** to approve the extension agreement for Viking Mountain Ranch to July 12, 2012. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**CONSIDERATION OF PRELIMINARY PLAT EXTENSION AGREEMENT: HIDDEN LAKES SUBDIVISION**

[9:34:16 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, Planner Alex Hogle, Clerk Kile

Hogle explained HB522 was recently passed and provides that the governing body and a subdivider may extend a preliminary plat approval for a mutually agreed upon time. The draft agreement would extend Hidden Lakes Subdivision for an additional year to June 27, 2012.

Commissioner Holmquist made a **motion** to approve the extension agreement for Hidden Lakes Subdivision to June 27, 2012. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**CONSIDERATION OF PRELIMINARY PLAT EXTENSION AGREEMENT: BEAR MOUNTAIN SUBDIVISION**

[9:35:14 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, Planner Alex Hogle, Clerk Kile

Hogle explained HB522 was recently passed and provides that the governing body and a subdivider may extend a preliminary plat approval for a mutually agreed upon time. The draft agreement would extend Bear Mountain Subdivision for an additional year to July 31, 2012.

Commissioner Lauman made a **motion** to approve the extension agreement for Bear Mountain Subdivision to July 31, 2012. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

THURSDAY, JUNE 9, 2011  
(Continued)

**BOARD APPOINTMENTS: SOLID WASTE BOARD & BIGFORK STORMWATER ADVISORY COMMITTEE**

[9:36:37 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 appoint Lorin Lowry to the Solid Waste Board. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

Commissioner Holmquist made a **motion** to appoint Harry Hyatt to the Bigfork Stormwater Advisory Committee. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: SUMMIT CONFERENCE ROOM RENTAL AGREEMENT/ AOA**

[9:38:02 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 document for signature for rental of the Summit conference room. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

**COS REVIEW: LENSER**

[9:45:33 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planner Allison Mouch, Dawn Marquardt, Deborah Lenser, Natalie Lenser, Clerk Kile

Mouch reviewed ownership and history of the proposed COS which had subsequent family transfers. She noted the owner Deborah Lenser would retain 10.82 acres and 10.79 acres is proposed to be transferred to her daughter, Natalie Lenser.

Commissioner Lauman made a **motion** to approve the COS for Lenser. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

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

[10:00:02 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

Carlson reviewed the request by the 911 Board to levy an additional \$800,000 of funds left on the table from the 2008 general bonds sold. She explained the original bond approved on November 4, 2008 gave them the authority to purchase the land, construct, equip and furnish the 911 Center, which ended up costing approximately \$9 million and the county bonded for \$6,100,000 since construction bids came in lower than anticipated. General discussion was held relative to maintaining a special revenue fund, PILT and a red flag policy. The following cash balance report was summarized.

**THURSDAY, JUNE 9, 2011  
(Continued)**

FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY11 beginning cash)	YTD CASH BALANCE AS OF May 31, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2011	PROJECTED DIFFERENCE	CASH RESERVE %
1000	GENERAL FUND	7,243,651	2,086,609	9,330,260	2,865,361	1,919,344	1,972,064	52,720	27.22%
2120	POOR FUND	281,083	71,616	352,699	97,014	78,261	41,616	(36,645)	14.81%
2130	BRIDGE FUND	958,380	260,948	1,219,328	493,361	339,221	317,389	(21,832)	33.12%
2140	WEED	610,132	159,213	769,345	35,028	268,663	136,978	(131,685)	22.45%
2160	COUNTY FAIR	988,860	311,314	1,300,174	336,886	139,227	58,306	(80,921)	5.90%
2180	DISTRICT COURT	733,628	204,694	938,322	303,048	251,302	159,053	(92,249)	21.68%
2190	COMP INS	860,000	220,965	1,080,965	149,352	189,302	229,369	40,067	26.67%
2210	PARK	605,366	162,659	768,025	207,721	216,372	144,453	(71,919)	23.86%
2220	LIBRARY	1,453,828	405,311	1,859,139	348,884	320,188	350,403	30,215	24.10%
2280	AREA ON AGING	243,576	42,203	285,779	40,566	100,048	83,780	(16,268)	34.40%
2290	4H/EXT	119,011	27,314	146,325	53,209	19,717	11,356	(8,361)	9.54%
2300	SHERIFF	8,897,258	1,776,161	10,673,419	1,256,160	1,671,375	2,168,310	496,935	24.37%
2370	RETIREMENT	3,199,368	868,314	4,067,682	657,980	1,314,153	1,243,262	(70,891)	38.86%
2380	GROUP INS	3,286,589	947,412	4,234,001	851,876	1,193,211	1,005,635	(187,576)	36.31%
2396	JUV DETENTION	648,783	193,932	842,715	208,718	221,255	181,808	(39,447)	28.02%
<b>TOTAL COUNTYWIDE NON-VOTED</b>		<b>30,129,513</b>	<b>7,738,665</b>	<b>37,868,178</b>	<b>7,905,164</b>	<b>7,236,004</b>	<b>8,291,358</b>	<b>1,055,354</b>	<b>27.52%</b>

  

FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY11 beginning cash)	YTD CASH BALANCE AS OF May 31, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2011	PROJECTED DIFFERENCE	CASH RESERVE %
2110	ROAD FUND	8,184,629	2,422,672	10,607,301	3,576,613	2,286,139	2,383,428	97,289	29.12%
2251	PLANNING	477,656	87,283	564,939	100,674	92,993	65,099	(27,894)	13.63%
<b>TOTAL OUTSIDE CITIES NON-VOTED</b>		<b>8,662,285</b>	<b>2,509,955</b>	<b>11,172,240</b>	<b>3,677,287</b>	<b>2,379,132</b>	<b>2,448,527</b>	<b>69,395</b>	<b>28.27%</b>

  

FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY11 beginning cash)	YTD CASH BALANCE AS OF May 31, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2011	PROJECTED DIFFERENCE	CASH RESERVE %
2270	HEALTH FUND	2,106,271	635,965	2,742,236	579,196	827,886	750,081	(77,805)	35.61%
<b>TOTAL LEVIED FUNDS</b>		<b>2,106,271</b>	<b>635,965</b>	<b>2,742,236</b>	<b>579,196</b>	<b>827,886</b>	<b>750,081</b>	<b>(77,805)</b>	<b>35.61%</b>

  

FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY11 beginning cash)	YTD CASH BALANCE AS OF May 31, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2011	PROJECTED DIFFERENCE	CASH RESERVE %
2200	MOSQUITO	248,211	42,251	290,462	60,676	51,488	45,259	(6,229)	18.23%
2272	EMS PROGRAM	283,160	56,867	340,027	115,806	97,382	53,001	(44,381)	18.72%
2273	SPECIAL EMS PROGRAM	431,850	47,635	479,485	32,713	219,260	47,635	(171,625)	11.03%
2372	PERMISSIVE MED LEVY	1,141,330	-	1,141,330	-	979,631	-	(979,631)	0.00%
2382	SEARCH & RESCUE LEVY	200,031	57,668	257,699	57,176	90,160	47,354	(42,806)	23.67%
2990	TRANSPORTATION	2,621,627	589,437	3,211,064	338,008	248,451	467,963	219,512	17.85%
3001	911 GO BOND DEBT SERVICE	414,869	54,182	469,051	-	275,969	335,427	59,458	80.85%
<b>TOTAL COUNTYWIDE VOTED/EXEMPT</b>		<b>5,341,078</b>	<b>848,040</b>	<b>6,189,118</b>	<b>604,379</b>	<b>1,962,341</b>	<b>996,639</b>	<b>(965,702)</b>	<b>18.66%</b>

  

FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY11 beginning cash)	YTD CASH BALANCE AS OF May 31, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2011	PROJECTED DIFFERENCE	CASH RESERVE %
2260	EMERGENCY/DISASTER	340,000	113,098	453,098	453,098	455,687	113,098	(342,589)	33.26%
<b>TOTAL OUTSIDE CITIES VOTED</b>		<b>340,000</b>	<b>113,098</b>	<b>453,098</b>	<b>453,098</b>	<b>455,687</b>	<b>113,098</b>	<b>(342,589)</b>	<b>33.26%</b>

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

10:16:09 AM

Members present:

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

Others present:

- Assistant Mike Pence, Virginia Sloan, Clerk Kile

Sloan met with the commission and discussed flooding issues taking place around the state. She noted a FEMA team is in place in Montana. Discussion was held relative to roads that are sloughing off due to extreme moisture, swipe fee interchange charges, funding issues for farm service agencies, local foreclosures, secure rural school funding, interoperability communications, CFAC and excessive airfare prices to fly out of Flathead Valley.

- 2:00 p.m. AOA Board meeting @ Kalispell Sr. Center**
- 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 June 10, 2011.

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**FRIDAY, JUNE 10, 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.

- 9:30 a.m. Commissioner Holmquist: District 10 & 11 meetings @ Lake County Courthouse, Polson**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 13, 2011.

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