
MONDAY, NOVEMBER 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.

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/ MARK CAMPBELL, FAIRGROUNDS

[9:00:42 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Fairgrounds Director Mark Campbell, Clerk Kile

Campbell met with the commission and reviewed current projects that included his participation in city meetings regarding the West Side Urban Planning Area, evaluating lighting at the Expo and Trade Center buildings, and prioritization of long-term projects. He reported he attended the annual Rocky Mountain Association of Fairs Conference in Billings. Discussion was held relative to senior access at the Fairgrounds and food court issues.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: LEGAL ADVERTISING FY2012

[9:15:10 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Lauman made a **motion** to authorize publication of the Call for Bids request for legal advertising for FY2012. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

CALL FOR BIDS

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

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

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

The bidder shall include with his bid a signed contract, which will be for a term of one (1) year, commencing **January 1, 2012**, and terminating **December 31, 2012**. The successful bidder will be required to furnish a bond in the amount of Two Thousand Dollars (\$2,000.00) signed by sufficient sureties, to secure the contractor's covenant to faithfully perform all of the conditions of the contract in accordance with the law and that contract.

All sealed bids, plainly marked "**SEALED BID - LEGAL ADVERTISING**" must be in the hands of the Clerk to the Board of Commissioners, , 800 South Main Street, Kalispell, Montana 59901, at or before **9:45 o'clock a.m.** on **December 8, 2011**. Bids will be opened and read immediately thereafter in the Commissioners' Office at the Courthouse, 800 South Main Street, Kalispell, Montana.

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

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

DATED this 14th day of November, 2011.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on November 18 and November 25, 2011.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TAX INCENTIVE REQUEST/ APPLIED MATERIALS

[9:16:15 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Holmquist made a **motion** to authorize publication of the Notice of Public Hearing for Applied Materials. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

MONDAY, NOVEMBER 14, 2011
(Continued)

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Sections 15-24-1402 and 76-15-103, M.C.A., that it will hold a public hearing to consider the application of Applied Materials, Inc. successor of Semitool, Inc., located at 3850 Hwy 2 East and 655 West Reserve Drive in Kalispell, Montana, seeking the application of tax reducing benefits for the modernized and/or improved equipment at the main plant located on West Reserve Drive and additional lab equipment items for the plant located on Hwy 2 East. If the application is granted, the new construction will be taxed at fifty percent of its taxable value in each of the first five years after approval; in each year thereafter, the percentage will be increased by equal percentages until the full taxable value is attained in the tenth year.

The public hearing will be held on the 12th day of **December, 2011**, at **9:45 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Montana, Courthouse, 800 South Main Street, 3rd Floor, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the application for tax reduction of Applied Materials, Inc. successor of Semitool, Inc.

DATED this 14th day of November, 2011.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on November 17 and December 1, 2011.

DOCUMENT FOR SIGNATURE: BUY-SELL AGREEMENT / SOLID WASTE DISTRICT PROPERTY

[9:15:44 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Public Works Director Dave Prunty, Clerk Kile

Prunty reported the Solid Waste Board has recommended the commission move forward with the purchase of property at 4150 Hwy 93 North, next to the landfill. He noted the property was appraised at \$650,000 and shortly thereafter went down to \$600,000 after a scale house on the property was sold. He stated the price is currently \$552,000, which is eight percent below appraisal.

Commissioner Lauman made a **motion** to approve the buy-sell agreement for Solid Waste to purchase property. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DEQ CONTRACT #212040

[9:21:17 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Holmquist made a **motion** to approve signature of DEQ Contract #212040. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

MONTHLY MEETING W/ DAVE PRUNTY, ROAD DEPT.

[9:28:56 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Prunty reported on winter preparation work taking place and spoke about pending projects with the Road Advisory Committee (RAC). He spoke about the potential loss of funding from Rural Schools and summarized asphalt work done this past summer

OPEN BIDS: RUBBER TIRE HYDRAULIC EXCAVATOR

[10:00:48 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Public Works Director Dave Prunty, Fleet & Shop Supervisor Corey Pilsch, Clerk Kile

One bid was received from Triple W Equipment for \$179,000.

Commissioner Lauman made a **motion** to take the bid under consideration. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

MONDAY, NOVEMBER 14, 2011
(Continued)

CONSIDERATION OF LAKESHORE PERMIT/ SPEARING & HARVEY

[10:00:12 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Planner Bailey Minnich, Clerk Kile

Minnich reviewed Lakeshore Permit FLP 11-60; an application submitted by Steve Harvey to replace an existing rotten timber retaining wall with a new dry stacked anchor diamond retaining wall.

Commissioner Holmquist made a **motion** to approve Lakeshore Permit FLP 11-60 with attached conditions. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: CHANGE ORDER NO. 8/ COURTHOUSE RENOVATION

[10:02:10 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Clerk Kile

Pence reviewed Change Order No. 8 from CTA Engineering for the following additional remodel improvements to the Courthouse.

- Main historic stair structural rebuild \$33,760
- Foundation drainage improvements and underground electrical work \$28,791

Commissioner Lauman made a **motion** to approve Change Order No. 8 for Courthouse renovation work. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: STANDARD AGREEMENT FOR ENVIRONMENTAL REPORT ON EAST AND WEST ANNEX/ MORRISON & MAIERLE

[10:03:40 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Clerk Kile

Pence noted no bids were received for either the East or West Annex buildings at the auction held on November 10, 2011. He stated an environmental assessment is required before the county can demolish the buildings. The proposed cost is \$1,750 per building plus sampling costs of \$25 each.

Commissioner Holmquist made a **motion** to approve signature of the document with Morrison & Maierle for an environmental report. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

MEETING W/ JIM STACK, WHITEFISH LAKESHORE PROTECTION COMMITTEE

[10:15:43 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Planning & Zoning Director B.J. Grieve, Jim Stack, Clerk Kile

Stack met with the commission and spoke about his concern regarding a potential jurisdictional change in the Whitefish doughnut area. He explained he has been a member of the Whitefish Lakeshore Protection Committee for 20 years and has felt the full impact of every previous change made. He said if there is a split jurisdiction with the county taking over the obvious thing would be that the lakeshore regulations would revert back to the 1994 version. The 2008 update he explained was done for clarification to make the regulations easier to understand and administer. Stack stated if there is any common ground between the commissioners and the city council, he urged them to explore it. He further spoke about the pending results of the doughnut survey, the referendum, electing or appointing a land use advisory council and old lakeshore records.

Chairman Dupont said he appreciated his concern, yet could point out differences that have happened between Flathead County and the City of Whitefish. He stated in the 2010 agreement they did come to many resolutions, and to just arbitrarily throw it out thinking you will go back to something that does not exist does not work with Flathead County, however, on the other hand there were a lot of good things that happened too. Dupont said I haven't had a complaint regarding the lakeshore in a couple of years; short of a couple of disagreements. He explained they have been told that a LUAC is only advisory and those in the doughnut still would not have a voice.

Stack commented he does not want to be involved, as they have stayed out of every jurisdictional dispute between the city and county for good reason; they are the continuity for the lakeshore regulations, and would like to keep it that way.

Chairman Dupont stated it is not a closed door.

MEETING W/ SUSAN NICOSIA/ CITY OF COLUMBIA FALLS RE: 3RD AVENUE EAST BIKE/ WALK PATH, CTEP FUNDS

[10:30:20 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Planning & Zoning Director B.J. Grieve, Planner Alex Hogle, Susan Nicosia, Clerk Kile

Nicosia met with the commission and explained Flathead County was in the process of adopting a policy regarding procedures for awarding CTEP funds when the original request for a bike path along 3rd Avenue East in Columbia Falls started. She asked for commissioner assistance in securing funds before 2013. The amount being requested being \$57,400.

MONDAY, NOVEMBER 14, 2011
(Continued)

Grieve reviewed the following CTEP allocations to date.

Rural Flathead County CTEP allocation:	
Total allocation as of 11/14/11:	\$749,543
Committed to Lakeside/Blacktail Trail:	-\$300,000
Committed to Swan River Trail:	-\$300,000
Currently Uncommitted Allocation:	\$149,543
<i>Anticipated FY2011 CTEP Allocation (Winter 2011/2012):</i>	<i>Approximately \$300,000</i>
Total Anticipated Available for Commitment October, 2012	Approximately \$449,543
Potential Rural Flathead County Projects (October, 2012):	
<ul style="list-style-type: none">• Fairgrounds improvements (perimeter walking path & internal improvements)• “Gateway to Glacier” (Fundraising per Co. policies in progress)• Sam Bibler Memorial Trail (+\$118,000 from Kalispell, 2010 MOU)• West Reserve Drive Trail (Country Estates HOA)• North Whitefish Lake Trail System	

He then explained how CTEP dollars are allocated to five local entities; Flathead County, the tribe and three cities. He noted each receives an annual amount based on their population from MDT. He stated where it stands per our policies rural Flathead County projects would get first crack at the pot of money, and if there are not projects or projects are deemed not sufficient, then the next step is to make it available to the tribe and three cities for projects they may have ready to go.

Nicosia explained her request came in during the same week the policy document was being prepared.

Chairman Dupont asked if the trail in Columbia Falls had been started.

Nicosia said they have awarded a revised bid and are building from the highway to 7th Street. She noted at this time they can't complete the trail; obviously we don't have all the money, but a bid was awarded for \$135,000 with the plan to continue the path as funding became available.

Grieve noted solicitation has not gone out to all the cities for any re-allocation of county CTEP funds. He said he feels there are also a number of trail projects both in the City of Kalispell and Whitefish who would also be interested in securing CTEP funds.

Commissioner Holmquist commented that looking at what is before us today it doesn't look like there are any funds at this time to put towards any particular project. She stated a priority to her would be to put the funds towards a county project.

General discussion continued in regards to funds committed and anticipated funds.

Hogle clarified if the county was to assist Columbia Falls with the requested amount, next fall they would have roughly \$90,000 remaining, plus whatever is received this winter for allocations.

General discussion continued and the commission unanimously suggested the City of Columbia Falls submit an application for review next October, and they will look at what applications are received at that time.

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

[10:56:23 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Kirby Campbell-Rierson, Virginia Sloan, Clerk Kile

Discussion was held relative to TIGER grant funding, measures to halt post office closures, veterans' job bill, homeland security, potential loss of Secure Rural Schools funding, Big Mountain Jesus statue on Forest Service land, Whitefish doughnut issues, finding of milfoil in Beaver Lake and radio communication concerns.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 15, 2011.

TUESDAY, NOVEMBER 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.

- 10:00 a.m. Commissioner Holmquist: Flathead Wastewater Management meeting @ Earl Bennett Bldg.**
- 1:00 p.m. Commissioner Holmquist: Flathead TMDL meeting @ Montana, Fish Wildlife & Parks**

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

WEDNESDAY, NOVEMBER 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.

- 9:15 a.m. RSVP Board meeting @ Heritage Place**
- 10:00 a.m. Commissioner Holmquist: Flathead Basin Commission meeting in Pablo**
- 11:00 a.m. County Attorney meeting @ Co. Atty's Office**
- 6:30 p.m. Fair Board meeting @ Fair Office**

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

THURSDAY, NOVEMBER 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.

- 9:30 a.m. Commission to canvass Kalispell City election in Commissioners Conference Room**

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

FRIDAY, NOVEMBER 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.

- 9:15 a.m. Commissioner Lauman: Mental Health Board & CDC meetings in Hamilton**

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