
MONDAY, NOVEMBER 21, 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.

Teresa Holman, Account Manager for Century Link expressed her thoughts in regards to the remarkable job done in remodeling the courthouse.

John Bemis, Statewide Market Development Manager with Century Link advised the commission if they need anything to feel free to contact him.

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

[9:00:06 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, AOA Director Jim Atkinson, Clerk Kile

Atkinson met with the commission and explained AOA is busy with Medicare Part D open enrollment. He reported bus rider ship and meal support services for seniors is continuing to stay busy.

General discussion was held relative to funding of congregate meals and senior citizen access to the N.W. Montana Fair.

QUARTERLY MEETING W/ MINDY COCHRAN, GIS

[9:16:35 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, GIS Director Mindy Cochran, I.T. Director Vicki Saxby, Clerk Kile

Cochran met with the commission and reviewed ongoing data maintenance projects, which included naming of five roads, addition of 1,165 addressing records into their data base, addition of 318 road segments, filed/drafted 161 COS's and filed/drafted 51 subdivision plats. Other work included fulfilling 20 map orders and preparation of 25 ownership lists. It was reported the Road Department GPS road culvert data has been completed on the interactive mapping website, and a septic data project for the Health Department was completed. Cochran spoke about complications regarding addressing issues that will need to be dealt with when construction begins on West Reserve Drive.

PUBLIC HEARING: TAX INCENTIVE REQUEST/ TOTAL LABEL USA, LLC

[9:30:36 AM](#)

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

Chairman Dupont reported the company continues to make additional improvements as well as hiring additional employees.

Chairman Dupont opened the public hearing to anyone wishing to speak in regards to the tax incentive request from Total Label, USA.

No one rising to speak, Chairman Dupont closed the public hearing.

Commissioner Lauman made a **motion** to approve Resolution 2315. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

RESOLUTION NO. 2315

WHEREAS, the Board of Commissioners of Flathead County, Montana, passed Resolution No. 476 on April 8, 1983, and Resolution No. 476A on February 21, 1984, allowing tax benefits for new or expanding industry in Flathead County;

WHEREAS, Total Label USA, LLC of Whitefish, Montana, has applied for the tax benefits with regard to the additional purchase of equipment and improvements added to the current facility located at 500 Label Lane, Whitefish;

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing under the provisions of section 15-24-1402, M.C.A., on the 21st day of November, 2011, concerning the request for tax benefits filed by Total Label USA, LLC; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, having reviewed the application of Total Label USA, LLC, and the testimony presented at the public hearing, has concluded that the application for tax reduction benefits meets the requirements of the applicable statutes and resolutions.

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NOW, THEREFORE, BE IT RESOLVED that the additional \$1,421,537.00 worth of new equipment and improvements added to the Total Label USA, LLC located on 500 Label Lane, Whitefish, Montana, shall be granted the tax benefits set forth in Resolution Nos. 475 and 475A and Section 15-24-1402, M.C.A., and the added value will be taxed at fifty percent of its taxable value in the first five years after approval; in each year thereafter, the percentage will be increased by 10 percent until the full taxable value is attained in the tenth year.

DATED this 21st 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/Dale W. Lauman
Dale W. Lauman, Member

By/s/Diana Kile
Diana Kile, Deputy

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

BOARD APPOINTMENTS: OLNEY RURAL FIRE DISTRICT

[9:44:18 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Fire Services Area Manager Lincoln Chute, Clerk Kile

Commissioner Holmquist made a **motion** to appoint Vincent Marks, Gary Kober, Merlyn Rose and Laurel Therrien to the Olney Rural Fire District. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: 48 NORTH SERVICE ORDER NO. 3/ ELECTRIC AVENUE NORTH

[9:46:29 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Grant Writer Debbie Pierson, Brett Walcheck, Clerk Kile

Commissioner Lauman made a **motion** to approve Service Order No. 3 for work on Electric Avenue North. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

CONSIDERATION OF PRINT BIDS: JUSTICE COURT & HEALTH DEPT.

[9:52:09 AM](#)

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

Commissioner Lauman made a **motion** to award the print bid to Trippet's Printing for 1,000 laser checks with bottom stubs for the Justice Center for \$159.50. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

Commissioner Holmquist made a **motion** to award the print bid from Insty Prints for 500 business cards for \$29.95, 3-sets of 500 business cards for \$89.90 and 4,000 appointment cards for Family Planning for \$160.30 for the Health Department. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

CONSIDERATION OF PRELIMINARY PLAT EXTENSION AGREEMENT: SADDLEHORN II

[9:48:14 AM](#)

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

Hogle reviewed the request submitted by Michael Fraser on behalf of Saddlehorn II for a second one-year extension per statue. He explained a prior one-year extension was granted on October 12, 2010, and the one-year extension will extend to December 12, 2012. Hogle noted for the record Saddlehorn II has not gone final yet and is still considered a preliminary PUD, which is not addressed in HB522. He noted a provision in the subdivision regulations lay down expectations regarding PUD's, including what would trigger expiration or termination. He stated planning staff has been in contact with Saddlehorn regarding progress of the PUD.

Commissioner Holmquist made a **motion** to approve a one-year preliminary plat extension for Saddlehorn II until December 12, 2012. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

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

[9:54:31 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 Bruce Solberg, Executive Director for Bigfork Chamber submitted road closure permits for 2012 for three annual events: 4th of July Parade, Bigfork Festival of the Arts and Bigfork Car Show.

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Commissioner Lauman made a **motion** to approve the temporary road closure permits for Grand Drive and Electric Avenue for the annual events. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

AUTHORIZE DAVE PRUNTY AS SIGNATORY: CLOSING DOCUMENT ON SOLID WASTE DISTRICT PROPERTY

[9:56:17 AM](#)

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

Commissioner Holmquist made a **motion** to authorize Dave Prunty as signatory for closing documents with the title company for the purchase of property at 4150 Hwy. 93 North, Kalispell. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

PUBLIC HEARING: ROAD ABANDONMENT #484 (PORTION RIVER DRIVE, HUNGRY HORSE)

[10:00:41 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Darlene Wagner, Carol Johnson, Paul Salmonsens, Clerk Kile

Chairman Dupont opened the public hearing to anyone wishing to speak in regards to Road Abandonment #484.

Carol Johnson spoke in support of the road abandonment.

Darlene Wagner, 100 River Drive spoke in support of abandoning the road.

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

Chairman Dupont stated he looked at the proposed abandonment, and sees no problems regarding access or utility concerns.

Commissioner Lauman made a **motion** to approve Road Abandonment #484 subject to any easements present and the conditions on the viewers report. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

DISCUSSION RE: WHITEFISH DOUGHNUT AREA

[10:15:20 AM](#)

Chairman James R. Dupont, Commissioner Dale W. Lauman, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Public Works Director Dave Prunty, Lyle Phillips, Brian Westpahl, Rick Blake, John Lacey, Clerk Kile

Chairman Dupont reviewed events leading up to the City of Whitefish passing a referendum to abandon the 2010 Interlocal Agreement. He stated that obviously creates issues with the county; the main issue being the referendum in essence canceled the 2010. Looking at the 2005 in my opinion went away when the 2010 Interlocal Agreement was done. He added I do not feel legitimately the 2005 exists anymore. Dupont stated the referendum in itself was voted on by city residence that have no skin in the game financially or otherwise, to make decisions on people who live in the doughnut who had no right to vote. We are right back to where we were prior to any discussions we had over the past couple of years he noted; no representation for the citizens living in the doughnut area. He said the 2010 Interlocal Agreement was at least a document that compromised and certainly, there was compromise on the part of the city and county. He expressed thanks and appreciation to Lyle Phillips and Diane Smith who put an awful lot of time and effort into coming up with a solution for the 2010 Interlocal Agreement as well as did Bill Kahle and Chris Hyatt. Dupont said the 2010 Interlocal Agreement gave them a termination date in the event things could not be resolved, and recommended the county take back jurisdiction of the doughnut area.

Grieve briefed the commission on what steps would need to be taken by the Planning & Zoning Office in order to take back jurisdiction. He reviewed three conceptual ways to proceed under statute.

Commissioner Lauman asked what affect interim zoning would have on those living in the doughnut area.

Grieve said they would take the map and identify the closest equivalent county zone, which would be proposed to replace it as long as it generally complied with the plan as well. He further said once the interim zone was adopted then the county would have a Growth Policy that claims jurisdiction, and a plan which sets up the designations. Once interim zoning is adopted, which reflected the plan they would then be zoned by the county and would start coming to Flathead County Planning and Zoning Office. He added in terms of floodplain administration if the county chooses to proceed, it would be assumed, at that point, the county would need to start administering a floodplain program and lakeshore regulations.

Commissioner Lauman said there has been so much confusion and animosity over the whole situation that he would like to make it a smooth transition so those in the doughnut area know where to go; interim zoning could help ease the transition from city to county control.

Commissioner Holmquist said she too would agree. She thanked Chairman Dupont and the members on the committee who tried to work out a deal; it's unfortunate it turned out as it has. Holmquist added she feels the 2005 agreement does not exist. She stated it is important for the doughnut residence to have some direction to move forward, and added she hoped the county could work the situation out with all the entities involved.

Chairman Dupont said he felt interim zoning would be the way to go, and stated he likes the idea of having an ad hoc committee consisting of those living in the doughnut.

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Grieve explained his staff could begin moving forward with the process of an interim zoning district immediately, and once that is adopted the next step would be to move forward with updating the 1996 City-County Master Plan. He clarified the ad hoc committee would work on the subsequent planning process and not the interim zoning.

Commissioner Lauman suggested a motion be made to proceed with interim zoning in the Whitefish doughnut area.

Unanimous commissioner approval was given to add this as an agenda item for action.

CONSIDERATION OF LAKESHORE PERMIT: EVANS

[10:47:26 AM](#)

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

Minnich entered into record Lakeshore Permit FLP 11-59; an application submitted by Tom and Julie Evans to construct a gravel boat ramp for private access on Lake Blaine at 735 Yeoman Hall Road.

Commissioner Holmquist made a **motion** to approve Lakeshore Permit FLP 11-59 with proposed conditions. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 22, 2011.

TUESDAY, NOVEMBER 22, 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: MDOT conference call re: Badrock Canyon Corridor Study**
- 12:00 p.m. Commissioner Holmquist: MWED Board of Directors meeting @ Glacier Bank**
- 12:00 p.m. CDC meeting @ Three Rivers Bank**
- 5:00 p.m. Commissioner Dupont: Refuse Board meeting @ Solid Waste District Conference Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 23, 2011.

WEDNESDAY, NOVEMBER 23, 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 November 24 2011.

THURSDAY, NOVEMBER 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.

COUNTY OFFICES CLOSED – THANKSGIVING HOLIDAY

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

FRIDAY, NOVEMBER 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.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 28, 2011.
