
MONDAY, JANUARY 16, 2012

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

COUNTY OFFICES CLOSED – MARTIN LUTHER KING, JR. DAY

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 17, 2012.

TUESDAY, JANUARY 17, 2012

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

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

[9:00:58 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Atkinson reviewed bus ridership and meal statistics with the commission. He explained a new bus route is in the works that will serve the north and west ends of Kalispell. Atkinson reported the new RSVP Program Manager hired is Sue Holst and Wendy Jeschke is the new RSVP Volunteer Coordinator.

MONTHLY MEETING W/ MARK CAMPBELL, FAIRGROUNDS

[9:15:06 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Fairground Operations Manager Mark Campbell, Clerk Kile

Campbell reported the Fair Board continues to research and prioritize long term strategic plans, and are also in the process of forming a small ad hoc committee that will present suggestions to the Fair Board looking from the outside in. He stated testing results for hazardous material from the Lewis home next to the fairgrounds property was all negative, and the next step if removal is recommended by the Fair Board would be to have the home declared surplus. In other business, he reported the old archery building was removed from the fairgrounds, work is being done to improve their web-site and a new kid land zone will be available this year during the fair. He noted the fair theme chosen this year is "Vote for Fun" with voting tokens to be handed out at the entrance gate for voting of a favorite animal. Campbell reported entertainment chosen for the 2012 fair will be from Steven Curtis Chapman and Rodney Atkins. He explained a lot of decisions are yet to be determined regarding horse racing this year.

PUBLIC HEARING: KLEVMOEN ZONE CHANGE/ WILLOW GLEN ZONING DISTRICT

[9:30:34 AM](#)

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

Hogle entered into record Staff Report FZC 11-04; a request submitted by Phillip Klevmoen with technical assistance from Sands Surveying to change zoning from R-1 Suburban Residential to B-2 General Business. The property is located on the south side of Hwy 35 between Helena Flats Road and Bernard Road in the Willow Glen Zoning District. He noted the property is generally surrounded by residential and business zoning designations. Hogle stated water and sewer connections are near on the south side of the road, yet connection to them would require coordination with the district and the City of Kalispell. He noted the property is in the 100 year floodplain.

Chairman Lauman opened the public hearing to anyone wishing to speak in regards to the zone change request.

Erica Wirtala, representing the applicant stated the owner has no immediate plans for the property. She noted the request is an extension of an existing B-2 zoning designation.

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

Commissioner Holmquist made a **motion** to approve Resolution of Intent #654BI/ Klevmoen Zone Change. Commissioner Dupont **seconded** the motion.

Discussion was held relative to sewer hook-up concerns.

Aye - Lauman, Dupont and Holmquist. Motion carried unanimously.

Commissioner Dupont made a **motion** to authorize publication of the Notice of Passage of Resolution of Intent and authorized chair to sign. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Dupont and Holmquist. Motion carried unanimously.

**TUESDAY, JANUARY 17, 2012
(Continued)**

RESOLUTION NO. 654 BI

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 17th day of January, 2012, to consider a request by Phillip Klevmoen, to change the zoning designation in a portion of the Willow Glen Zoning District from R-1 (Suburban Residential) to B-2 (General Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on January 3 and January 10, 2012;

WHEREAS, the Board of Commissioners received public comment on the proposed zoning change;

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed zoning change; and

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts Findings of Fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning for a portion of the area in the Willow Glen Zoning District from R-1 (Suburban Residential) to B-2 (General Business), as Parcel A of Certificate of Survey No. 15472 (Assessor's Tract 3P) located and being in the Southeast Quarter of the Northwest Quarter (SE ¼ NW ¼) of Section 3, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana. The property is located at 1730 MT Hwy 35 and containing 1.8 acres

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Willow Glen Zoning District to be changed, the general character of the proposed change in regulations for the area, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Willow Glen Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from owners of real property within the Willow Glen Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders within the Willow Glen Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 17th day of January, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
WILLOW GLEN ZONING DISTRICT**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 654 BI) on January 17, 2012, to change the zoning designation in a portion of the Willow Glen Zoning District from R-1 (Suburban Residential) to B-2 (General Business).

The boundaries of the area proposed to be amended from R-1 to B-2 are described as Parcel A of Certificate of Survey No. 15472, (Assessor's Tract 3P) located and being in the Southeast Quarter of the Northwest Quarter (SE ¼ NW ¼) of Section 3, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana. The property is located at 1730 MT Hwy 35 and containing 1.8 acres.

The proposed change would change the general character of the zoning regulations applicable to the property from an area intended to provide estate type development normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, (e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc.), to an area intended to provide for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities and by businesses serving the general needs of the tourist and traveler.

The regulations defining the R-1 and B-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, and the Flathead County Planning and Zoning Office, located at 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: http://flathead.mt.gov/planning_zoning. Documents related to the proposed amendment are also on file for public inspection at the Office of the Clerk and Recorder and at the Flathead County Planning and Zoning Office.

**TUESDAY, JANUARY 17, 2012
(Continued)**

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Willow Glen Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 17th day of January, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on January 21 and January 28, 2012.

DISCUSSION RE: CREATION OF RSID/ MONEGAN ROAD

[9:45:14 AM](#)

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

Pence updated the commission regarding creation of an RSID for Monegan Road. He explained he is working with the City of Whitefish in regards to boundary issues.

COUNTY COMMISSIONER REDISTRICTING

[9:46:44 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Judge Lympus, Clerk & Recorder Paula Robinson, GIS Analyst Nathan Holm, Public Works Director Dave Prunty, Clerk Kile

Steele explained the commission is required to change boundaries of their districts after the census in order to have the population and land mass in each district as equal as they can get. He noted with the Bob Marshall Wilderness and Glacier National Park it is difficult to have the land mass equal.

Commissioner Holmquist made a **motion** to accept redistricting the county commissioners. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Dupont and Holmquist. Motion carried unanimously.

Steele explained the next step is to file a metes and bounds certificate with the Clerk and Records Office of each district.

QUARTERLY MEETING W/ CHUCK CURRY, SHERIFF

[10:00:43 AM](#)

This meeting was not held.

PUBLIC HEARING: ROAD ABANDONMENT #485 (PORTION OF 2ND STREET EAST, HUNGRY HORSE)

[10:30:22 AM](#)

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

Steele reported the proposed road abandonment was previously platted and is currently woods. He stated neither he nor the Road Department have any objections to the abandonment.

Chairman Lauman opened the public hearing to anyone wishing to speak in regards to the road abandonment.

Darlene Wagner, 100 River Drive, Hungry Horse said she previously closed another portion of the road last year before she knew her neighbor would be willing to sign the petition to close this portion as well. She questioned the possibility of putting up a "Dead End" sign if the abandonment was approved.

Chairman Lauman advised her to call the Road Department for direction in putting up signs.

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

Commissioner Dupont made a **motion** to approve Road Abandonment #485. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Dupont and Holmquist. Motion carried unanimously.

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: CITIZENS FOR A BETTER FLATHEAD V. BOARD OF COUNTY COMMISSIONERS

[10:34:00 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Clerk Kile

Commissioner Holmquist made a **motion** to authorize the County Attorney's Office to accept service for Citizens for a Better Flathead v. Board of County Commissioners. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Dupont and Holmquist. Motion carried unanimously.

TUESDAY, JANUARY 17, 2012
(Continued)

CONSIDERATION OF ADOPTION OF RESOLUTION: PROTECTION OF WASTEWATER FACILITY INFORMATION

[10:35:01 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Clerk Kile

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

DOCUMENT FOR SIGNATURE: CHANGE ORDER NO. 9/ COURTHOUSE RENOVATION

[10:37:35 AM](#) & [11:25:35 AM](#)

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

Pence reviewed the change order that included miscellaneous tower lighting, miscellaneous finish items, south plaza pedestrian concrete work, re-installing the condensing unit, site lighting, canopy gutters, city code upgrades and many other miscellaneous finish items.

Commissioner Dupont made a **motion** to approve Change Order No. 9. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Dupont and Holmquist. Motion carried unanimously.

BOARD APPOINTMENTS: STILLWATER COUNTY WATER & SEWER DISTRICT

[10:37:52 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Clerk Kile

Commissioner Holmquist made a **motion** to appoint Brigitte Waller, John Guymon and Tonia Gardner to Stillwater County Water and Sewer District. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Dupont and Holmquist. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: CONOCO PHILLIPS COMPANY ROYALTY AGREEMENT/ ANIMAL SHELTER

[10:38:23 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, Clerk Kile

Pence explained land in North Dakota was donated to Flathead County Animal Shelter which would allow the Animal Shelter to receive revenue from mineral royalties.

Commissioner Dupont made a **motion** to sign the Conoco Phillips Company Royalty agreement. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Dupont and Holmquist. Motion carried unanimously.

PUBLIC MEETING RE: PEWITT LANE

[10:45:22 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Deputy County Attorney Peter Steele, GIS Analyst Nathan Holm, Dennis Pewitt, Neil Sheeran, Connie Sutliff, Charles Sutliff, Clerk Kile

Nate Holm's reported Pewitt Lane was originally named via petition in 1989. In 2011 Charlie and Connie Sutliff purchased the property from Valley Bank. Holm's explained in November of 2011 the GIS Department received a call from Charlie and Connie Sutliff indicating they would like to have an address assigned off of Coon Hollow Road, because Pewitt Lane is a private driveway that no longer serves the original land owners. He noted because of Resolution #1626B, which they follow for all addressing and road naming procedures it requires that all addressable structures and properties be addressed on the named road. He stated as such the private road currently named Pewitt Lane would have to be unnamed in order to accommodate a Coon Hollow Road address on the Sutliff property. Also noted is Pewitt Lane is gated now and does not provide access to the Pewitt property, which is addressed 100 Pewitt Lane. Holm's further added because the Sutliff's do not want to use the name Pewitt Lane, it was suggested the private road currently named Pewitt Lane could be unnamed, and either of the private roads providing access to the Pewitt property could then be named Pewitt Lane. If that were to happen he explained the Sutliff property would be readdressed to Coon Hollow Road, and the Pewitt property would retain its current address and see no real change. A letter was sent to the Pewitt's outlining two choices: name their access road Pewitt Lane and not be readdressed, or be readdressed to Seely Lane. Holm's stated he received a phone call from Mr. Pewitt indicating he did not agree with either proposal, and would contact the Flathead County Attorney's Office.

Steele explained he suggested the GIS Department schedule this meeting in order for landowners to briefly state their concerns. He stated this is not a hearing, but an un-naming of a road as opposed to naming of a road. Steele said we need good addresses in order for EMS to locate homes. He noted Pewitt Lane is a private road and not a county road.

Dennis Pewitt said there are more uses for the road than just a driveway to his home. He stated the county requested permission to pump water out of the lake for their fire trucks, and he paid \$8,000 to gravel the road 10 inches deep in order that it could handle large trucks. Pewitt explained it has been his primary as well as emergency entrance for 22 years, which the new owners of the property knew going into and have totally ignored. He stated his other access is not an improved road and fire trucks would not be able to use it during certain parts of the year. He stated the road is critical to the value of his property, and to pull the road out as his primary access to his 40 acres would gravely affect him. Pewitt commented in order to sell the property in this market without the primary access would be tough to do with the new owners having gated it off. He stated the only way they legally have been able to do so is because of his lack of funds to fight them.

TUESDAY, JANUARY 17, 2012
(Continued)

Steele pointed out the issue before the commission today is not about the legal status of the road. He said it is a private road, and whether it is owned by Mr. Pewitt or not is not for the commission to decide. Steele stated the current concern is a safety issue. He commented that GIS Analyst Nate Holm suggested to Mr. Pewitt that the naming of Pewitt Lane be off of Seely Lane so he would not have to change his address.

Dennis Pewitt said he at one time asked the county to change the name of the road, and was told that he would need a signature from every person on the road in order to do so. He explained there is another property that currently touches the entrance so they would have to be involved in the name change as well he stated, and he himself is definitely not going to have any part in changing it. Pewitt stated the new owners purchased the property knowing what the name of the road was, and knowing there was a road through the property. For that reason he said they received a deal on the property, because the bank had trouble selling it because it had a road going through the middle of it. He explained it is important that the road be left open in order for fire trucks to have access. Currently the new owners have put a gate in the middle of the road on both ends to keep them from coming through the property, knowing he doesn't have the means of fighting it financially right now.

Neil Sheeran stated he has known Mr. Pewitt for 35 years and has lived on the property for approximately 12 years. He said he spoke to the Sutliff's when they were looking at the property, and he discussed with them the road which he informed them was the primary access. He stated Mr. Sutliff asked him if they would consider abandoning the road and making their driveway one or the other two dirt roads that go into the property. Sheeran said he told the Sutliff's at that time they would not. He said later the mortgage company was contacted who suggested the issue be resolved before closing on the property, so issues would not be between the Sutliff's and them. He stated the bank did nothing. They as well have discovered the bank has stolen 8/10th of an acre away from an adjoining property owner, which they weren't going to correct either. He explained the problem to the Sutliff's, and again a conversation came up about abandoning the driveway, which they were told again they would not and why. He stated the Sutliff's made the decision for them without going through due process, and like the county attorney said this is the un-naming of a road which currently there is no provision for in Resolution #1626B. Sheeran said use of the driveway for 22 years has already been established. He noted the county road ends at Mr. Pewitt's property and from there it is all private road; if we were to put a gate across the road the neighbors would bulldoze the road over and the county attorney would probably be there to tell them they didn't have the right to do that. He said the fact that Mr. Sutliff has put in a gate does not in fact make that in itself right. The sign naming the road he said has been removed also. The Sutliff's were clearly warned he said that the road served the property. Sheeran said their request is that the commissioners don't have a part of their actions.

Charlie Sutliff current owner of the property presented a copy of a letter from his attorney to the commission. He said when the title search was done they went into this knowing that the road was a private road from the beginning and that there were no reserved easements by the Pewitt's for what is now a private drive. He noted they had an easement on Seely Lane, which also goes through their property to access their daughter's residence. The Pewitt's and Seely's have an adjoining road that comes off of Seely Lane to get back and forth to each other's homes. Pewitt does also have a road at the back he said off of another drive that is unnamed with a Coon Hollow address. Sutliff said the bottom line is the road named Pewitt Lane is a private drive and there is confusion with deliveries, family and guests that all want to turn down Pewitt Lane, which is now their private drive which isn't a through road since it is private property; there is no set easement for them to use the road. He stated their request is to get a Coon Hollow address so there is no more confusion with people using their private drive. He further stated they have no problem opening the gates for fire service access to the pond or for any reason for safety to all the residence around.

General discussion was held relative to naming of Pewitt Lane and right of way issues.

Steele pointed out again the issue before them is in regards to emergency services.

Commissioner Dupont asked if another road was named Pewitt Lane if mapping for 911 would be redirected.

Nate Holm clarified that dispatch would have clear directions via a map.

Neil Sheeran said when the application was filled out for the private road there were two reference lots. He explained each lot had to agree, and Mr. Pewitt signed for both lots; they were not one parcel, but different parcels and he had a signature for each parcel. He stated the private road isn't servicing one property, but two.

Commissioner Dupont pointed out the issue is that it isn't a dedicated road; its private property and the county can't take someone's private property. He stated if you had an easement through it that would be another story.

Neil Sheeran pointed out the owners had all signed an agreement, and questioned if an individual sells their property if the agreement would just go away.

Commissioner Dupont stated that is a legal issue that needs to be addressed with the court.

Connie Sutliff pointed out there is also accessible access for fire service concerns off of Seely Lane. She said although Coon Hollow is considered a private road it is a dedicated, deeded easement that is legally recorded and used for the public, so there is no problem for vehicles accessing or continuing down Coon Hollow after it says it is private or down Seely Lane because they are both dedicated public easements.

Commissioner Dupont made a **motion** to re-address the road as Seeley Lane. Commissioner Holmquist **seconded** the motion.

Commissioner Dupont stated he made the motion because the property is private as far as what he can see, and it's a legal argument that you folks will have to take up with the Sutliff's; the commission can't automatically grant access on the road if it is private.

Neil Sheeran pointed out they would be taking away what they already have and would be taking away his rights.

Commissioner Dupont said it would have to be dealt with legally.

TUESDAY, JANUARY 17, 2012
(Continued)

Aye - Lauman, Dupont and Holmquist. Motion carried unanimously.

Chairman Lauman stated those involved need to sit down and work out the issues.

CONSIDERATION OF PRINT BIDS: HEALTH DEPT.

[11:15:00 AM](#)

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

Commissioner Holmquist made a **motion** to award the print bid to The Towne Printer for 2,000 dog license applications for \$123.10 for the Health Department. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Dupont and Holmquist. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #12-07-5-21-008-0

[11:15:50 AM](#)

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

Commissioner Dupont made a **motion** to approve DPHHS Contract #12-07-5-21-008-0. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Dupont and Holmquist. Motion carried unanimously.

PERSONNEL MATTER

[11:30:50 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, H. R. Assistant Tammy Skramovsky

This meeting was closed.

2:00 p.m. Commissioner Dupont: Meeting w/ Jack Spillman re: Swan Hill/ Mt. Aeneas @ 911 Center

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 18, 2012.

WEDNESDAY, JANUARY 18, 2012

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

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

CONTINUATION OF AWARD BID: COUNTY ATTORNEY'S OFFICE REMODEL

[10:30:50 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, County Attorney Ed Corrigan, Office Administrator Vicki Eggum, Mike Absalonson, Clerk Lawrence

Pence reported five bids were received with the low bid from Swank Enterprises at \$162,000.00.

Commissioner Dupont stated they met with Swank and discussed concerns they have had in the past regarding the new 911 Center which was constructed by Swank Enterprises. He stated Dewey Swank reassured him that any pending issues with the center will be corrected.

Commissioner Holmquist questioned the amount of change orders that might be coming.

Mike Absalonson commented with a remodeling project there is a chance you will find change orders that were not bid on in the specs provided.

Commissioner Dupont made a **motion** to award the bid to the lowest bidder, Swank Enterprises. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Dupont and Holmquist. Motion carried unanimously.

CONTINUATION OF CONSIDERATION OF RESOLUTION: PROTECTION OF WASTEWATER FACILITY INFORMATION

[10:32:50 AM](#)

Present: Chairman Dale W. Lauman, Commissioner James R. Dupont, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Health Director Joe Russell, Clerk Lawrence

Russell briefly reviewed the following resolution in regards to wastewater.

Commissioner Holmquist made a **motion** to adopt Resolution #2321. Commissioner Lauman **seconded** the motion. **Aye** - Lauman, Dupont and Holmquist. Motion carried unanimously.

WEDNESDAY, JANUARY 18, 2012
(Continued)

**Resolution No. 2321
Resolution regarding sharing of information obtained through the activities the Flathead Regional
Wastewater Management Group**

Whereas, Flathead County is the recipient of a Renewable Resource Grant provided by the Montana Department of Natural Resources and Conservation hereinafter referred to as RRG-10-1440,

Whereas, a portion of the RRG-10-1440 is funding the "Flathead Regional Wastewater Management Study" (hereinafter "Study") characterizing wastewater facilities in Flathead and Lake Counties,

Whereas, some participating agencies that are public wastewater utilities have raised concerns about placing certain portions of their facilities on physical and electronic maps as they fear that it may put their public infrastructure at risk,

Whereas, Flathead County desires to collect this data so that a complete record of wastewater facilities is provided for the study, and

Whereas, certain records and materials are protected from public disclosure if such disclosure may interfere with individual or public safety, such as those described in Section 2-6-102, Montana Code Annotated.

Therefore, it is the intent of Flathead County to protect these wastewater facility records to the same extent that the participating facilities protect their information. Title 2, Chapter 2, Section 102 of the Montana Codes Annotated allows for certain records and materials to be protected from disclosure for matters of public safety.

Wastewater information will be compiled for the study and utilized by the contracted engineering firm to provide relevant information requested for the Study. Any physical maps generated for the report will not provide the level of detail that would compromise public safety. At the end of the Study, all electronic maps will be provided to the Flathead County and stored in a secure location. All requests for electronic information will be made in writing and only information that Flathead County and the public wastewater utility deem allowable will be released.

Flathead County will cite this law and not provide specific wastewater information that is considered by the public wastewater utility to be a matter of public safety, unless otherwise required by statute or a court of competent jurisdiction.

Dated this 18th day of January, 2012.

BOARD OF COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

9:15 a.m. Commissioner Lauman: RSVP Board meeting @ Heritage Place
11:00 a.m. County Attorney meeting @ Co. Atty's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 19, 2012.

THURSDAY, JANUARY 19, 2012

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

9:00 a.m. Commissioner Dupont: Port Authority Board meeting
12:00 p.m. Commissioner Holmquist: Committee for a Better Bigfork meeting @ Methodist Church
1:00 p.m. Commissioner Holmquist: Health Board meeting @ Earl Bennett Bldg.
2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Senior Center

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 20, 2012.

FRIDAY, JANUARY 20, 2012

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

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 23, 2012.
