
MONDAY, OCTOBER 15, 2012

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

Commissioner Holmquist PT opened public comment on matters within the Commissions' Jurisdiction.

Dave Skinner noted he recently sent an e-mail to the commission regarding the Whitefish school trust plan. He read the following letter.

MCA 77-2-306 covers sales of state lands, trust and otherwise, and I presume land banking as well as ordinary sales. I direct your attention specifically to Section 2.

Section 2 reads:(2) *A sale involving land in excess of 160 acres may not be made under this section without first consulting with the board of county commissioners of the county or counties in which the lands to be sold are located. (Changed in 2003, HB223 Lawson)*

You might remember a couple of months ago when I was trying to learn if the county representatives to the Whitefish State Trust Lands Neighborhood Plan Revenue, Recreation and Conservation Core Group (that's Core Group for short) ever reported to you or your predecessors.

The Core Group met from roughly February 2010 until somewhere around March 2011, they kept very spotty minutes of what were supposedly monthly public meetings, which had no public attendees. Jim Watson and Else Robocker are listed as county representatives by DNRC's site and once or twice in the meeting minutes --- and I guess they are members of the county parks board.

But the Core Group disappeared from the public record at DNRC in October 2010, although their \$60,000 work product showed up once in around March 2011. Or at least I think I found the document that was the Core Group's work product. That's why I am pursuing a \$715.00 FOI with the state!

The state is about to sell 580 acres, well over the 160 acre threshold of school trust lands at a sole bidder auction on November 1. The minimum bid is a screaming bargain, only \$5,000 per acre (\$2.9 million) total, and you will be delighted to know the prospective bidder paid over \$18,000 per acre for the land right next door ten years ago.

My question to you is, did any of you or the Planning Office engage in any kind of "consultation" with the City of Whitefish or their Whitefish Legacy Partners, or DNRC, regarding the Dollar Lake sale? Did either Watson or Robocker ever directly inform you of Core Group activity?

Mr. Grieve of the Planning & Zoning Office recalls one meeting in January of this year, called by Bob Sandman of DNRC to which he sent a staff member. I forgot who that was, but Mr. Grieve should still remember.

If there was some kind of consultation, then I have no issues here, aside from wanting to see some documentation. However, if the County Commission has in fact, been kept out of the loop, then I think it is vital the commission assert its rights under MCA 77-2-306. I see you have a meeting with the County Attorney on Wednesday, and I hope it is not too late to consult with him as to whether the law applies.

If the City of Whitefish has not consulted with the County Commission regarding the Whitefish trust lands plan, which in turn is supposed to be part of the County's Growth Policy. Perhaps it is time for the commission to ask the City of Whitefish why the commissioners were not consulted as required by law. And you should ask the Land Board why they didn't ensure Flathead County was involved.

Frankly, with the auction on a fast track, the sooner you ask the better. I would be happy to help you move things along. As for the FOIA issue, I wrote to you about asking if the county is able to justify a FOIA request due to lack of consultation that might be appropriate. And I would be happy to help.

Finally, as for keeping the Whitefish School Trust Lands Neighborhood Plan in effect as part of our Growth Policy, perhaps that issue needs revisited by our Planning Board and by you. Again, happy to help, if you or Mr. Pence feel that would be appropriate.

No one else rising to speak, Commissioner Holmquist PT closed the public comment period.

MONTHLY MEETING W/ MARK CAMPBELL, INTERIM AOA DIRECTOR

9:00:10 AM

Present: Commissioner Pamela J. Holmquist PT, Commissioner Calvin L. Scott, Assistant Mike Pence, Interim AOA Director Mark Campbell, Clerk Kile

Campbell summarized the following report with the commission:

AOA Administration

- AOA Advisory Board meeting was held October 11th. Key areas of discussion were; reports by directors relevant to seniors and health throughout the community, discussed AOA building concept and potential partnerships, work to fulfill current board vacancies. The meeting was productive.
- Finalizing hiring of RSVP .5 Coordinator position. Preparing to interview for I&R Tech and Eagle Bus driver.
- Completed first quarter reports for State grants.
- Compiling "orientation binder" for new director. Lisa Sheppard is starting her new role 11/1.

Eagle Transit

- September ridership = 7,446 compared with 8,008 in 2011. FY13 ridership to date is 21,131 down 4% from 2011's total of 22,086.
- Operating all routes and dial-a-ride on Tuesday, November 5th to support election needs of community.
- Maintenance of GNP vehicles and preparing for winter driving conditions.

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Nutrition

- August total meals served were 6,632. Congregate total of 3,308 and home delivered were 3,324. 21 new home delivered customers and 73 new congregate clients.
- Number of meals traditionally increases during fall and winter.

I & R

- Working to fill Tech vacancy as work load is being shared with 2.5 staff.
- State training was conducted for Medicaid/Medical, Transitioning, data entry, and Ombudsman duties.
- Continuing work with home visits, incoming calls, and contracted services for respite, home-maker, assisted transportation, and legal services.

RSVP

- Sue has been focusing on organization, data collection for grant requirements, and keeping program elements continuing.
- Continual inflow of new work locations and willing senior volunteers. Almost 80 sites and 470+ seniors.
- Supported local military drive for coffee and bathroom supplies. Engaged Sr. Centers and local businesses. This was a very rewarding program to participate with.

Senior Mobile Home Repair

- Advisory meeting was held Tuesday, 10/09. Projects continue being requested. All projects are reviewed and estimated by contractor prior to board consideration.
- Grant requests are being sent to traditional supporters now.

MONTHLY MEETING W/ MARK CAMPBELL, FAIRGROUNDS

[9:15:44 AM](#)

Present: Commissioner Pamela J. Holmquist PT, Commissioner Calvin L. Scott, Assistant Mike Pence, Fairgrounds Director Mark Campbell, Clerk Kile

Campbell reviewed with the commission the following report:

Current Projects

- Setting meetings with stakeholders and regular users to identify long-term needs and areas of growth potential. Continuing to use the assistance of Leadership Flathead participants. Plan to finalize this step in November. Reviewing final needs such as compiling documents, cost estimates, and preparing drawings of plan.
- Submitted an application to Planning and Zoning for CTEP funds requesting support for landscaping and pedestrian trail elements of exterior improvement plan.
- Finalizing winter grounds preparations and cleaning prior to snow.

NW Montana Fair & Rodeo

- Have cancelled the final year of our carnival contract. Prepared and will release this week a RFP for a 3 year agreement with two (2) one year options. This was a necessary step and should provide for an improved operation of rides and games. Five companies have expressed interest in receiving the RFP.
- Reviewing potential entertainment acts for next year's concerts. Details still to be worked out before committing to a program.
- Fair awards (premiums) have been paid with 872 exhibitors receiving \$20,885 for 6,887 exhibits on display.

Fairgrounds

- Elections activity has picked up quickly with absentee balloting. Plans are in place for an efficient and smooth election day.
- Event activity has been very busy during October and will continue through November. Activity has been the primary focus of maintenance staff. Inquiries for new events to be held at the Fairgrounds has been steady.

Upcoming Events and Activities

- Fair Commission meeting – 10/18
- Sports Connection Gun Show – 10/19-21
- Family Live Expo (New) – 10/27
- Fundraiser for Deanna Tripp – 10/27
- Flathead Valley Roller Derby – 10/27
- Child Advocacy Fair – 11/2-3
- Elections - 11/6
- Burton Boxing – 11/9
- Vintage White Market – 11/10

DOCUMENT FOR SIGNATURE: PROFESSIONAL SERVICES AGREEMENT/ ASSISTANT EXAMINING SURVEYOR, BLOCK

[9:45:54 AM](#)

Present: Commissioner Pamela J. Holmquist PT, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Scott made a **motion** to approve Brian Block as the Assistant Examining Surveyor. Commissioner Holmquist PT **seconded** the motion. **Aye** – Holmquist and Scott. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 16, 2012.

TUESDAY, OCTOBER 16, 2012

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Lauman, Commissioner Scott 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 October 17, 2012.

WEDNESDAY, OCTOBER 17, 2012

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

9:15 a.m. 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 October 18, 2012.

THURSDAY, OCTOBER 18, 2012

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

Commissioner Holmquist PT opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Commissioner Holmquist PT closed the public comment period.

BI-MONTHLY MEETING W/ JED FISHER, WEED/ PARKS & MAINTENANCE

[9:00:40 AM](#)

Present: Commissioner Pamela J. Holmquist PT, Commissioner Calvin L. Scott, Assistant Mike Pence, Weed/Parks & Maintenance Director Jed Fisher, Clerk Kile

Fisher met with the commission and reported landscaping work done by Flathead Industries at the Animal Shelter and 911 Center is complete. He stated he would like to use the group for other county projects as their work looks wonderful and was done at an affordable price. In other business, he spoke about concerns regarding organizing and securing files in storage; asked that direction from the Building Committee be mandatory before allowing anything to be put on the walls in the Courthouse; discussed issues related to maintenance at Kalispell Feed & Grain; expressed potential liability concerns related to a piece of property near Breezy Point in Somers; reviewed the need for video surveillance cameras between Court House West and the Justice Center; explained he may need additional staff when remodeling at the Library begins; spoke about removal of a dock in Bigfork and expressed gratitude for those involved in the Beaver Lake weed issues.

Discussion was held relative to the Girl Scout Camp on Lower Stillwater Lake. Fisher explained the Girl Scouts are losing their lease and have asked the county to be their government sponsor, who would potentially be responsible for a \$25,000 a year lease.

Commissioner Holmquist said she could not support the proposal, as it would open the door to other agencies.

Commissioner Scott agreed. He stated it is a brain money decision and not a heart decision.

CONSIDERATION OF PRELIMINARY PLAT EXTENSION AGREEMENT: MC GREGOR OVERLOOK

[9:30:12 AM](#)

Present: Commissioner Pamela J. Holmquist PT, Commissioner Calvin L. Scott, Assistant Mike Pence, Planner Alex Hogle, Clerk Kile

Hogle reviewed the two-year extension request received from McGregor Overlook to extend Preliminary Plat approval to November 5, 2014.

Commissioner Scott made a **motion** to approve the extension request for McGregor Overlook to November 5, 2014. Commissioner Holmquist PT **seconded** the motion. **Aye** – Holmquist and Scott. Motion carried by quorum.

CONSIDERATION OF PRELIMINARY PLAT EXTENSION AGREEMENT: WEST VALLEY VIEWS, RESUBDIVISION OF LOT 2 OF RESUBDIVISION OF LOT 1

[9:31:47 AM](#)

Present: Commissioner Pamela J. Holmquist PT, Commissioner Calvin L. Scott, Assistant Mike Pence, Planner Alex Hogle, Clerk Kile

Hogle reviewed the two-year extension request received from West Valley Views, Resubdivision of Lot 2 of Resubdivision of Lot 1.

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(Continued)

Commissioner Scott made a **motion** to approve the extension request for West Valley Views, Resubdivision of Lot 2 of Resubdivision of Lot 1 to November 23, 2014. Commissioner Holmquist PT **seconded** the motion. **Aye** – Holmquist and Scott. Motion carried by quorum.

DISCUSSION RE: CO-APPLICANT AGREEMENT CITY-COUNTY HEALTH BOARD & COMMUNITY HEALTH CTR.

[9:33:25 AM](#)

Present: Commissioner Pamela J. Holmquist PT, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney Peter Steele, Health Department Director Joe Russell, Public Works Director Dave Prunty, Weed/ Parks & Maintenance Director Jed Fisher, Clerk Kile

Fugina noted under the proposed amended Co-Applicant Agreement the county would be contractually obligated to supply resources, which would be controlled by a non-government board and manager. She explained the Health Center Board is the governing board of the Health Center and is non-profit and not a governmental board; under federal law requirements concerning grant funding for the Health Center there are certain duties and obligations. Fugina said her concern is the new agreement commits county resources with no way to control how those are used. She further explained concerns.

Russell explained it would be unprecedented for the Health Center to be a standalone entity. When you have a non-government board he said you probably don't want them running the counties business. I think there is enough demand that you have a Board of Health even though this is a City-County Board you appoint six of the seven positions. He stated his biggest fear is that we need to develop a relationship that makes sense to the county and that would be that the county and Board of Health Department would retain fiscal and administrative responsibilities. He further spoke about responsibilities of the county government and explained his recommendation.

Fugina said that it is her understanding that the 2007 agreement stands as the governing document.

Commissioner Holmquist said she would like to keep the current document in place and maybe make it so the county has more authority or oversight.

General discussion continued regarding the proposed Co-Applicant Agreement.

MEETING W/ HARVEY STERNER RE: PROPOSED RESERVE DRIVE BIKE PATH

[9:48:15 AM](#)

Present: Commissioner Pamela J. Holmquist PT, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Peter Steele, Deputy County Attorney Tara Fugina, Planner Alex Hogle, Public Works Director Dave Prunty, Weed/Parks & Maintenance Director Jed Fisher, Harvey Sterner, KayLynn Lee, Clerk Kile

Harvey Sterner met with the commission and presented an update on a pedestrian/bike path proposed to be built along West Reserve. He explained County Estates HOA favors deeding the common area to the county for the purpose of allowing the state to build the pedestrian/bike path from Highway 93 to Glacier High School as part of the northern 93 bypass project which is pending. He presented a packet that included a map of the proposed project.

The commission agreed they would not take on ownership of the property until the trail is built.

FINAL PLAT: APGAR VILLAGE NO. 1

[10:03:32 AM](#)

Present: Commissioner Pamela J. Holmquist PT, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Peter Steele, Deputy County Attorney Tara Fugina, Planner Alex Hogle, Erica Wirtala, Denise Germainn, Clerk Kile

Hogle entered into record Final Plat FFP 12-02 Apgar Village No. 1; an application submitted by the U.S. Department of Interior, National Park Service with technical assistance from Sands Surveying for approval of a subdivision creating two commercial lots located in Glacier National Park on the south side of Lake McDonald. The Board of Commissioners granted preliminary plat approval on March 18, 2010 subject to five conditions, which have been met.

Commissioner Scott made a **motion** to approve Final Plat of Apgar Village No. 1. Commissioner Holmquist PT **seconded** the motion. **Aye** – Holmquist and Scott. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION: END FIRE SEASON 2012

[10:06:47 AM](#)

Present: Commissioner Pamela J. Holmquist PT, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Scott made a **motion** to end Fire Season 2012 with Resolution 2330B. Commissioner Holmquist PT **seconded** the motion. **Aye** – Holmquist and Scott. Motion carried by quorum.

RESOLUTION NO. 2330B

WHEREAS, The Board of Commissioners, Flathead County, Montana, has the authority, pursuant to Section 7-33-2205, M.C.A., to establish fire seasons annually, during which no person may ignite or set any forest fire, slash burning fire, land-clearing fire, or debris burning fire within areas of the County which they so designate, without the individual or other person desiring to ignite or set any of the above mentioned fires, having obtained an official written permit for such a fire from the recognized protection agency for that protection area;

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(Continued)**

WHEREAS, the Board of Commissioners, Flathead County, Montana, adopted Resolution No. 2330 on April 25, 2012, setting the 2012 fire season for May 1 through September 30 and adopted Resolution No. 2330A on September 28, 2012, extending that season through October 31, 2012; and

WHEREAS, the Board of Commissioners, Flathead County, Montana has determined, based on a recommendation from Lincoln Chute of the Fire Service Area, in conjunction with other fire authorities in the County, that the 2012 fire season should end immediately.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby amends the fire season for the year 2012 to end effective with the adoption of this Resolution.

PASSED AND ADOPTED this 18th day of October, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Absent
Dale W. Lauman, Chairman

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

By/s/Calvin L. Scott
Calvin L. Scott, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

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 Building
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 October 19, 2012.

FRIDAY, OCTOBER 19, 2012

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Lauman, Commissioner Scott 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 October 22, 2012.
