
MONDAY, FEBRUARY 20, 2006

COUNTY OFFICES CLOSED – PRESIDENTS DAY

TUESDAY, FEBRUARY 21, 2006

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

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

[9:05:51 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jim Atkinson

Discussion was held relative to advisory council board appointment recommendations, Senior Center Funding, AOA and Eagle Transit workload, the progress of the different areas of AOA, and the Armory Surplus process.

Commissioner Brenneman made a **motion** to appoint Linda Hunt. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

FINAL PLAT: SUBDIVISION NO. 262

[9:36:51 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Erica Wirtala, Frank Sweeny

Holland reviewed the application submitted by Orren & Maxine Ford and Gary Purdy for final plat approval of Subdivision #262, which will create one residential lot. The site is located off Columbia Falls Stage Road, approximately 2 miles north of MT Highway 35. Preliminary plat approval was granted on July 6, 2005, subject to 12 conditions. All conditions have been met or otherwise addressed.

Discussion was held relative to the approval of the current landowner.

Commissioner Hall made a **motion** to approve the Subdivision Improvement Agreement. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the final plat of Subdivision #262. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF HR TRANSMITTAL FORM: LIBRARY TECH ASST II – ADULT SERVICES DEPT / LIBRARY

[9:45:39 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the HR Transmittal form for the Library Tech Assistant II in the Adult Services Department. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF VACATION TIME EXTENSION: V. GALLO, L. BELLMORE, V. HOLBROOK, C. JOHNSON

[9:46:17 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the vacation time extension for V. Gallo, L. Bellmore, V. Holbrook, and C. Johnson. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SONJU TAX INCENTIVE REQUEST

[9:52:59 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to postpone the authorization until such time as the taxes are brought up to date. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE

[10:03:21 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Karole Sommerfield

Discussion was held relative to the annual foods fair, livestock quality assurance, recent Vegas conference, shooting sports invitational, MSU statistics and a proposed community development job description.

DOCUMENT FOR SIGNATURE: REVISION OF LEGAL DESCRIPTION FOR PRECINCTS 16 AND 36 / ELECTION DEPT

[10:13:51 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the revised legal description for precincts 16 and 36 for the election department. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

RECONSIDERATION OF JUSTICE OF THE PEACE RESOLUTION RE: MONTANA REGIONAL LICENSED ATTORNEYS

[10:16:31 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Raeann Campbell, David Ortle, Susan (Tina) Gordon, Boyd Roth, Donna Heffner, J. Heffner, Jeanna O'Neil, Jerry O'Neil, Winifred Storli, Douglas Grob

Jonathan Smith reviewed the requested changes to the resolution.

Jerry O'Neil stated that he agreed with Jonathan Smith that they should remove the requirement that you must be a Montana regional licensed attorney to be a Justice of the Peace. He explained his reasoning for his request to have this stipulation removed.

Susan Gordon, the delegate for the State of Montana on the National Judges Association, spoke with the commissioners on the history of the judicial system. She first reviewed the layout of the National Judges Association than spoke on her opposition of Resolution 432D that had previously been approved. She asked the commissioner to consider some points regarding Judges for courts of limited jurisdiction, and that the resolution could be constitutionally challenged. She then stated that Judges and Justices of the Peace of limited jurisdiction in Montana come from very diverse backgrounds and most of them are extremely well educated, and reviewed the different qualifications that some of these judges have other than in fields of law. She stated that judges in Montana are well trained with two mandated schoolings per years that are coordinated by the Montana Supreme Court Administration and the administration takes great pride and care in selecting professors, teacher, and qualified instructors to update judges on new laws, new procedures, legal procedures, to help them better understand the rules of evidence, discuss the latest Supreme Court cases, and to understand the code and constitution. She stated that she gained more education in constitutional law than they give at the law school at the University of Montana. She then reviewed the recertification process that judges must go through every two years. She also stated that when a new judge is elected trainers can go to there town and spend as much time as needed to assure that they are familiar with what is needed, what they need to do, what procedures they must use, and these trainers will come back as many times as necessary. She stated that judges have to have hands on training to be a good judge no matter the qualifications, and that in her opinion an attorney is no more qualified to be a judge than a non attorney. She then reviewed some of the different Judges in Montana that are not attorney's, which only twenty in Montana are attorney's, and how case loads are handled when new judges are elected. She continued by listing what the judge needs to know and abide by. She did state that she is not opposed to making the Justice Court a court of record but opposes the setting of the qualifications to be that you must be a licensed attorney. She stated that she knew that the commissioner

would do what was best for Flathead County, they hopefully will decide that the voters know enough to vote for a qualified person, and that they do not have to be an attorney to be a qualified Justice of the Peace of Judge.

Winifred Storli stated that she and her husband had been in the Flathead for over thirty years, that she is an immigrant, and that they came here because the United States offered them liberties and freedom and she does not know about the qualifications of the Justices but she is very concerned that the county commissioners might open a window where board like the commissioners can keep on making laws, or issuing dictums, that restrict the freedoms of people. She stated that she was going to vote for Judge Ortley because he has known him and really respects him, but they are restricting the freedom of the voters because if they say that a certain post has to have a certain qualification or money they are giving voters fewer people to vote for, and she begs the commissioner to not let their freedoms go away.

Commissioner Brenneman stated that he is convinced that it is in the best interest of the county to have the Justice of the Peace be an attorney, but he also believes that the law does not allow for them to make that decision. He stated that perhaps Mr. O'Neil's first letter contains substitutive errors perhaps is a proof of his beliefs that they need to have attorney's in that position.

Commissioner Brenneman made a **motion** to remove from the requirement for the Justice of the Peace that they must be a licensed attorney.

Commissioner Hall stated that he would like to hear from David Ortley.

Douglas Grob stated that he was really concerned about things. He stated that law is really an important function in their culture and there are times that they need sophistication and professionalism, but the other thing is that the legal system is based on English Common Law, and that these laws came down from common thought and common people. He then stated that right now when you go to get the sophistication of the attorney's he believes that it removes it from their common thoughts, and that as law moves in this direction and they keep it in the prevue it is too important of a function to keep it in the prevue of one group of people that go to the same schools, intellectualize on it, and then put the same thoughts. He stated that would take it away from the common people, and furthermore, and he is spoke of this because a lot of people do not have a lot money, right now Justice Court is a forum for them and they need a forum other than the Jerry Springer show. He stated that the last day of court he had the bill was \$9,975 and that was twelve years ago. He stated that the last legal form he had done by an attorney was something that he could have done in half an hour and it cost him \$498 and that is a cost that many people can not afford. He stated that there is no forum for the common man and this is the last forum where two people without money can possibly go before someone be it an attorney or a common man.

David Ortley stated that he could not agree more with Douglas Grob, and when he made his recommendations about this coming year he did it with that in mind. He stated that the Justice Court should never be anything other than a place for the people of this county to come, and on an informal basis without attorneys if they choose, resolve an issue and have it resolved appropriately the first time. He then stated that he also agreed with Judge Gordon, and that he has nothing but the greatest respect for the system of non attorney judges in this state as it works very well. He stated that having sat in Justice Court for the last six years his fear is that in their court system it is possible for people with agendas other than a passion for the law, as he knows Judge Gordon has, to assume the bench and suddenly they have an awful lot of power and authority. He then stated that the Justice of the Peace Court of Record specifically by statute that Judge has all of the powers of a District Court Judge including the right, if you become a court of record, there is no trial de novo, it is not a second trial, a second bite at the apple, and is for errors of law only. He stated that he believed in his heart that the Justice of the Peace of this Valley ought to be attorneys. He then stated that the valley has changed, the issues have changed, and that is not because we should eliminate non attorney judges it is the nature of this particular jurisdiction and this part of the state. He continued by saying that having said that those judges, and he thinks that the electorate would have to take care of this, need to be people who are hooked in with the common man, who listen to people, who are fair, who are not in the courts because they have an agenda, and that is a tremendous fear that he shares with Douglas Grob. He stated that the court should never become the voice of the bar association or a group of lawyers, and that it should be staffed by people who listen to people, allow access, allow people to have their day in court, and than make the appropriate legal decision. He then stated that he stood by his opinion that this court ought to be staffed by attorneys, whether it is him or someone else he thinks that the day is here that they need legal training. He stated that Judge Gordon mentioned some very unique individuals including Judge Jewel, who is the JP in Helena, and is a tremendous non attorney Judge that he would have no problem having judge him, Judge Wickman in Gallatin County, and Judge Hernandez in Billings. He stated that these are extraordinary men, and there are also women who hold those positions, and he stated that they are extraordinary because they do have that passion, the willingness to learn, and become educated in the law. He continued by saying that not all judges, as Judge Gordon pointed out, share that and that is his fear for this county is that if the wrong people got in that court it would come crashing down upon itself and it would become a vehicle for the agenda of others who do not have liberty and fairness and peoples rights in mind. He then stated that if the commissioners decide that their should not be attorneys staffing this court than his personal opinion is that it should not be a court of record until the legislature chooses to eliminate that requirement or add that requirement. He continued by saying that he believed that the legislature intended that and was taken out as a compromise, but that language in the statute, as he read it, certainly contemplates that the judges in the Justices Court of Record be lawyers, specifically taking away the trial de novo, which is a constitutional right, and he does not take that lightly and does not think that it should be done lightly, and second the language that says that those judges have all of the powers of a District Court Judge, which in his mind is tremendous power, should be exercised very cautiously, and frankly by people who are law school graduates. He also stated that if the commissioners choose to eliminate the requirement that they should be attorney's than he feels that they should eliminate the requirement that it be a court of record, because that ensures that the rights of the people are retained and that they have a right to a trial de novo in the District Court, and their rights are not jeopardized.

Commissioner Brenneman made a **motion** to adopt Resolution 432E. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

RESOLUTION NO. 432E

WHEREAS, the Board of Commissioners of Flathead County, Montana, created a second Justice of the Peace Court in Flathead County, located in Columbia Falls, Montana, by its passage of resolution No. 171 on April 17, 1974, pursuant to Section 3-10-101, M.C.A.;

WHEREAS, the offices of the two Justices of the Peace were combined in the Flathead County Justice Center, which opened in September 1987, and the Board of Commissioners permanently rescinded the operation of the second Justice of the Peace Court on June 5, 1989;

WHEREAS the on-going growth in Flathead County has resulted in one Justice of the Peace no longer being able to complete all of the duties of the position in a timely manner and the Board of Commissioners approved a second Justice of the Peace position designated to sit in Kalispell, Montana, and to be a half-time position, on November 1, 2004;

WHEREAS the Montana Legislature authorized the boards of commissioners in Montana counties to designate Justice Courts as Justice Courts of Record by enacting Section 3-10-101(5), M.C.A., in 2003, and the Commissioners established the Flathead County Justice Court as a justice's court of record, commencing on January 1, 2007, by the adoption of Resolution 432D on January 20, 2006; and

WHEREAS, the Board of Commissioners has been requested to reconsider the requirement in Resolution No. 432 D that the justices of the Flathead County Justice Court be licensed attorneys when it becomes a justice's court of record on January 1, 2007, and has concluded that the Montana Legislature, in allowing justices courts to be established as courts of record, did not impose that qualification.

NOW THEREFORE, BE IT RESOLVED that Resolution No. 432 D is hereby amended to remove the requirement that the justices of the peace of the justice's court of record shall have the same qualifications required of a municipal court judge, set forth in Section 3-6-202, M.C.A. and Article VII, Section 9 of the Montana Constitution,.

BE IT FURTHER RESOLVED that the positions of the two justices of peace of the justice's court of record, commencing on January 1, 2007, shall be required to have the qualifications set forth in State statute.

DATED this 21st day of February, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By /s/Robert W. Watne
Robert W. Watne, Chairman

By /s/Gary D. Hall
Gary D. Hall, Member

By /s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Deputy

MEETING W/ JIM ATKINSON / AOA, KALISPELL SENIOR CENTER, WHITEFISH GOLDEN AGERS & NORTH VALLEY SENIOR CENTER RE: BUDGET

11:00:42 AM

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jim Atkinson, Cy Appel, Jerrel Hudson

Discussion was held relative to a request made by the various senior centers for additional funding to be provided by the county.

CONSIDERATION OF QUOTES FOR NEW PHONE SYSTEM CABLING PROJECT

11:16:46 AM

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Mike Pence reviewed the quotes that had been received.

Digital Communications Systems \$35,326.00 with a \$480.00 option.

Multimedia Solutions \$46,914.00.

Commissioner Brenneman made a **motion** to take the bids under advisement and consider a contract prepared by the county attorney's office. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

10:30 a.m. Quarterly Juvenile Detention Facility Tour

1:00 p.m. Commissioner Brenneman to attend a meeting w/ Jim Oliverson at KRMC re: Detox Center

4:00 p.m. RAC meeting at the Commissioners' Meeting Room

4:00 p.m. Roadless Rule Task Force meeting at the Earl Bennett Building

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 22, 2006.

WEDNESDAY, FEBRUARY 22, 2006

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

10:00 a.m. Commissioner Brenneman to attend Flathead Basin Commissioner meeting in Polson (till 3)

11:00 a.m. County Attorney meeting at the County Attorney's Office

11:30 a.m. Long Range Planning Task Force Affordable Housing Committee meeting at the Earl Bennett Building

1:00 p.m. Commissioner Hall to attend North Fork Interlocal meeting at the Justice Center Community Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 23, 2006.

THURSDAY, FEBRUARY 23, 2006

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

Chairman Watne opened the public comment on matters within the Commissions' Jurisdiction,

8:58:39 AM

Wallace Hill Best complemented Commissioner Brenneman for attending the NAMI meeting, and also for his meetings with the Youth Services Network. He stated that he believed that the public in general does not know how many things that commissioner's do that take them out of their office and involve them in very positive construction actions with the community. He also stated that he notices that Commissioner Watne would be attending the Refuse Board Meeting. He stated that since they have this very interesting meeting going on later this morning he was there to cover that as a journalist who publishes the Lakeside Saturday Viewpoints and he may or may not comment later on that issue depending on the number of speakers.

no one else rising to speak, Chairman Watne closed the public comment period.

FINAL PLAT: MAPLE DRIVE SUBDIVISION

9:01:04 AM

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Rebecca Shaw, Eric Giles, Melisa Phelps

Shaw reviewed the application submitted by Ron & Sharon Demeester for final plat approval of Maple Drive Subdivision, a subdivision creating four residential lots. The subdivision is located at the southeast intersection of Maple Drive and Mountain View Drive. Preliminary plat approval was granted on May 26, 2005 subject to 13 conditions. All conditions have been met or otherwise addressed.

Commissioner Hall made a **motion** to approve the Subdivision Improvement Agreement. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the final plat Maple Drive Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

FINAL PLAT: MYSTIC MOOSE MEADOWS

9:04:21 AM

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Eric Giles, Eric Kaplan, Fred Turk, Bonnie Turk, Melisa Phelps

Giles reviewed the application submitted by Sam Cordi Land Surveying and Mapping for final plat approval of Mystic Moose Meadows, which will create five residential lots. Preliminary plat approval was granted on June 1, 2005 subject to sixteen conditions. All conditions have been met or otherwise addressed.

Discussion was held relative to an issue regarding access to tract 3, no access was shown on the plat. The developer agreed to purchase tract 3, since he still owns tract 2, and make tract 2 and 3 into one tract to satisfy that condition.

Eric Kaplan stated that the issue that was being discussed was not a condition of the original preliminary plat, but this is something new that came up only a couple of weeks ago and they have committed to working with the planning office to find a solution that they would both find satisfactory. He stated that this was raised as a possibility when the issue came up but he did not believe that Mr. Turk was prepared to say that he would purchase that lot unless there are absolutely no other alternatives. He stated that they could not add conditions after the preliminary plat, and that the staffs own report indicates that all conditions had been met. He stated that even the minimal due process would give them more time to work this out. He also stated that they would commit to working with the planning office to find a solution that is satisfactory to them. He stated that this just has to do with access which is just a technical thing as to whether or not access would come through the subdivision or else where. He again stated that they were committed to working that out with the planning board, but again that Mr. Turk does not necessarily want to buy that tract and thinks that there are other options.

Discussion was held relative to condition 13 which requires a conservation easement, but that only a note appears on the final plat which is not a proper conservation easement.

Commissioner Hall made a **motion** to continue the meeting until March 1, 2006 to give the applicants time to work with the planning staff to get a more complete final plat application. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

PUBLIC HEARING: MODIFICATION TO RESOLUTION 509D (EVASION OF SUBDIVISION & PLATTING ACT)

[9:44:35 AM](#)

Members present:

Chairman Robert W Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, BJ Grieve, Peter Steele, Eric Kaplan, Marsha Mellem, Wallave Hill Best, Edd Blackler, Dan Jensen, Dirk Lybeck, Fred & Bonnie Turk, David E Reynolds, Bill Baum, Jim Sappington, Marvin Sudan, Kathleen sudan, Melisa Phelps, Fred Hodgeboom, John E Osweiler, Don M Richter, Diana & Robert Clarke, Ted Dykstra, Ted Vacura, Helen M Vacura, Ronda Prouty, Thale Balding, Dale Lauman, Charles Lapp, Larry Smith, Lois A Smith, Eugene Lee, Delores Lee, Sandy O'Connell, Michael Crail, Steven Valentine, Zach Brecknridge, Mike Burr, Frank Brisendinu, Judy Fountain, Debbie Shoemaker, Cathy Everson, Don Everson, Kenneth L Torgerson, Don Avery, Dallas Nelson, Warren McConkey, Road & Ida Wendt, Tom Abel, Judy Miller, Tom Miller, Douglas Knutson, Nancy Kostman, Janis Jarvis, Peg Gebhardt, Maria Laskey, Carolyn Robinson, Tom Berner, Laurie Gall, Frank Sweeney, Kristy Allen, Aaron Allen, Randy Moore, Richard Stevens, John Hinchey, Michael Murphy, Marvin Rosenberg, David Numby, Ed Downey, S Hough, John Encoe, Sherry Enue, Brent Ekegren, Jerry Reynolds, Judy Morris, Reg Morris, Sharon Demeester, Jeanne Keith, Dan Diamond, June Diamond, Clarence Taber, Mike Salter, Cathy Galbraith, Bernie Olson, Wayne Brumbruster, Roland Meyer, Don Dale, Dan Griffin, Mary Jane Fox, Fred Bryant, Melvin R Carr, Sandy Montgomery, Tom Osley, Marty Crevlar, Greg Simonson, Mark Von Schledorn, Joana Morrison, Erica Wirtala, Jeff Larsen, Vicki Jones, Tim Kosinski, Barbara Bledsou, Renee House, Jerry Custer, Kip Drobish, Sonya Hensley, JoAnn Nieman, Keith Gestring, Brenda Oberlitner, George Everett, Judy Stahlberg, Ted Goblenski, Richard Skees, Gary Kruger, John Pedersen, Phil B. Robb Freeborn, Mark Galbriath, Jack Paulson, Denise Cofer, Bill Page, Brian Fulford, Jacob Feiler, Kevin Lindsman, Sam McDough, Chris Byrd, Chad Lehr, Karen Reeves, Jean Johnson, Glenna Fredenberg, Orin Fredenberg

Commissioner Brenneman made a **motion** to continue the meeting until such time as they can get another meeting scheduled in a larger meeting room. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

BUDGET AMENDMENT

[10:15:05 AM](#) - [10:25:26 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Mike Meehan, Pete Wingert

Commissioner Hall made a **motion** to adopt Resolution 1920. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**BUDGET AMENDMENT RESOLUTION
RESOLUTION NO. 1920**

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2005-2006, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2005-2006; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 23rd day of February, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Robert W. Watne
Robert W. Watne, Chairman

By: /s/Gary D. Hall
Gary D. Hall, Member

By: /s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:

Paula Robinson, Clerk

By: /s/Kimberly Moser
Kimberly Moser, Deputy

COUNTY OF FLATHEAD
GENERAL JOURNAL VOUCHER
BUDGET AMENDMENT - FY06
RESOLUTION # 1920

DATE ISSUED:
DATE OF RECORD:

VOUCHER
NO: **0602-37**
Date: **2/23/2006**

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2935-0209-331150	Hwy Safety-Mobile Data	1	\$ 84,190.00	
2935-172000	Revenue Control	2		\$ 84,190.00
2935-242000	Expense Control	3	\$ 84,190.00	
2935-0209-420110-212	Small Item Equipment	4		\$ 84,190.00
		5		
		6		
	To establish new budget lines	7		
	on new Federal Grant	8		
	Per attached Detail	9		
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		35		
	Total		\$ 168,380.00	\$ 168,380.00

Explanation:

by: Gary L Como,
Finance

Approved by: Commissioners by Resolution

AUTHORIZATION TO PUBLISH NOTICE OF CALL FOR BIDS: ROOF/COURTHOUSE

10:19:14 AM

Members present:

- Chairman Robert W. Watne
- Commissioner Gary D. Hall
- Commissioner Joseph D. Brenneman

Others present:

- Assistant Michael Pence
- Clerk Kimberly Moser, Jed Fisher

Commissioner Hall made a **motion** to approve the Call for Bids and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for the replacement of the roof on the Flathead County Courthouse, 800 South Main, Kalispell, Montana.

The project will consist of removing all layers of shingles on the roof and replacing them. Potential bidders are encouraged to inspect the roof for measurements and may arrange to do so by calling Don Mills at 758-5798. A contract form is also available from Mr. Mills.

Each bidder should submit bids for shingles with warranty periods of 20 years and 50 years and must produce a schedule showing when the work can be started and completed. Warranties and schedules will be considered when determining the bid that is in the best interest of Flathead County and will be included in the contract for replacement of the roof.

Each bidder must deposit with his bid, a bid security in the amount of ten percent (10%) of the bid based upon 20-year shingles 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 completion of the project. 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.

No bidder may withdraw a bid after the actual date of the opening thereof.

A Performance Bond and Labor and Materials Payment Bond each in the amount of One Hundred percent (100%) of the contract sum will be required of the successful bidder, to secure the contractor's covenant to faithfully perform all of the conditions of the contract in accordance with the law and that contract. The successful bidder will also be required to provide proof of Workers' Compensation insurance and/or an independent contractor certification from the State dated after May 1, 2005, and General Liability and Automobile insurance policies, with Flathead County as an additional insured, each in the amount of at least \$1,000,000.00.

The successful bidder must contract to pay prevailing wage rates, set by the Montana Department of Labor, and will be subject to withholding of 1% of all payments for transmittal to the Department of Revenue to pay the public contract tax. The Contractor and all subcontractors will be required to have a certificate of registration from the Montana Department of Labor and Industry in the proper classification. The successful bidder must contract to give preference to the employment of bona fide residents of Montana in the performance of the work. A resident bidder will be allowed a preference against the bid of any nonresident bidder from any state or country that enforces a preference for resident bidders equal to the preference given in the other state or country.

All sealed bids, plainly marked "Courthouse Roof Bid" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before 5:00 o'clock p.m., on March 13th, 2006. Bids will be opened and read at 10:00 o'clock a.m., on March 15th, 2006, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main, 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.

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 Flathead County Clerk and Recorder.

Dated this 23rd day of February, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

By/s/Robert W. Watne
Robert W. Watne, Chairman

By /s/Kimberly Moser

Deputy

Publish: February 28th and March 7th, 2006.

MEETING W/ STEVE CUMMINGS RE: ROAD ABANDONMENT #441

11:06:47 AM

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Don Farris

Commissioner Brenneman made a **motion** that the conditions for Road abandonment #441 have all been met. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

12:30 p.m. Commissioner Brenneman to attend NAMI meeting at The Summit (till 3)

2:30 p.m. RSID Training for County Staff at the Earl Bennett Building

6:30 p.m. RSID Training for Public at the Earl Bennett Building

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 24, 2006.

FRIDAY, MARCH 24, 2006

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

9:00 a.m. Commissioner Brenneman to attend U.S. Forest Service update at USFS

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 27, 2006.