

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611(2) (b).

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## MONDAY, APRIL 22, 2013

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

**9:00 a.m. Finance Dept. Workshop @ Courthouse 3<sup>rd</sup> Floor Conference Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 23, 2013.

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## TUESDAY, APRIL 23, 2013

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

**10:00 a.m. Quarterly Jail tour & meeting w/ Chuck Curry, Sheriff**  
**12:00 p.m. Commissioner Scott: FVCDC Board meeting @ Three Rivers Bank**  
**1:30 p.m. Commissioner Scott: TAC meeting @ MDOT Office, Kalispell**  
**3:00 p.m. Commissioner Krueger: 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 April 24, 2013.

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## WEDNESDAY, APRIL 24, 2013

[Audiofile](#)

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

Chairman Holmquist led the Pledge of Allegiance.

### **Chairman Holmquist opened public comment on matters within the Commissions' Jurisdiction.**

Dale Lauman, 45 Mission View Drive said, as you know over the years that I have been deeply involved in AOA and selection of a site. He stated we have always had funds available to do this and as of four months ago, when his term as commissioner expired, the funds were still uncommitted; whether it is a combination of CDBG funds or revolving funding or a combination of both it could work. He stated he would never support anything that would need to go to the taxpayers for money to do so. If we could do it internally, that is great. Lauman said there was talk back in 2007 when he began his term as commissioner regarding where AOA should be relocated to as they have outgrown the facility they are in and need to move forward. He explained you have two sites on county property and around a year ago, Commissioner Holmquist was involved in making a decision if they were to do anything that it be done on county property. Lauman said that personally he feels the fairgrounds site would be the best location, yet it is their choice. He strongly encouraged the commission to move on and make it happen.

Pastor Dawn Schnur, 145 Greenbrier said she pastors a church that includes senior membership, is involved in Hospice, and works at the hospital as a volunteer. She thanked the commission individually for all they do in their jobs and said it is appreciated. Schnur stated she is definitely for the fairgrounds location as the county property south does not leave much room for growth. She explained the south property would be limited for congregate meals and other needs. Schnur stated the seniors need a place where they can eat and fellowship together and have senior services under one roof.

Doug Gilbertson, 36 Mill Avenue said he is speaking today as an AOA board member. He explained at their meeting recently they decided they would send a letter to the commission from the board supporting the fairgrounds site for many reasons. Not the least which is the egress and ingress ability for large vehicles. Gilbertson said he reviewed the PAR and adjacent to the south site there are 13 parking spaces; they have more visitors than that coming to the Red Barn site he stated. He spoke about winter plowing concerns and said that could be remedied easily by fairgrounds staff. He spoke about a comment made regarding the AOA site being close to the Health Department and stated they are old, but are not Health Department visitors; most of them do not go there for health concerns. Gilbertson noted if they were at the fairgrounds that would be a whole lot closer to the hospital for an emergency and an ambulance could get in and out easily and there is room for future growth there. He stated we the people are here and appreciate your support.

Dodie Wise said the site they are currently in has been outgrown. She stated we as a community owe doing a better job for our seniors; we have wonderful, awesome seniors that contribute so much in so many different ways. Wise said if they get the new site and can move to a location where they can do fundraising that many of the things they do not have money for they can earn themselves. At their current site, she said that is not even an option, as you cannot even invite all the people because there is not enough room to put them.

Gordon Winks, 330 3<sup>rd</sup> Avenue West said he recently moved to the area and pointed out that back east at least in Washington that senior services are consolidated into one facility. He presented the following letter to the commission that he previously presented to AOA Director Lisa Sheppard.

**WEDNESDAY, APRIL 24, 2013**  
**(Continued)**

April 05-06, 2013

CC: Ms Kelly Lynch  
Administrator, Community Dev. Div.

Ms Lisa Shepard  
Director A.O.A.  
(Agency On Aging)  
160 Kelly Road  
Kalispell, Montana  
59901

Though this missive be addressed to Ms Shepard, it is intended to be applicable to Ms Kelly Lynch & all Kalispell & County officials who review such testaments as part of their review process!

Subject: Belated response to the meeting of March Re: proposed new AOA facility.

Dear Ms Shepard,

As you may recall I was in attendance during your March informational meeting Re: the present standing of the proposed new A.O.A. facility that has languished in a slow-moving advancement pace, as regards the progress to it's final disposition. Your explanation for such—as augmented by substantial public commentary—focused attention on several reasons for the on-going delays, & I believe that all in attendance have a much better understanding of what you conveyed, with the following being my understanding....apart from any changes in AOA directorship late last year that may, or may not, have influenced the scope & course of the proposal:

- A) The proposal (quite properly) needed to be scoped in terms of an architectural review of the suitability of the two siting parcels under consideration, which you indicated you believed would be completed in April.
- B) The proposal—though lead by the A.O.A.—did not intend to exclude other related "senior" associated facilities who might like to join in a combined facility (I.E. the Senior Center, R.S.V.P. & others) as the better option to maintaining separate facilities in structures quite insufficient for both current services & those of the future (noting baby-boomer numbers aggregating daily).
- C) The meeting more than adequately evidenced the deficiencies of the two most important facilities: the A.O.A. building & the senior center building...where both can be expected to have "INCREASED" DEMANDS caused by the volume-demand for services as the county area's senior population-increases beckon for same!
- D) The meeting also made note of the exponential costs of operating the A.O.A. building, along with the separate Senior Center building, wherein the ages of "both" structures, compounded by any necessary modifications to service an increased loading generated by the rising demands for services to the increasing senior population, would only add to the deficiencies (& consequential capital & operating costs) that can only render both senior-service sites as impractical, with greater congestion & associated amelioration expense, not to dwell upon accelerated depreciation/decline of both structures as they age further!
- E) The proposal-information-meeting also made note of the fact that EAGLE TRANSIT had every intention to service any newly constructed facility, thus offering the very real prospect that an increase in the number of seniors (& volunteers) was likely imminent—& enhanced—by such transit offerings.
- F) The proposal-information-meeting bore out the genuine & proper concern that the more southerly site under consideration (with it's separated facility & parking locations) could (& likely would) interfere with any county plans to "someday" increase county facilities when the need—itsself very real—arose; thus keeping county facilities presently located in the county-governance-campus both adequately-consolidated in a slightly-increased campus-setting, which (in my judgement) is an "absolute" necessity.
- G) The proposal-information-meeting, though not dwelling upon the future needs of

parking expansion, did make such need known. However, it is my belief that the project—especially were all senior-services agents be combined in a singular adequate facility, & noting weather conditions common in N.W. Montana—should and would require the availability of parking expansions as future decades imposed....& where such parking wasn't so congested as to be a hazard in itself!

Hence the above are just but a few of the considerations that both senior-service agents, their employees & the officials all must decide upon, not just the initial capital costs of new-facility construction, even while considering annual operation costs, & yet, not ignoring the very real "near-term" prospects of enhanced safety to ensure seniors are accorded not just the "biggest bang for the buck", but also the most efficient, safe & sound delivery of services "value"! Delivery requires a quality-environment for users, staff, official representation & that which adds to the enhancement of Flathead county....wherein a part of it's economic & social vibrancy can yield an ACKNOWLEDGED STANDARD sought by any number of other service providers & counties who realize the value of seniors to sustainable community!

These things being said, I stand with those who support a COMBINED SENIOR SERVICE FACILITY that ensures that both A.O.A., the Senior Center, R.S.V.P., and Meals on Wheels can benefit yet also be examples to assist other service agencies to advance their respective causes in a more sound & economically-beneficial manner. And having personally visited both "suggested" sites under consideration, it seems to me that the County Fairground site that sits on the north side of Wyoming street is the much better option when all current & future needs are considered. The site I saw on Wyoming street was wedged between two houses, and it has been said that the county owns both houses—making their respective footprints available for dedication to an overall combined facility with adequate current & future parking needs!

Also, Mr. Pearson of the Senior Center stated quite clearly that the Senior Center badly needed a new facility, stating a number of reasons why the current facility was wholly-inadequate for the current need, & even more so for the future needs of expansion to accommodate the rapidly-rising senior population. Thus do I remain in the camp of all those who believe that the new facility must include these separate facilities (A.O.A. & Senior Center) along with the other mentioned above.

I would also state that I am a new arrival to Montana, and have not experienced what appears to be an angst that many in the public feel towards their representatives whom they believe are "stonewalling" on any new facility, & it's funding. I believe that the various city & county representatives are in favor of this project, though they may (individually) have concerns that might have remained unanswered....at least to their satisfaction. I would therefore suggest that the principals of all senior-service-providers make every effort to assuage any lingering of concerns that various city or county officials have that individually, or in the aggregate, act to inhibit the timely advancement of this proposal to become a completed project that all in Flathead County can be proud of.

And as I close this missive I cannot help but recall that the current owners of the Kelly Street A.O.A. facility testified that they too supported a new facility, despite having some concerns as regards the contemporary lack of the architectural site review at the time of the meeting as being yet completed. Surely they are due the courtesy & respect necessary for them to plan for a "future" use of their vacated property, & thus the perceived "stonewalling" is of no use, help or benefit to them, especially as they have housed county service providers for quite a while, thus forestalling pressures on the county for a facility of size & scope necessary to service a growing senior population whose baby-boomer numbers have been known since the end of WWII. Such being said, I thank you in advance for your consideration of these missive contents, & I look forward to the advancement of the project!

Sincerely,  
*Gordon Winks*  
Gordon Winks  
330-3RD Ave. West  
Kalispell, Montana  
59901

P.S. I also wish to thank you Ms Shepard for the informational meeting you held at A.O.A. last month, as it was appreciated.

John Alton, 1005 Montford Road said as far as the proposed AOA site is concerned that he is in favor of the fairgrounds site for many reasons. He noted the traffic congestion at the south campus bothers him, as they would have to access Highway 93 from south of the Courthouse and at his advanced age of 85 years old that makes it a little more difficult to get to. Alton pointed out that the commission has a big job in running this county, and said his personal preference would be to have five commissioners that met once a month and they could then delegate committees to handle various aspects of problems.

Jerry Banzet, 250 Coclet Lane said Commissioner Holmquist made the remark when we started here this morning that AOA is a highly emotional issue. He said his feeling is that this should have already been taken care of, and it then would not be a highly emotion issue. Another concern he stated is we hired people and paid them around \$4,500 to \$5,000 to give us a recommendation and apparently, we do not care what the recommendation was; it seems it was the fairgrounds, but that does not seem to be a done deal. Banzet said from driving disabled veterans around that he knows many of our senior citizens are disabled veterans, and we should be paying attention to them; if we are going to take care of anybody it needs to be them. Not all of them he stated were as fortunate as some of us; not all of the folks here were as fortunate as you three or me, so just because it is not maybe a big concern for us right now someday if we are all lucky we will get to be seniors that need a little help. He encouraged the fairgrounds site be used that is already owned by the county. He then pointed out there is PILT money available to build the building, which could be built big enough to take care of three or four entities; every month that we don't do this, is one more month we are paying rent that we never get anything back for. Banzet strongly encouraged the commission to take the advice of the folks they hired to make the AOA site recommendation.

Pat Gilbertson, 36 Mill Avenue said she knows many of the seniors here as there is representation from all over Flathead County: Lakeside, Whitefish, Columbia Falls, Bigfork and Kalispell. She asked that the commission listen to the consensus of the senior citizens who elected them.

**WEDNESDAY, APRIL 24, 2013**  
**(Continued)**

Reg Morris, 1044 Copper Road said he is very much in favor of the fairgrounds site. He explained one thing that has not been discussed here this morning that was recently discussed at great length when a meeting was held at the existing facility, is the interaction between the older section of our society that I very much support. We have talked numerous times about interacting with younger students in high school and shortly thereafter they are out of high school. There is a lot of knowledge and understanding that disappears because there is no interacting between the younger generation and older generation. The north site of the fairgrounds gives us not only opportunity for expansion later on, but it also gives us opportunity for open faced gardening, raised beds, and agricultural structure that this valley has grown on for its entire life. Morris said the high school is interested in this, 4-H is interested, and I know many people that I listened to at a previous meeting are very interested in it as it gives them an opportunity to share with the younger generation. He questioned architect and engineering fees, and Chairman Holmquist asked that he discuss that with her later.

Tom Murphy a representative of Flathead Industries said the organization is a human services behavioral sciences agency, and they believe they can assist in some of these difficult decisions in creating and sustaining in a very solid manner the Agency on Aging. The move to the fairgrounds area makes sense he said, and stated they stand willing to help the commissioners and the community in reducing operational costs. He said the offer of help pertains to operations, grounds maintenance, building maintenance, food or delivery services, or whatever they might need in order to sustain this for the entire community. Murphy stated their offer of help is on the table.

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

**MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE**

**9:35:02 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Prunty met with the commission and reported the Solid Waste Board approved the recommended budget; reported Hydro Metrics gave a report to the board on their corrective actions assessment report that was submitted to DEQ; reported he has spoken to seven neighboring landowners regarding the landfill expansion project and has three more scheduled meetings; reviewed the Olney container site construction progress; reported only one bid from the current service provider was submitted for the recycling program; reported the Health Department has agreed to contribute \$3,000 to the litter awareness billboard two-year contract; reviewed refuse statistics.

**DOCUMENT FOR SIGNATURE: GREEN ACRES SEWER EXTENSION ENCROACHMENT PERMIT BOND RELEASE**

**9:36:14 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Public Works Director Dave Prunty, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Krueger made a **motion** to sign the document for signature. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**CONSIDERATION OF ADOPTION OF RESOLUTION: LIFT LOAD LIMITS ON VALLEY FLOOR**

**10:00:44 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Pence, Public Works Director Dave Prunty, Clerk Kile

Commissioner Krueger made a **motion** to adopt Resolution 2350A. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

Resolution No. 2350A

WHEREAS, the Board of Commissioners of Flathead County, Montana, is responsible for the maintenance of public highways under its jurisdiction;

WHEREAS, said public highways can be seriously damaged or destroyed by deterioration, rain, snow, thawing, or other climatic conditions unless the permissible vehicle weights are reduced;

WHEREAS, the Board of Commissioners of Flathead County, Montana, has the authority under Section 61-10-128, M.C.A., to impose restrictions on the weight of vehicles traveling on public roads under its jurisdiction;

WHEREAS, the public safety requires the immediate imposition of limits on county roads as an emergency measure to prevent accidents and damage to property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Section 61-10-128, M.C.A., that the following load limits shall apply until further order of the Board.

Load limit single axle 7 tons, tandem axle 14 tons, 350 lbs. per inch width of tire, however, at no time will the weight exceed 14,000 lbs. per single axle and 28,000 lbs. per tandem axle. Speed limit as posted.

Load limit single axle 8 tons, tandem axle 16 tons, 400 lbs. per inch width of tire, however, at no time will the weight exceed 16,000 lbs. per single axle and 32,000 lbs. per tandem axle. Speed limit as posted.

The load limit on the following roads shall be 350 to 400 pounds per inch of tire width as marked as well as 35 miles per hour speed limit: (If a particular road on this list has not been marked then no load limit is imposed at this time.)

**WEDNESDAY, APRIL 24, 2013  
(Continued)**

- 350 400 pounds per inch of tire.
- 350 \_\_\_ Ashley Lake Road from Highway 2 to intersection with North Ashley Lake Road
- 350 \_\_\_ Batavia Lane from Highway 2 to Ashley Lake Road
- 350 \_\_\_ Beaver Lake Road from Hwy 93 N. to the end of the road.
- 350 \_\_\_ Belton Stage Road from Hwy 2 to Hwy 2.
- 350 \_\_\_ Bitterroot Drive from Highway 2 to Pleasant Valley Road
- 350 \_\_\_ Blankenship Road for the entire length of the road.
- 350 \_\_\_ Browns Meadow for the entire length of the road.
- 350 \_\_\_ East Edgewood Drive for the entire length of the road.
- 350 \_\_\_ East Lakeshore from Big Mountain Road to the end of the road.
- 350 \_\_\_ FAS 486 (North Fork Road) from end of the oil, north to end of road
- 350 \_\_\_ Good Creek Road from American Timber entrance off of Highway 93
- 350 \_\_\_ Gopher Lane from Highway 2 to Pleasant Valley Road
- 350 \_\_\_ Hoffman Draw from Highway 2 to end of road
- 350 \_\_\_ Haywire Gulch Road from Smith Lake Rd to the end.
- 350 \_\_\_ Hubbart Dam Road from Highway 2 to Crossover Road.
- 350 \_\_\_ Idaho Hill Road for the entire length of the road.
- 350 \_\_\_ Kuzmic Lane for the entire length of the road.
- 350 \_\_\_ Lake Five Road form Hwy 2 to the Belton Stage Road.
- 350 \_\_\_ Lost Prairie Road from Highway 2 to Pleasant Valley Road
- 350 \_\_\_ Lupfer Road from Highway 93 to the end of the road.
- 350 \_\_\_ McMannamy Draw for the entire length of the road.
- 350 \_\_\_ Olney Loop Road for the entire length of the road.
- 350 \_\_\_ Patrick Creek Road from Foys Canyon Road to the end of the road
- 350 \_\_\_ Pleasant Valley Road from Highway 2 to Lost Prairie Road
- 350 \_\_\_ Rabe Road for the entire length of the road.
- 350 \_\_\_ Reservoir Road from E. Lakeshore to the end. (Northwoods Drive)
- 400 Rhodes Draw from Farm-to-Market to the end of the road**
- 350 \_\_\_ Rogers Lake Road from Highway 2 to Sickler Creek Road
- 350 \_\_\_ Sickler Creek Road from Highway 2 to Rogers Lake Road. .
- 350 \_\_\_ South Fork Road from US Hwy 2 to Spotted Bear Road.
- 400 Spotted Bear Road from Old US 2 to South Fork Road**
- 350 \_\_\_ Spring Hill Road from Smith Lake Road to the end.
- 350 \_\_\_ Star Meadows Rd for the entire length of the road.
- 350 \_\_\_ Tamarack Creek Road from Hwy 93 N. to the end of the road.
- 350 \_\_\_ Thompson River Road from Highway 2 to County Line
- 350 \_\_\_ Truman Creek Road for the entire length of the road.

Variations may be granted by permit obtained through the County Road Department.

BE IT FURTHER RESOLVED, that this resolution shall be effective April 24, 2013, and shall be in effect until load limits are removed by motion of this Board.

Dated this 24th day of April, 2013.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

ATTEST:  
Paula Robinson, Clerk and Recorder

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

By/s/Diana Kile  
Diana Kile, Deputy Clerk

**CONSIDERATION OF LAKESHORE PERMIT: KURDY, FLV 13-03**

**10:01:15 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Planner Eric Mack, Clerk Kile

Mack entered into record Lake and Lakeshore Variance Permit FLV 13-03; an application submitted by Tom Kurdy for work at 200 Caroline Point Road in Lakeside. The applicant originally proposed to add a shore station with a canopy to an existing "F" shaped crib dock. The canopy on the shore station in the original permit was proposed to be approximately 23 feet long by 10 feet wide. The applicant is now proposing to place a canopy 25 feet long by 10 feet wide.

Commissioner Scott made a **motion** to approve Lakeshore Permit FLV 13-03. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**WEDNESDAY, APRIL 24, 2013**  
**(Continued)**

**DOCUMENT FOR SIGNATURE: AFLAC ADDITION OF CRITICAL ILLNESS AND ACCIDENT**

**10:03:07 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, H. R. Director Tammy Skramovsky, Clerk Kile

Skramovsky reported AFLAC has created two new policies: Group Critical Illness and Group Accident for large employers. She noted during the initial enrollment period for this year the benefit to employees is they will have guaranteed issue of coverage.

Commissioner Krueger made a **motion** to adopt the AFLAC addition of critical illness and accident insurance policy. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: AFLAC PAYROLL ACCOUNT CHANGE**

**10:06:01 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, H. R. Director Tammy Skramovsky, Clerk Kile

Commissioner Scott made a **motion** to approve the document for signature for the AFLAC payroll account change. Commissioner Krueger **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**PUBLIC HEARING: ANNEXATION TO WEST VALLEY FIRE DISTRICT/ SMITH**

**10:15:00 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Paul Nicol, Deputy County Attorney Tara Fugina, Jerry Banzet, Nola Rice, Clerk Kile

Nicol noted the public hearing today is for annexation of property into West Valley Fire District.

**Chairman Holmquist opened the public hearing to anyone wishing to speak in regards to annexation into West Valley Fire District.**

Jerry Banzet asked what is involved in annexing property into a fire district.

Nicol explained the procedures of annexing property into a fire district.

Nola Rice also questioned the procedure of annexing additional properties.

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

Commissioner Krueger made a **motion** to adopt Resolution 2353A. Commissioner Scott **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

RESOLUTION NO. 2353A

WHEREAS, a petition was received from 100% of the property owners of who are currently residing in the Flathead County Fire Service Area proposed to be annexed into the West Valley Fire District;

WHEREAS, the Board of Trustees of the West Valley Fire District approved the proposed annexation;

WHEREAS, the Board of Commissioners, pursuant to the provisions of Section 7-33-2125(1)(b), M.C.A., passed a resolution of intent (Resolution No. 2353, dated April 9, 2013) to grant that petition and to transfer the property into the West Valley Fire District, and set a public hearing on the proposal for April 24, 2013;

WHEREAS, the Board of Commissioners published notice of the public hearing to be held to allow the public an opportunity to be heard regarding the proposed annexation, and to consider whether a protest petition signed by a majority of the landowners of the area proposed for annexation would be received; and

WHEREAS, the Board of Commissioners conducted said public hearing on April 24, 2013, and did not receive a protest petition signed by 40% of the landowners of the area proposed for annexation.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, Montana, that the property is hereby annexed into the West Valley Fire District located in Sections 13, Township 29 North, Range 23 West, Flathead County, Montana, and more particularly described as:

Tract 4C located in the NE ¼ SW ¼ of Section 13, Township 29 North, Range 23 West, P.M.M, Flathead County, Montana

BE IT FURTHER RESOLVED, by the Board of Commissioners that the boundaries of the Flathead County Fire Service Area are hereby amended by transferring the property described and located in Sections 13, Township 29 North, Range 23 West, Flathead County, Montana, and more particularly described as:

**WEDNESDAY, APRIL 24, 2013**  
**(Continued)**

Tract 4C located in the NE ¼ SW ¼ of Section 13, Township 29 North, Range 23 West, P.M.M, Flathead County, Montana

Dated this 24<sup>th</sup> day of April, 2013.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

ATTEST:  
Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

**PRESENTATION AND CONSIDERATION OF ADOPTION OF RESOLUTION: FLOODPLAIN AND FLOODWAY REGULATIONS TEXT AMENDMENTS AND EVERGREEN AREA BASE ELEVATIONS REVISIONS**

**10:30:52 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Deputy County Attorney Paul Nicol, Clerk Kile

Grieve briefly explained history of the proposed regulations and Evergreen area base elevation revisions. He noted a memo was submitted to them earlier detailing the process from 2008 to present for their consideration. The referenced memo follows.

The Flathead County Floodplain and Floodway Management Regulations (Regulations) consist of local regulations adopted in conformance with Montana state law, as well as a Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) provided by the Federal Emergency Management Agency (FEMA) and adopted as part of the Regulations. The Regulations were originally adopted by the Board of Commissioners on August 5, 1984 by Resolution No. 522. Since 1984, from time to time the Regulations have been amended. The most recent revision to the FIRMs was in 2007 when all 72 printed FIRM panels were revised as part of the Digital Flood Insurance Rate Map (DFIRM) adoption process.

In July of 2010, Flathead County received a letter from FEMA explaining that as a result of a congressional inquiry in August of 2008, FEMA had initiated a re-study of the Evergreen area. The letter stated that topographic data had been collected and was being analyzed. In January of 2011 FEMA held a conference call in which they informed us that preliminary results of the re-study indicated that new base flood elevations (BFEs) were likely in the Evergreen area, and that draft versions of the FIRMs would be provided for our community to review. Those preliminary draft maps were provided for review on June 09, 2011. Soon afterwards, FEMA mailed letters directly to approximately 1,000 landowners impacted by changes represented in the preliminary draft maps informing them of a public informational meeting regarding the proposed changes to be held July 28, 2011 in the Evergreen Middle School gymnasium.

After the meeting, FEMA reviewed information and concerns that had been brought to their attention at the meeting, as well as through direct phone calls and emails to their contractor, Michael Maker Jr. Inc. In December of 2011, Flathead County was informed that after examining the information and concerns, no changes has been warranted or made to the draft preliminary maps. FEMA then proceeded with the map revision process as outlined under federal law, including publication of the base flood elevations in the Federal Register on March 28, 2012 and notified Flathead County of this process in a letter dated April 13, 2012. Notice of the revised base flood elevations was published in the Daily Interlake on April 27, 2012 This local notice initiated a 90-day appeal period.

During the 90-day appeal period, the Flathead County Planning and Zoning Office (FCPZ) served as a location for appeals to be submitted and held until the end of the appeal period. During this time (and throughout the revision process) emails were sent to the local press and members of the public by FCPZ to keep them informed of the process. During the appeal period which ended on July 27, 2012, a total of five (5) appeals were received. On August 06, 2012 the Flathead County Commissioners forwarded these appeals to FEMA, accompanied by a letter from them outlining their concerns with the study. This initiated a protest resolution period in which FEMA and Michael Maker Jr. Inc. reviewed all protests received.

On December 21, 2012 Flathead County received a "Letter of Final Determination" from FEMA informing us that they had received no valid requests for changes and therefore the revised Flood Hazard Determinations (FHDs) were considered final. In the letter, FEMA informed Flathead County that the effective date of the three (3) revised FIRM panels is June 18, 2013 and we have until that date to adopt them. Failure to adopt the revised panels will result in suspension from the National Flood Insurance Program (NFIP).

Within file #FRTA-13-01 being forwarded to you, you will find a copy of the Regulations showing revisions necessary to adopt the revised FIRM panels by June 18, 2013. The revisions include:

- A "housekeeping" revision to Section 1.03 to eliminate redundant language (Page 2).
- A revision to Section 1.04 adding a reference to a new Appendix A that lists the currently effective FIS and FIRM panels with the accompanying effective dates (Page 2).
- A new Appendix A that lists the currently effective FIS and FIRM panels with the accompanying effective dates (Page A1).

The proposed revisions were provided to FEMA and the Montana Department of Natural Resources and Conservation (DNRC) for their review on February 15, 2013, more than 30 days prior to consideration by the Planning Board. On March 04, 2013, our office received a letter from DNRC containing official approval of the proposed revisions to adopt the revised FIRM panels. Our office sent reminder email to FEMA seeking their approval on April 13, 2013.

A public hearing on the proposed revisions was scheduled for April 10, 2013 with the Flathead County Planning Board in the 2nd Floor Conference Room of the Earl Bennett Building, located at 1035 1st Ave West in Kalispell. Although a public hearing is not required for adoption of floodplain regulations under MCA, a public hearing was scheduled with the Planning Board for consistency with previous regulation revisions. On February 21, 2013 an email was sent to the "Planning News" email list notifying interested persons of the April 10 public hearing. Notice of the public hearing was posted to the Flathead County Planning and Zoning Office website on March 18, 2013. Legal notice of the public hearing appeared in the March 25, 2013 edition of the Daily Interlake. A copy of the draft Regulations, showing proposed changes, along with a copy of a cover memo to the Planning Board explaining the history of the project was posted to the Flathead County Planning and Zoning Office website on March 25, 2013.

At the April 10, 2013 public hearing, the Flathead County Planning Board heard from one member of the public who was opposed to the adoption of the revised maps, held Board discussion on a variety of topics and ultimately recommended adoption of the revisions as proposed. For details of the Planning Board public hearing and discussion, please see the Planning Board hearing addendum contained in file # FRTA-13-01.

Please schedule consideration of these revisions at your earliest convenience. Our office requests that the effective date of the revisions be June 18, 2013, FEMA's designated effective date of the revised panels.

Commissioner Scott made a **motion** to adopt Resolution 522B. Commissioner Krueger **seconded** the motion. **Aye** - Holmquist, Scott and Krueger. Motion carried unanimously.

**WEDNESDAY, APRIL 24, 2013**  
**(Continued)**

RESOLUTION NO. 522B  
A RESOLUTION REVISING THE FLATHEAD COUNTY  
FLOODPLAIN AND FLOODWAY MANAGEMENT REGULATIONS

WHEREAS, the Board of Commissioners of Flathead County, Montana has the authority under Section 76-5-101, et seq., M.C.A. to adopt floodplain regulations; and

WHEREAS, the Board of Commissioners has adopted and enforced floodplain regulations pursuant to those statutes.

WHEREAS, in 2008 as a result of a congressional inquiry into the accuracy of the Flood Insurance Rate Maps (FIRMs) in and around the Evergreen, MT area, the Federal Emergency Management Agency (FEMA) undertook a re-study of flooding in and around the Evergreen area and determined that revisions were warranted to three (3) FIRM panels; and

WHEREAS, in June of 2011 FEMA provided Flathead County with preliminary draft FIRM panels for review and comment; and

WHEREAS, FEMA sent letters directly to approximately 1,000 landowners in and around the Evergreen area informing them of possible changes to the FIRM panels and informing them of a public meeting to be held in the Evergreen Middle School Gym on July 28<sup>th</sup>, 2011; and

WHEREAS, based on feedback from local officials and the public, FEMA reviewed the preliminary draft maps and determined no changes were warranted and proceeded with the map revision process as outlined under federal law; and

WHEREAS, after publication of new Base Flood Elevation (BFE) data for the Evergreen, MT area in the Federal Register and the Daily Interlake, a 90-day appeal period did start on April 27, 2012 and ended on July 27, 2012 and a total of five (5) appeals were submitted to Flathead County and forwarded to FEMA with a cover letter from the Flathead County Commissioners; and

WHEREAS, FEMA did review these appeals and on December 18, 2012 issued a "Letter of Final Determination" stating that no valid requests for changes had been received, and that the changes to the base flood elevations will be effective on June 18<sup>th</sup>, 2013 and that Flathead County has until that date to adopt the revisions or risk suspension from the National Flood Insurance Program.

WHEREAS, Flathead County prepared revisions to the Flathead County Floodplain and Floodway Management Regulations to revise language in Sections 1.03, 1.04 and add a new Appendix A listing the currently effective FIS and FIRMs to which Flathead County will regulate; and

WHEREAS a request for review of these revisions was sent to MT DNRC and FEMA on February 15, 2013 (and again to FEMA on April 13, 2013) and Flathead County received approval of the revisions from MT DNRC on March 04, 2013 but has not as of this date received a response from FEMA; and

WHEREAS, a public hearing was scheduled with the Flathead County Planning Board on April 10, 2013, a legal notice of this hearing appeared in the Daily Interlake on March 25, 2013 and copies of the proposed revisions were made available at the Flathead County Planning and Zoning Office and on Flathead County's website on March 25, 2013; and

WHEREAS, on April 10, 2013 the Flathead County Planning Board held a public hearing on the revisions of the Flathead County Floodplain and Floodway Management Regulations and heard testimony from one (1) member of the public; and

WHEREAS, after the close of the public hearing on April 10, 2013, the Planning Board considered and discussed the proposed revisions, as well as public testimony, then recommended on a 6-1 vote that the Board of Commissioners adopt all the proposed revisions.

WHEREAS, the Board of Commissioners has reviewed and considered the record of the public hearing held by the Planning Board; and

WHEREAS, the Board of Commissioners has reviewed and considered the proposed revisions recommended by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, that it hereby adopts the revisions of the Flathead County Floodplain and Floodway Management Regulations recommended by the Flathead County Planning Board and attached hereto. (See *recorded document #201300009909*).

NOW, THEREFORE, BE IT ALSO RESOLVED, that the effective date of the revisions to the Flathead County Floodplain and Floodway Management Regulations attached hereto is June 18, 2013.

DATED this 24th day of April, 2013.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

ATTEST:  
Paula Robinson, Clerk and Recorder

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

By/s/Diana Kile  
Diana Kile, Deputy Clerk

***The above attachment referenced in Resolution #522B is recorded as document #201300009909.***

**WEDNESDAY, APRIL 24, 2013**  
**(Continued)**

**MEETING W/ R. B. RE: MAC0 LETTER/ OATH OF OFFICE**

**10:45:00 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, r.b., peaceful guy Dane, Bryan Peace, Clerk & Recorder Paula Robinson, Recording & Election Manager Monica Eisenzimer, Fairgrounds Director Mark Campbell, H. R. Director Tammy Skramovsky, Architects Design Group Ken Huff, Dale Lauman, Reg Morris, Gordon Winks, Roxy Larsen, Larry Snyder, Jan Weaver, Kathy Morris, Gerry Banzet, Jorene Williams, Doug Gilbertson, Pat Gilbertson, Bev Sorensen, Tom Murphy, Sharon Askelson, Carol Fortner, Mae Osborne, Nola Rice, Connie Colonius, Frank Shelt, John Alton, Vivienne Montague, Mary Meister, Pastor Dawn Schnur, Dodie Wise, Gary Eckert, R. Norton, Phil Anderson, Terry Schutt, Kevin Wayne, Mercy Candelaria, Jay Scott, Sherry Stevens, Clerk Kile

r.b. presented the "Political Code of the State of Montana" to the commission that he stated is a reprint of the original document. He swore himself in by reciting the Lord's Prayer. r.b. stated everything he does is under Colossians 3:17. He presented to the commission a copy of the Bill of Rights Congress of THE United States dated Wednesday the 4<sup>th</sup> of March, 1789. He also presented a copy of The unanimous Declaration of the thirteen united States of America per the political code of the State of Montana signed and sealed by r.b. He then spoke about appointment affidavit SS-61—an official affidavit that appoints the commission as his trustee that he said if they would like to sign then great, but if they didn't he already signed by accommodation. He further spoke about correcting oath of offices and said when he checked he found 16 new oaths on the record with nine of them being deficient that he said is a pattern of abusive behavior. r.b. said normally a district court judges oath has to be obtained from the SOS, yet Robert Allison's oath was recorded in the county. He presented a good oath and corrected oath signed by Heidi J. Ulbricht on the same day. He said this is called a compound felony, and he will not participate in any actions in the building because none of the judges are properly seated. r.b. said the commissioners are the highest level of government in this county; executive and legislative which is against both of his constitutions. He references codes and presented three criminal complaints he submitted.

**CONSIDERATION OF AOA SITE/ CDBG GRANT**

**10:57:14 AM**

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Clerk & Recorder Paula Robinson, Recording & Election Manager Monica Eisenzimer, Fairgrounds Director Mark Campbell, H. R. Director Tammy Skramovsky, Architects Design Group Ken Huff, Dale Lauman, Reg Morris, Gordon Winks, Roxy Larsen, Larry Snyder, Jan Weaver, Kathy Morris, Gerry Banzet, Jorene Williams, Doug Gilbertson, Pat Gilbertson, Bev Sorensen, Tom Murphy, Sharon Askelson, Carol Fortner, Mae Osborne, Nola Rice, Connie Colonius, Frank Shelt, John Alton, Vivienne Montague, Mary Meister, Pastor Dawn Schnur, Dodie Wise, Gary Eckert, R. Norton, Phil Anderson, Terry Schutt, Kevin Wayne, Mercy Candelaria, Jay Scott, Sherry Stevens, Clerk Kile

Chairman Holmquist read the following prepared statement.

As you all know we have received the PAR for AOA. The scoring came in very close and I believe that either site would work. Today I want to talk specifically about the CDBG grant.

I don't believe that the county is ready to move forward with a viable grant application at this time. I want to thank Kalispell and all the individuals that have worked very hard on this. There are still too many unanswered questions to move forward with the information we have right now. Rest assured that I will continue to look at the AOA program and facility needs.

Since the proposal was introduced to the commission last October, there has been a concerted effort to influence how the commission would move forward with AOA. This effort has included threats and rumors. I will not allow these distractions to interfere with my decisions as I work through this. As a commissioner I represent seniors, children and everyone in between. I believe the residents of Flathead County deserve no less than for me to base my decisions on what is good for the county as a whole and not on distractions or emotions.

Again, thank you Kalispell and all the individuals that have worked so hard on this.

I want to make it very clear that all that I am proposing today is that we do not go forward with the grant. I believe the AOA program and facility needs will be better addressed after our budget process is complete. With that, I would entertain a motion on just the grant. What is the commissioner's pleasure?

Commissioner Krueger made a **motion** that we do not continue forward with the grant application. Chairman Holmquist **seconded** the motion. **Aye** – Holmquist and Krueger. **Opposed** – Scott. Motion carried by quorum.

**MEETING W/ HALEY BEAUDRY & MATT LUCKE RE: CFAC**

**2:33:00 PM**

Present: Chairman Pamela J. Holmquist, Commissioner Gary D. Krueger, Assistant Mike Pence, Joe Unterreiner, Phouxay Thepphovong, Clarence Taber, Reed Gunlikson, Haley Beaudry, Matt Lucke, Steve Wright, Zachary Mayer, Patrick Wilson, Robert Smollack, Jim Ness, Clerk DeReu

Matt Lucke presented an update on CFAC and the aluminum market. He reported they are absolutely trying their best to find a way to restart the plant.

Zach Mayer said it has always been their goal to bring the jobs back and restart CFAC as soon as they possibly can. He spoke about the current metal market; spoke about history of 10 smelters in the northwest; reviewed power rates; reported CFAC currently has a nine year deal on the table from BPA at IP rate power which would be roughly a difference of \$6 million per year from what they previously received; spoke about the impact the Shell gas revolution has had on electricity prices.

**WEDNESDAY, APRIL 24, 2013  
(Continued)**

Steve Wright, Environmental Manager at CFAC presented a summary of superfund discussions. He reported EPA did a preliminary assessment site investigation in the 80's and took many samples and put in ground water monitoring wells. Wright stated at that time it was not judged to be of significant hazard to be put on the national priority list or the superfund list. He noted after superfund discussions recently have been held the EPA is planning on coming in the first week of June for a site visit.

Robert Smollack former manager of CFAC said he is in contact with former employees on a regular basis. He stated currently they have 200 people on their recall list that have the first right to come back to work at CFAC. Smollack reviewed positives to the valley when CFAC is running. He pointed out it seems the negatives outweigh the positives of restarting CFAC and said to demolish the plant is probably one of the worst things that could happen to the valley.

Haley Beaudry pointed out that he and Robert Smollack are not on the Glencore or CFAC payroll. He stated they have spent the last several years doing what they could trying to get the plant reopen; it's very important to them he said. He explained the jobs at CFAC were very good jobs and they had a good crew working there. Beaudry reviewed current and present aluminum prices. He stated it is important to show EPA that the community supports a restart of the plant.

- 11:00 a.m. County Attorney meeting @ Co. Atty's Office**
- 12:00 p.m. Commissioner Holmquist: MWED board meeting**
- 1:30 p.m. Commissioner Scott: AOA Wellness Committee meeting @ Home Options**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 25, 2013.

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**THURSDAY, APRIL 25, 2013**

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

- 1:30 p.m. Commissioner Krueger: RSVP board meeting @ Heritage Place**
- 4:00 p.m. BLUAC meeting @ Bethany Lutheran**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 26, 2013.

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**FRIDAY, APRIL 26, 2013**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, 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 April 29, 2013.

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