

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

MONDAY, DECEMBER 15, 2014

Audiofile

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

Chairperson Holmquist led the Pledge of Allegiance.

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

OPEN BIDS: LEGAL ADVERTISING 2015

9:00:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney David Randall, Finance Director Sandy Carlson, Recording Manager Monica Eisenzimer, Clerk Kile

Chairperson Holmquist read into the record that one bid was received from the Daily Inter Lake with a bid bond enclosed.

Commissioner Krueger made a **motion** to take the bid under advisement. Commissioner Scott **seconded** the motion. Motion carried unanimously.

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: BRENDA WILLIAMS V. FLATHEAD COUNTY

9:01:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney David Randall, Clerk Kile

Commissioner Scott made a **motion** to approve the document for signature. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: HUNGRY HORSE RURAL FIRE DISTRICTS' ANNUAL FINANCIAL REPORT

9:02:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Finance Director Sandy Carlson, Clerk Kile

Commissioner Krueger made a **motion** to approve the document for signature. Commissioner Scott **seconded** the motion. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF VETERAN BURIAL & HEADSTONE POLICY

9:03:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Finance Director Sandy Carlson, Recording Manager Monica Eisenzimer, Grant Support Debbie Pierson, C&R Deputy Clerk Diana Carson, Clerk Kile

Carlson summarized the proposed policy concerning veteran burial and placement of a headstone. She noted the policy spells out what the veteran requirements are, and will ensure the proper individual is paid the benefits.

Chairperson Holmquist said she feels a policy or clarification is probably in order, yet explained we also need to look at our indigent burial policy at the same time. She stated clarification of both is what needs done before we move forward with one, and suggested the commission research both policies before moving forward. It was pointed out the county indigent burial policy was implemented in 1994 and needs to be looked at.

Commissioner Krueger said he doesn't consider the two policies the same at all; these are our veterans. He stated he feels we should adopt this policy and then work on our indigent burial policy.

Commissioner Krueger made a **motion** to adopt the policy. Commissioner Scott **seconded** the motion. Motion carried unanimously.

Flathead County Policy for Veteran allowance for Burial and Headstone placement:

MCA 10-2-501 indicates that counties are required to pay an allowance not to exceed \$500 to defer the interment expenses for a veteran resident in the county and an amount not to exceed \$100 toward the placement of a suitable headstone. MCA 10-2-101 defines a veteran as an honorably discharged individual who served on active duty with United States armed forces other than for training. On June 13, 2011, the Flathead County Board of Commissioners adopted resolution number 2296 increasing the maximum reimbursement allowance to \$500 and \$100 respectively for qualified veterans that are considered residents of Flathead County.

Flathead County's policy in compliance with this resolution and applicable law will require **all** of the following:

- 1) The representative completes a Flathead County Veteran Authorization & claim form. If multiple parties qualify for reimbursement, payment will be made on a first come first serve basis based on the date the application form is received by the county.
- 2) The applicant provides proof of payment for services. Proof of payment includes a copy of an invoice from the funeral home/headstone provider indicating full payment and identifying applicant as payer or a copy of the cancelled check from applicant.

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In the case of a prepaid funeral, the surviving spouse is entitled to reimbursement. In the absence of a surviving spouse, the deceased estate is entitled to reimbursement through probate. No reimbursement will be made to personal representatives or heirs.

Indigent burials or estates that are being handled by Flathead County's Public Administrator are exempt from this proof of payment.

Payments requested by either the Montana Veteran's home or the Montana National Cemetery are not required to provide proof of payment and may make application on behalf of their clients. They may also ask for direct payment to the funeral home or headstone provider.

- 3) Certification by Flathead County's veteran interment supervisor or their designee that the Veteran has met all the requirements identified in MCA 10-2-101 and qualifies as a resident of Flathead County prior to their death.

Upon completion and verification of the above requirements, reimbursement will be made directly to the applicant. No reimbursements will be made to the funeral home or headstone place of business.

"Interment" has the meaning provided in MCA 37-19-101. "Resident" is determined as provided in MCA 13-1-112.

MONTHLY MEETING W/ MARK CAMPBELL, FAIRGROUNDS

9:15:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Fairground Operations Manager Mark Campbell, Clerk Kile

FLATHEAD COUNTY FAIRGROUNDS

Campbell reviewed the following monthly report with the commission.

Current Projects

- Grandstand Renovation project – work is completed. Mediation with contractor and their representatives was held 12/5 without resolve. Continuing to work through the differences.
- Design of phase 2 is well underway with bid documents expected in early January. Working with County Attorneys to develop most effective and efficient handling of request for utility easement by City on Fairground water/sewer line access. This covers service areas in both phase 1 & 2 work.
- Trade Center floor re-sealing CIP project is underway using existing staff. Cost of project is considerably lower than originally projected.

NW Montana Fair & Rodeo

- Holding post fair meetings with Superintendents of the competitive departments for changes and directions in 2015.
- Continuing to research and finalize options for 2015 Fair entertainment. This includes what to do with Tuesday & Sunday programs to ensure the best possible results.
- Initiating changes to Fair book for 2015. Finalizing in March/April.

Flathead County Fairgrounds

- Seeking additional event customers and will work with Convention Visitor Bureau to attract them to our region.
- Confirmed Relay for Life event in June. It will be a collective effort of all Flathead communities.
- Continued work on a Fairgrounds calendar of events and ways to share information to the public.

Upcoming Events and Activities

- 4H Shooting Sports continues on Mondays and Thursdays weekly
- Pickleball (in conjunction with County Parks) Tuesdays & Thursdays
- Flathead & Glacier High Pole Vault practices
- Sports Connection Gun Show – Jan 9-11th
- Flathead Gymnastics Academy Competition – Jan 17th

MONTHLY MEETING W/ LISA SHEPPARD, AOA

9:30:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, AOA Director Lisa Sheppard, Clerk Kile

AOA DIRECTOR

Sheppard reviewed the following monthly report with the commission.

AOA Administration

Budget

- Nothing to report this month.

State/Legislative Issues

- Development of Area Plan for October 2015-September 2019: DPHHS mailed the required letter to Flathead County Commissioners alerting them to the various structural options for the Area IX Agency on Aging with a deadline of January 30, 2015 to make any changes to the current structure.
- Lisa facilitated the November M4A conference call which focused on association priorities for the upcoming legislative session.
- The Governor's budget does not include the additional \$1 million over the biennium for aging services but does include a provider rate increase that if passed would amount to about the same increase in revenue.
- Lisa assisted DPHHS to develop a proposal for a \$100,000 Benefits Enrollment Center grant from the National Council on Aging (NCOA) to increase benefits/services enrollment for Flathead area seniors and people with disabilities who are Medicare beneficiaries. If awarded, the grant will run from March 2015-May 2016. AOA's portion to implement the grant will be \$77,043, the majority of which will be used to fund an additional staff person to coordinate grant activities. Some of the funds will be used to support area Senior Centers to increase referrals to AOA for benefits counseling. Becoming a Benefits Enrollment Center will position AOA to transition into an Aging and Disability Resource Center when the grant expires. There is additional funding associated with being an ADRC.
- Lisa participated in the Community Health Forum on 11/18/14.

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Building

- **New building:** CTA completed the plans and the Commissioners voted to put the project out for bid on 12/4/14.
- **Kelly Road:** The County has given notice of intent to move to the landlord, and as allowed in the lease agreement the rent will increase to \$4,490 per month in January.

Advisory Council

- The Council held its annual potluck on 12/11/14 and presented certificates of appreciation to outgoing members.
- The Commissioners reappointed one member and approved four new members on 12/9/14. They will begin their terms in January 2015.
- **Outreach/Education/Media** - Increased outreach is a goal in our Area Plan on Aging (Oct. 2011- Sept. 2015). Note: Transportation related outreach will be noted in the Eagle Transit section below.
- 11/3/14, Lisa was interviewed on KGEZ (regular spot.)
- 11/7/14, Lisa attended the Columbia Falls potluck to generate interest in applying for Eagle Transit Advisory Committee membership. Approximately 45 people in attendance
- 11/14/14, CTA/Lisa presentation to Kalispell Senior Center members about new building (about 30 people in attendance)
- 11/18/14, the Daily Inter Lake ran an article on the RSVP Winter Ready Program efforts, titled, "Volunteer Program Provides Winter Items for Head Start:
- 11/18/14, Lisa presented on AOA services to the Kalispell Philanthropic Educational Organization (PEO), approximately 40 people in attendance
- 11/19/14, AOA/RSVP staff presented to The Girlfriends Group, 17 in attendance
- 11/25/14, AOA info fair held at Centre Court senior housing in Kalispell, 5 people attended
- Also in November:
 - Susan Kunda, Information and Assistance Program Manager, presented to a Certified Nurse Assistant class at FVCC, approximately 15 in attendance
 - Sue Holst gave a brief presentation on RSVP at the monthly Veterans Provider Meeting
 - RSVP staff developed and distributed posters/flyers to recruit veterans to serve in vet-related RSVP workstations
 - Press release distributed regarding GSA Annual Meeting presentation on Lifeside Farm Program

Eagle Transit

- The process of migrating to the RouteMatch server for a three-month trial has been completed.
- Two driver positions are in the final stages of the hiring process.
- Outreach/Education/Media:
 - Weekly radio ads on KOFI
 - 11/5/14, Lisa was interviewed about the future of Eagle Transit on KCFW-TV
 - 11/7/14, Transportation Manager Jim Boyd participated on a Leadership Flathead Panel on transportation services in the Valley
- The Montana Department of Transportation (MDT) has allocated \$639,681 for Eagle Transit for FY 2016, a \$66,290 increase from FY 2015. In addition, MDT will again provide approximately \$25,000 in TransAde funds to assist us to meet our match requirement.
- Glacier National Park:
 - The Cooperative Agreement modification # 5 was approved by the Commissioners on 12/11/14.
 - The budget for the coming year (Oct 2015-Sept 2016) will be \$700,000. Note: Last year's budget included a one-time \$50,000 add-on to allow for additional maintenance on the Optimas.
 - Changes in this modification include making the Winter Use Program more affordable and user friendly, arranging to transfer the Park's 20% ownership in the Optimas to Flathead County as they are retired (which will allow us to sell them in the future), discontinuation of Blackfeet maintenance and recognition that the shuttle service is no longer tied to the original Going to the Sun Road construction project
- Transportation Advisory Committee (TAC):
 - The Commissioners appointed five new members on 12/9/14. Terms will begin in January 2015.
 - At the 12/4/14 meeting members engaged in a focus group discussion to aid in development of the annual Coordinated Transportation Plan.
 - The next meeting will be 2/5/14. There will be no January meeting. The Committee will determine the schedule for the remainder of calendar year 2015 at the February meeting.
- \$1,500 donation from Church Women United in Columbia Falls – request Commissioner approval

Nutrition

- The monthly menu is now posted on our website.
- Two Cook positions (Cook I and Cook II) have been filled.
- Annual meal site assessments are in progress. Bigfork, Columbia Falls and Kalispell Senior Center assessments are complete. Whitefish and Lakeside are scheduled this month.
- We set a record number of Thanksgiving meals served!

I & R/Assistance/Ombudsman

- We have developed and are distributing a new brochure about AOA services.
- We are working on a new look and content for the website.
- The first of an ongoing series of AOA info fairs are being held at area senior housing complexes.
- Community Outreach Coordinator Christine Neater is participating on the Geriatric Mental Health Council
- SHIP staff provided Medicare counseling to 260 people during open enrollment
- Ombudsman staff attended annual training in Washington D.C.
- \$1,000 donation from Church Women United of Columbia Falls – request Commissioner approval
- New data reports: of active clients assessed
 - 63% are at moderate to high risk based on physical health needs
 - 16% have significant mental health needs
 - 65% need help with household and personal tasks
 - 60% live alone
 - 35% have at least one life factor rated at the highest risk category

RSVP

- Grant update:
 - Staff completed and submitted a required clarification of work plan measures for the new grant which if awarded will begin in April 2015.
 - Staff completed required National Criminal History Check training
 - Staff submitted required "Impact Narrative" report to the RSVP state office.
 - RSVP staff continue to change database entries according to the new grant requirements, which will have an impact on how statistics are tracked and calculated.
- 225 hats/mitten were distributed to Head Start in November
- New volunteers were recruited/placed in AOA Telephone Reassurance program

Senior Mobile Home Repair

- Advisory Board meeting was held on 12/9/14. Next meeting 1/13/14.
- No projects completed since last month; 19 are in progress
- Funding:
 - Oro y Plato grant received for \$10,000
 - Donation received from Whitefish Soroptimists (\$2,000) – request Commissioner approval
- **Senior Centers** - A primary AOA focus is outreach to area Senior Centers to build relationships, extend support, and explore new opportunities for partnership.
 - The CDBG planning grant project to evaluate the senior centers: Draft reports on Whitefish, Columbia Falls and Bigfork were received on Friday. The Kalispell draft report was completed at the end of November.
 - Whitefish: holiday centerpiece art class 12/10; Stumptown Historical Society program 12/16; holiday tour of Conrad mansion 12/17; immunization clinic on 11/10/14; Knitting Circle every Wednesday; several new "walk-in" members and volunteers in November and December!
 - Kalispell: The annual "It's a Wrap" fundraiser at the Kalispell Center Mall is in full swing. \$1000 has been raised so far. Volunteer wrappers will work through Christmas Eve. All proceeds go to benefit Center programs.
 - Columbia Falls: The annual Night of Lights fundraiser was held at the Center on Dec. 5, raising several thousand dollars.

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(Continued)**

Performance Measures Tables - November 2014 (FY 2015)

41.66%

MEASURE	FY 2013 Actuals	FY 2014 Target	FY 2014 Actuals	FY 2014 % of Target	FY 2014 as % FY 2013	Nov. 2014	Total Last Report	Total/Avg. to Date	FY 2015 Target	% Target
# Receiving Independent Living Services	317	350	319	91%	101%	thru Oct	239	239	350	68%
# Receiving Meals on Wheels	349	373	451	121%	129%	24	284	308	350	83%
# of Seniors Receiving Congregate Meals	817	832	858	103%	105%	77	567	644	820	77%
# of Eagle Transit Dial-A-Ride Customers	368	470	787	167%	214%	total only	787	787	550	167%
# Eagle Transit DAR unduplicated riders for FY	N/A	N/A	N/A	N/A	N/A	YTD totals only	354	354		
# of RSVP Volunteer Hours	40,468	32,000	49,018	153%	121%	YTD thru Oct, totals only	12,834	12,834	32,000	40%
% of Service Recipients at Moderate to High Risk of Institutionalization	N/A	70%	88%	126%	N/A	85%	86%	85%	70%	121%
Per Meal Cost of Nutrition Services	\$6.88	\$6.00	\$6.28	105%	91%	\$5.78	\$5.78	\$5.78	\$6.50	89%
% of Annual Survey Respondents Who Indicate Overall Satisfaction with AOA Services	N/A	90%	survey will occur in FY 2015	N/A	N/A	98%	N/A	98%	90%	109%
Maximum of 4 Public Complaints About Transportation Services per month (48 annual total)	N/A	60	17	28%	N/A	3	11	14	48	29%

WORKLOAD INDICATOR	FY 2013 Actuals	FY 2014 Target	FY 2014 Actuals	FY 2014 % of Target	FY 14 as % FY 13	Nov. 2014	Total Last Report	Total/Avg. to Date	FY 2015 Target	% Target
Outreach/Education/Media										
Public Outreach/Education/Media Efforts	35	48	93	194%	266%	11	41	52	60	108%
Nutrition										
Meals Served	69,510	78,000	80,001	103%	115%	6,066	28,160	34,226	77,000	44%
Nutritional Assessments Conducted	N/A	560	539	96%	N/A	132	875	1,007	560	180%
Transportation										
Total Ride Count	93,833	96,000	94,535	98%	101%	6,353	32,854	39,207	94,000	42%
Dial-A-Ride Count	34,083	40,320	25,662	64%	75%	1,894	9,798	11,692	32,900	36%
City, Commuter and Other Ride Count	59,750	55,680	68,873	124%	115%	4,459	23,056	27,515	61,100	45%
Eagle Transit Outreach/Special Events	N/A	N/A	N/A	N/A	N/A	2	7	9	8	113%
Information and Referral/Assistance						Oct 2014				
Info and Referral/Assistance Contacts	15,896	16,300	16,666	102%	105%	1903	4,290	6,193	16,300	38%
Independent Living						Oct. 2014				
Homemaker Units of Service	3,318	3,780	3,065	81%	92%	320	709	1,029	3,187	32%
Escorted Transportation Units of Service	1,845	1,768	2,285	129%	124%	181	568	749	2,813	27%
Respite Units of Service	2,742	2,932	2,348	80%	86%	216	580	796	3,000	27%
Community Support Units of Service	N/A	N/A	419	N/A	N/A	64	160	224	375	60%
Home Chore Jobs	N/A	N/A	N/A	N/A	N/A	0	33	33	N/A	N/A
Personal Care Units of Service	N/A	N/A	N/A	N/A	N/A	95	129	224	N/A	N/A
Medicare/Insur. Counseling Units of Service	1,793	1,300	1,968	151%	110%	344	376	720	1,793	40%
Ombudsman consults/cases opened	N/A	N/A	N/A	N/A	N/A	not yet available	41	41	45	91%
RSVP						YTD totals only				
Volunteers Recruited/Enrolled	493	500	411	82%	83%	411	411	400	400	103%
Volunteer Work Stations Developed and Maintained	59	60	87	145%	147%	72	72	50	50	144%
RSVP Newsletters Produced and Distributed	4	6	4	67%	100%	0	2	2	4	50%

DOCUMENT FOR SIGNATURE: PROFESSIONAL SERVICES AGREEMENT/ BRILES

10:00:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Dr. Wayne Miller, Clerk Kile

Commissioner Krueger made a **motion** to approve the document for signature. Commissioner Scott **seconded** the motion. Motion carried unanimously.

REVIEW OF FLATHEAD EMERGENCY COMMUNICATIONS CENTER (FECC) FINANCIAL STATEMENTS W/ SANDY CARLSON, FINANCE DEPT.

10:15:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Finance Director Sandy Carson, Clerk Kile

Carlson summarized the financial audit statement report presented to the 911 board last week. She noted an unmodified opinion was received from Anderson Zurmuehlen & Company, P.C.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 16, 2014.

TUESDAY, DECEMBER 16, 2014

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

2:30 p.m. Commissioner Holmquist: Health Board Budget/Finance Committee meeting @ EBB
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 December 17, 2014.

WEDNESDAY, DECEMBER 17, 2014

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

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 December 18, 2014.

THURSDAY, DECEMBER 18, 2014

[Audiofile](#)

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

Chairperson Holmquist led the Pledge of Allegiance.

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

Bill Myers, representing Bayside Park and Marine in Bigfork summarized events leading up to his concerns with the bay. He spoke about disagreements with Sue Hanson and Commissioner Joe Brenneman over issues with his property. He read the following letter to the commission.

To: Flathead County Commission
c/o Flathead County Clerk & Recorder
800 South Main Street
Kalispell, MT 59901

From: William G. Myers, Jr., representing Bayside Park and Marine Center, LLC

Re: Protest of Proposed Resolution 2398/ Resolution of Intent to Create RSID #156
Bigfork Stormwater Project (Phase IV Improvements)

Bayside Property: Assessor #0033770 & 0978641

Commissioners:

Bayside Park & Marine Center, LLC, owner of above listed properties, notified separately concerning above listed resolution, hereby protests this proposal.

The following reasons and comments should be considered:

When the initial phases were proposed, discussed, approved, etc., by his highness, Commissioner Joe Brenneman, members of the committee, public citizens, taxpayers, etc. were assured that the project would be funded by grants, Flathead County and other state and federal monies without cost to taxpayers. At that time I questioned whether the above mentioned money and funds would cover all phases of the project. Because the design and implementation of the project, under direction, engineering and supervision of 48 North became a super deluxe Cadillac, Mercedes, Lexus expanded version of the original concept, it became clear Phase IV would not be included. It originally could have been included, if not for the super deluxe version approved by this Flathead County Commission.

We who questioned many parts of this design and financial allocation were assured that all efforts would be made to find a funding source for Phase IV and not burden taxpayers. A campaign was begun to persuade people in Bigfork to approve Phase IV. The results of a survey after that campaign clearly indicate a lack of clear support for Phase IV. Further taxation as a means to fund this project was clearly not desired, despite wording in the survey that was designed to get approval.

Yet, today this commission, despite all three commissioners running on a platform to keep taxes low, wants to increase our taxes dramatically. Bayside's taxes have increased over 500% in the current six year cycle, and you want to increase our taxes with another in a series of incremental tax increases. We must protest this further increase in our taxes. Other ways should be found to fund the extravagant designs of 48 North. Much of the current proposal is actually road and curb related and should come out of road funds. In addition, the Bigfork County Water and Sewer District is aware of problems with the septic sewer line running along Bigfork Bay just below Electric Avenue. Parts of this line are actually under water for over half the year. The Bigfork Sewer District has long looked at relocating that sewer line to run under Electric Avenue; hence, a win/win/win could be designed that would do several things at once, and better provide sources for grants, or other funding from the state or the feds.

This project should not be dumped on the local taxpayers under the current deluxe proposal. I urge this commission to reject the current proposal and find other ways to fund any such stormwater proposal, or scale it down dramatically.

Sincerely,

William G. Myers, Jr. / For Bayside

General discussion was held relative to the project and who should pay for the improvements.

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

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

This meeting was not held.

THURSDAY, DECEMBER 18, 2014
(Continued)

PUBLIC HEARING: PORTION OF LUPFER ROAD – 60 FOOT DECLARED COUNTY ROAD

9:30:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney David Randall, Public Works Director Dave Prunty, Jonathan Smith, Sean Frampton, Anne Lent, Charles McCarty, Larry Funk, Janet Funk, Craig Baugh, Jerry Sorensen, Tom Esch, Rett Parker, Tammie Lee, Jane Eby, Margaret S. Davis, Clerk Kile

Prunty stated the Road Department records show that Lupfer Road was created back in 1918 and was declared by petition at that point in time. He noted for the record an employee working at the Road Department for the past 37 years remembers performing winter and summer maintenance on it since that time.

Chairperson Holmquist opened the public hearing to anyone wishing to speak regarding declaring a 60 foot portion of Lupfer Road a county road.

Larry Funk, 1050 Lupfer Meadow Road stated he lives ½ mile further north on Lupfer Road in one of 9 family households residing there. This action that we are addressing today relates in part to South Lupfer residences and landowners, but is critically as important to North Lupfer residence as well. The resolution to confirm Lupfer as a prescribed county road with a 60-foot right-of-way is an essential first step towards resolving a larger issue of gaining legal access for Flathead County road crews and North Lupfer residences across the half mile segment of Lupfer in Section 35 that is located on Montana school trust lands where it was constructed many decades ago. As you know the larger issue relates to a Montana court ruling pertaining to school trust lands. I won't labor details assuming we all understand the implications of MCA 77-1-107 which is being managed by DNRC. However, I would like to put the matter into perspective relative to North Lupfer residence. Four and a half years ago we were shocked to learn they were being denied clear title and legal access to property they had purchased many years before in good faith. In my case some 38 years ago I purchased the north Lupfer property as a quarter section wilderness ranch.

Chairperson Holmquist pointed out the public hearing today pertains to the 60-foot right-of-way on the lower portion of Lupfer Road and not the northern section.

Larry Funk stated this is very relevant, and is the first step of getting this confirmed as a county road that is necessary for a 60-foot right-of-way easement to be able to proceed. He explained when he purchased the quarter section it was complete with title policy and ample evidence that it was served by a well maintained county road. Unfortunately, within a few years we had to face reality and sell my dream, but I chose to subdivide into smaller parcels; prepared covenants to protect the properties remote aspects for future development. Thereafter the parcels sold and changed hands for more than 30 years without difficulty and then in June 2010, it came to an abrupt halt when they learned of this ruling. As you know it is very difficult to obtain bank financing and sell property without legal access and clear title. We faced some dire financial consequences and were forced to sell for failing health and other urgent issues. We worked diligently for more than four years incurring substantial legal costs to unravel this matter and reach a negotiated settlement with my original title company and DNRC. Funds are now committed for purchase of the ROW easement from DNRC and the plan has been proposed. Our proposal addresses the first step in the process of negotiating with DNRC for the ROW easements.

The commissioners pointed out comments are off track.

Craig Baugh, 763 Lupfer Road spoke in favor of the proposal. He said he has lived there for 30 years and has seen the road move and would like to request that the county do a full survey of where the road currently is so they will know where the road actually is.

Jerry Sorensen stated he is the Director of Lands for Plum Creek who owns a block of land which accesses off Lupfer Road at the north. We appreciate that the commissioners are considering this issue and trying to clear up what we see as a very serious title issue that Mr. Funk spoke about earlier. From their perspective it is declaring what Plum Creek has always believed to be the case; that it is a county road. All the records they have looked at have notations that it is a declared county road. Plum Creek has made business decisions that have relied on it being a county road, and now that it has been thrown into a cloud it creates a lot of concern for Plum Creek. If the first portion can be fixed, I think it will benefit many landowners on the road and will set the stage for what Mr. Funk spoke about in resolving the issue for the folks that live to the north.

Jane Eby read the following letter:

My name is Jane Eby. I live at 4670 Farm to Market Road, Whitefish, Montana. I would like to speak in favor of declaring Lupfer Road from its intersection with US Highway 93 in Section 3, T31N, R23W to the south line of Section 36, T32N, R23W as a county road.

I am a licensed professional land surveyor, having practiced in Flathead County for 20 years. Laymen and professionals rely upon the public record as the authoritative source of information. Flathead County public records call Lupfer Road a 60 foot wide declared county road in several places. I am providing copies of the following records with this written comment as follows:

1. Older section maps (1979, 1993, 1994)
2. Older county road department records (+/- 1996)
3. Cover page of the county road file (+/- 1970/1980)
4. Current day section maps (downloaded 2014)
5. Copy of Lupfer Road Meadows Subdivision
6. Copy of Platting Certificate for Lupfer Road Meadows Subdivision

Soon after I began my land surveying career in 1995, I acquired a list of all the roads in the county from the Flathead County road department. This list contains the name, width, surface material, length, section-township-range of the point of beginning, and jurisdiction of each road. Of interest is the noted length of Lupfer Road in the older county road department records compared to the length of road on the first page of the county road file. Both records state the road is a declared county road, 60 feet wide, 14,380 feet long (2.7 miles), beginning in Section 3.

THURSDAY, DECEMBER 18, 2014
(Continued)

One of the easiest, most obtainable public records are the section maps found in the plat room, historically called the County Surveyor's office. The oldest obtainable section maps through the current day section maps have consistently shown Lupfer Road as a 60.00 foot wide declared county road. Title companies rely upon these section maps and regularly cite them in standard policies. (Refer to the highlighted portion on the copy of the Platting Certificate for Lupfer Road Meadows Subdivision.) Until recently, Flathead County and the general public have always considered Lupfer Road as a declared county road. Relying upon the public record, I myself have filed a survey labeling Lupfer Road as a 60' declared county road.

The county, by its own actions, implies that Lupfer Road is a county road and has caused hardship for some of its citizens. The road has been continuously maintained and controlled by the county. Just as recently as 2013 portions of the road were rebuilt. The county road department has required four approach permits on the road in Section 1. A note on the face of the final plat of Lupfer Road Meadows Subdivision (detailing the county's conditions of final plat approval) requires approach permits for driveways. Public utilities have potentially been installed without a legal grant of easement. Land has been divided and sold where title companies have insured legal access that does not exist.

As a result of the county's actions and the public's perception, Lupfer Road has been treated as a defacto county road. It is my opinion that the responsible course of action for Flathead County is to perfect these actions and formally declare Lupfer Road a county road.


Jane L. Eby PE, PLS

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

Commissioner Krueger said it appears we have had some evidence presented to us that this has been a declared county road. We have taken the position that it is a county road, yet I would like to look at the information submitted and make a decision at a later date.

Chairperson Holmquist and Commissioner Scott concurred.

Prunty pointed out the county surveyor has surveyed where the road exists now so there is a record of the road that includes 30 feet out on both sides.

Commissioner Scott pointed out that it is incumbent upon the county to take a look at all the information submitted during this meeting so it is important to review that before moving forward.

AWARD BID: LEGAL ADVERTISING 2015

9:47:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney David Randall, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Krueger made a **motion** to accept the bid received from the Inter Lake. Commissioner Scott **seconded** the motion. Motion carried unanimously.

AUTHORIZE DAVE PRUNTY AS SIGNATORY FOR WESTERN STATES CONTRACTING ALLIANCE #1907 AUTHORIZED USER AGREEMENT (VERIZON WIRELESS)

9:51:00 AM

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

Commissioner Krueger made a **motion** to authorize Dave Prunty as signatory. Commissioner Scott **seconded** the motion. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS AND OTHER WATER BODIES/ THE WILLOWS OUTFALL

9:52:00 AM

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

Commissioner Scott made a **motion** to approve the document for signature. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: CREATE COMMITTEE FOR DEMERSVILLE CEMETERY

This meeting was cancelled.

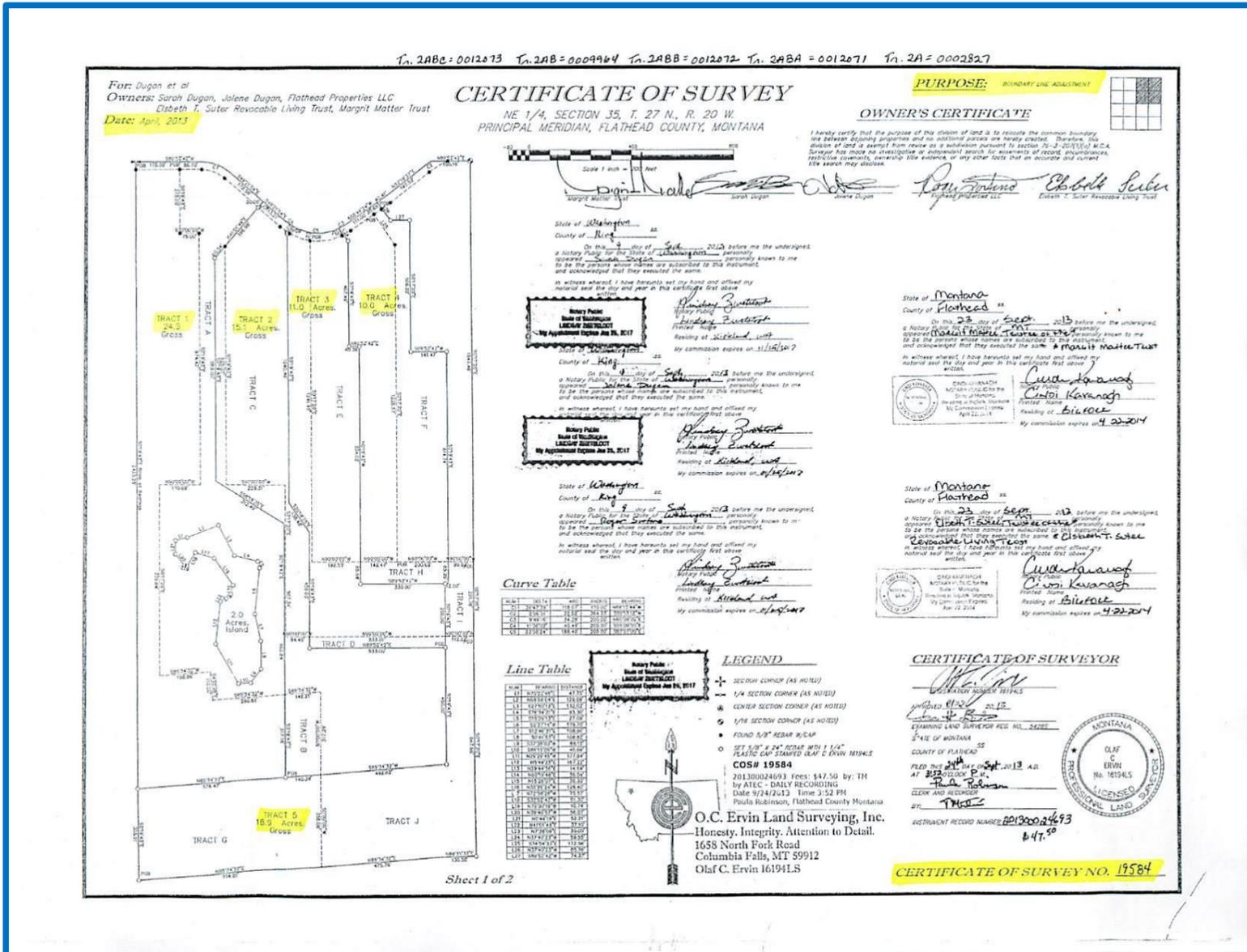
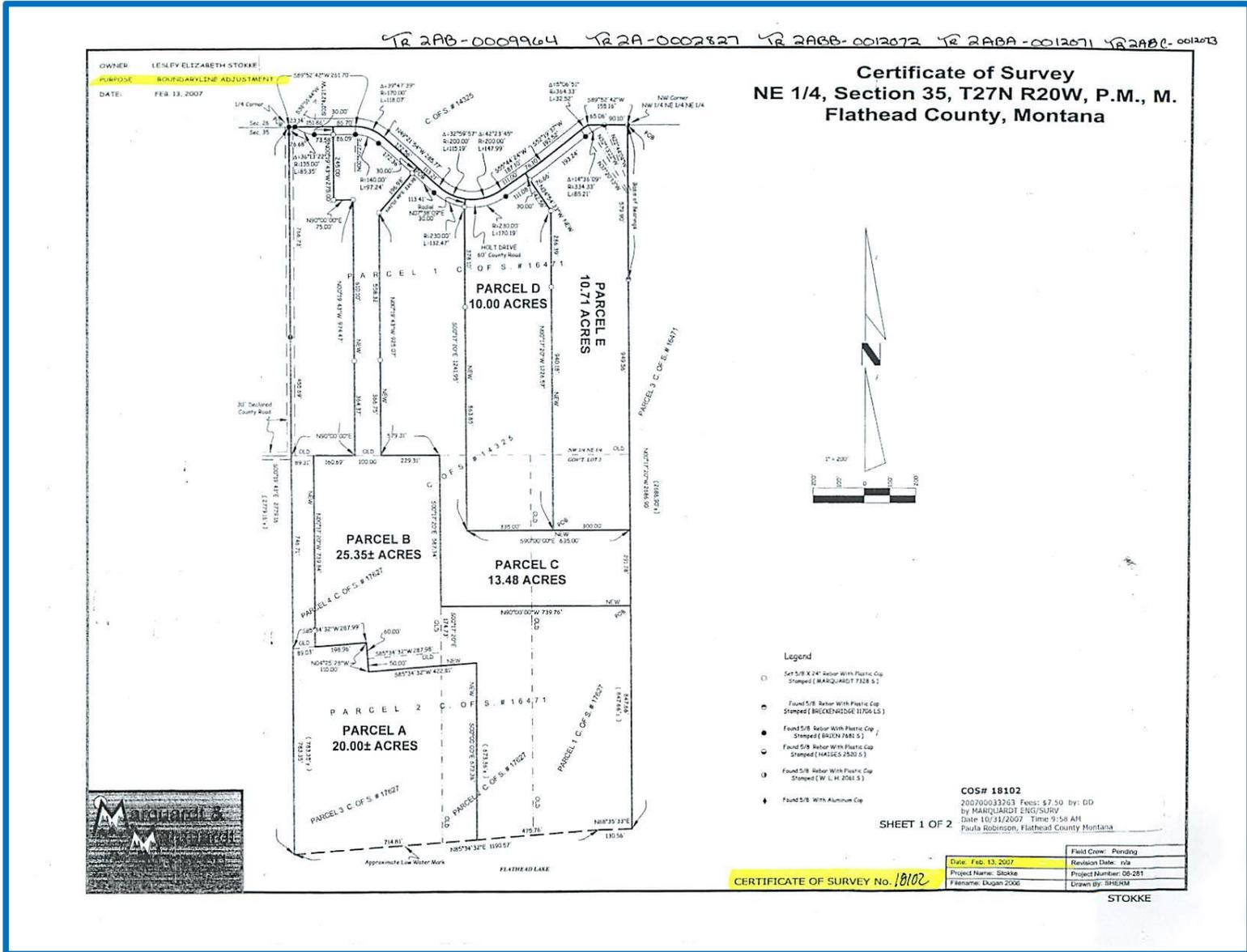
CONSIDERATION OF LAKESHORE PERMIT EXTENSION: FLATHEAD PROPERTIES, FLP 12-54

10:00:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Planner Erik Mack, Clerk Kile

Grieve reported the four extensions in front of them pertain to three properties adjacent to each other and one is separated by one property. The following COS was referred to as Grieve spoke about the extension requests. He pointed out Tracts 1, 2, 3 and 5 are the properties requesting extensions today with Tract 4 having a separate ownership. He explained when the permits were originally issued COS 18102 applied, and in September of 2013 COS 19584 was filed and is how the lot lines currently are. He noted FLP 12-54, FLP 12-55, FLP 13-01, and FLP 12-56 were issued in January, 2013.

THURSDAY, DECEMBER 18, 2014
(Continued)



He further summarized history of the properties, spoke about retaining walls, an access bridge and vinyl sheet piling vs. rock.

Commissioner Krueger made a motion to extend Lakeshore Permit FLP 12-54 to June 1, 2015. Commissioner Scott seconded the motion. Motion carried unanimously.

THURSDAY, DECEMBER 18, 2014
(Continued)

CONSIDERATION OF LAKESHORE PERMIT EXTENSION: DUGAN, FLP 12-55

10:22:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Planner Erik Mack, Clerk Kile

Grieve noted the permit was for a stone faced retaining wall, dock, walkway and small inlet or private lagoon in the Lakeshore Protection Zone on Flathead Lake.

Commissioner Scott made a **motion** to extend Lakeshore Permit/ Dugan, FLP 12-55 to June 1, 2015. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT EXTENSION: FLATHEAD PROPERTIES, FLP 12-56

10:24:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Planner Erik Mack, Clerk Kile

Grieve noted the permit was for a stone faced retaining wall, dock, walkway and small inlet or private lagoon in the Lakeshore Protection Zone on Flathead Lake.

Commissioner Krueger made a **motion** to extend Lakeshore Permit FLP 12-56 to June 1, 2015. Commissioner Scott **seconded** the motion. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT EXTENSION: DUGAN, FLP 13-01

10:25:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Planner Erik Mack, Clerk Kile

Grieve noted the permit was for a stone faced retaining wall, dock, and walkway in the Lakeshore Protection Zone on Flathead Lake.

Commissioner Krueger made a **motion** to extend Lakeshore Permit FLP 13-01 to June 1, 2015. Commissioner Scott **seconded** the motion. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: GUY ZONE CHANGE/ HIGHWAY 93 NORTH ZONING DISTRICT

10:26:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Erik Mack, Clerk Kile

Commissioner Scott made a **motion** to authorize publication of the Notice of Public Hearing / Guy Zone Change. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Byron S. Guy to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from SAG-10 to SAG-5 are located on described as:

Lot 1A of the Amended Plat of Lots 1 & 2 of Guy's Acres, located in Section 18, Township 29 North, Range 21 West, P.M.M., according to the official plat thereof, filed in the Official Record of Flathead County, Montana.

The property is located at 240 Sirucek Lane, Kalispell, MT, on approximately 3.75 acres.

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, and providing for estate type residential development, by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, located at 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: http://flathead.mt.gov/planning_zoning/downloads.php. Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **10th day of February, 2015, at 10:15 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Third Floor Old Courthouse, 800 South Main, Kalispell, Montana.. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the Highway 93 North Zoning District.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

DATED this 18th day of December, 2014.

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

Publish on January 27 and February 3, 2015.

THURSDAY, DECEMBER 18, 2014
(Continued)

CONSIDERATION OF ADOPTION OF RESOLUTION: EVERGREEN ENTERPRISE OVERLAY INTERIM ZONING EXTENSION

10:27:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Planning & Zoning Director B. J. Grieve, Planner Lawson Moorman, Planner Erik Mack, Clerk Kile

Commissioner Scott made a **motion** to adopt Resolution 2378A. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

RESOLUTION NO. 2378A

WHEREAS on December 19, 2013 the Flathead County Commissioners did adopt Resolution No. 2378 creating an interim zoning known as the "Evergreen Enterprise Zoning Overlay", and

WHEREAS the interim zoning was effective January 1, 2014 and has been in place since that time; and

WHEREAS pursuant to 76-2-206(4)(a) M.C.A. the Flathead County Planning and Zoning Office did complete a study to verify that an emergency existed and this study was provided to the Flathead County Commissioners and posted to the Flathead County Planning and Zoning Office website for public review on October 29, 2014; and

WHEREAS pursuant to 76-2-206(4)(b) M.C.A. on November 24, 2014 the Flathead County Commissioners did authorize the publication of a notice of public hearing on an extension of the interim zoning and that notice appeared in the Daily Interlake on November 30, 2014 and December 7, 2014; and

WHEREAS pursuant to 76-2-206(4)(c) M.C.A. on December 11, 2014 the Flathead County Commissioners did hold a public hearing and gave the public an opportunity to be heard and no members of the public attended the hearing and one written comment supporting an extension of the interim zoning was received by the Commissioners via email prior to the hearing and that comment was discussed at the hearing.

NOW THEREFORE, BE IT RESOLVED, that pursuant to 76-2-206(5) M.C.A. and for reasons outlined in the completed study referenced herein, that an extension of the interim zoning is desirable for the benefit of the Evergreen community; and

THEREFORE BE IT FURTHER RESOLVED that the Flathead County Commissioners do extend the Evergreen Enterprise Zoning Overlay as adopted in Resolution No. 2378 for a period of one year, effective January 1, 2015 and ending at 12:00 a.m. on December 31, 2015 and no additional extensions of the interim zoning will be considered.

Dated this 18th day of December, 2014.

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

CONSIDERATION OF H.R. TRANSMITTAL: INCREASE FTE – REGISTERED SANITARIAN/ HEALTH DEPT.

10:28:00 AM

Present: Chairperson Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, H.R. Director Tammy Skramovsky, Clerk Kile

Skramovsky reported the Registered Sanitarian position is currently at 32 hours and the request is to increase the position to full time.

Commissioner Krueger made a **motion** to approve the H.R. Transmittal/ Registered Sanitarian, Health Department. Commissioner Scott **seconded** the motion. Motion carried unanimously.

CONSIDERATION OF ACCEPTANCE OF DONATIONS: AOA

10:30:00 AM

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

Noted for the record the donations were received from the following:

Church Women United Klothes Klostet to Eagle Transit	\$1,500
Church Women United Klothes Klostet to AOA	\$1,000
Soroptimist International of Whitefish to the Sr. Mobile Home Repair Program	\$2,000

Commissioner Krueger made a **motion** to accept the AOA donations as presented. Commissioner Scott **seconded** the motion. Motion carried unanimously.

1:00 p.m. Commissioner Holmquist: Health Board meeting @ EBB

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 19, 2014.

FRIDAY, DECEMBER 19, 2014

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairperson 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 December 22, 2014.
