

**POLSON RURAL FIRE BOARD  
SPECIAL MEETING MINUTES  
APRIL 28, 2009 6:00 P.M.**

Board trustee members present: Fred Nelson, Alison Meslin, Jim Manley, Steve Bundy.

Board trustee member absent: None (Note – Trustee Dave Ottun seat vacant).

Board legal counsel: Attorney Bob Long.

Staff Present: Fire Chief John Fairchild.

Guests: Lake County Commissioner Bill Barron, Troy Truman, Lee Manicke, Dean Hermes, Paul Bishop, Jack Clapp, Jeff Meslin, Toni Burton, Paul Mauer, Paul Laisy, Roger Rogers, Jerry Peterson, Chris McGuinness, Ron Friez, Arnie Gomke.

Meeting called to order at Polson Library public meeting room by Chairman Nelson at 6:00 p.m.

**MEETING CONTINUATION** – Chairman Nelson announced the meeting is a continuation of the April 22, 2009 meeting. The purpose of the meeting is to continue the bid process for the Polson Rural Fire Station. Trustee Manley reported the board met with the Lake County Commissioners. The commissioners requested the Lake County Attorney review the bid process to determine whether a legal issue exists. Attorney Bob Long legal counsel for the board and Lake County Assistant Attorney Moser met several times and found no legal reason to not award the bid. Paul Bishop representing the Polson Firefighter Membership disagrees. Paul provided a memo from the membership requesting the board suspend further development of the project because: 1). This meeting was not properly noticed, therefore, any action taken will be null and void. 2). The project must be designed by a licensed architect. 3). Bidders were expected to design their own structure, which puts responsibility for code compliance on the contractor, rather than a trained design professional. 4). The bidding procedures were flawed, and in several instances did not comply with Montana State Law. (Copy of handout attached to file minutes). Trustee Manley indicated the meeting is a continuation of the April 22, 2009 meeting and there was adequate time allowed for public comment at the prior meeting. He respectfully suggests that public comment be limited to new items for discussion. Trustee Manley presented the bids. The lowest bid was not a qualifying bid since it did not include all the items required, therefore by law the bid cannot be considered. The next bid #4 which the board intended to award tonight and included all the required features. The board received a communication today stating he wanted to withdraw the bid. The bid was most favorable since the bid was for a wooden building with sheetrock inside. Bid #5 was not a qualifying bid since it left off some of the basic bid items that were requested. The next bid #1 \$207,720 included everything in the basic bid, the contractor has a good reputation and is the lowest bid. Trustee Manley suggested the bid awarded to bidder #1. Jack Clapp asked why the low bid withdrew. Trustee Manley replied the bidder was informed an architect may require more site preparation than he anticipated at a greater expense. Trustee Manley can't speak for the bidder, but he has reason to believe although this meeting was noticed for a very limited subject. He will anticipate at the next general rural fire board meeting that he would make a motion that the issue be investigated. Trustee Manley received information indicating someone contacted a number of people in Charlo for the purpose to contact the bidder to not bid the project or to withdraw his bid perhaps with references what it would do to his business. If this was done by anyone associated with the rural fire district, he feels it should be investigated and would move at the next general meeting that it be investigated and some determination made if remedial action should be taken. But now since the current low bid is not the preference of the firefighters or the board with an additional cost of \$6,000 to \$7,000 more than was anticipated. The board will look into the possibility of pursuing collection of the additional cost from anyone who is guilty of tortuous interference with contract oral relations. Mr. Clapp indicated perhaps a contract needs to be in place in order to pursue tortuous interference. The contractor receiving the bid award is not present. Mr. Clapp asked Trustee

Meslin if the other bidders were advised of tonight's meeting. All bidders were advised of the continuation meeting. **Motion Trustee Manley to accept bid #1 in the amount of \$207,720, seconded Trustee Meslin. Motion carried unanimously.**

Chairman Nelson stated the next order of business is to secure a loan to finance the fire station project. Rural Fire Board Clerk Bonnie Manicke will confirm the loan request.

Legal counsel Bob Long and Trustee Manley will prepare a contract for the contractor's signature within ten days following the bid award. The bid award contractor indicated Thursday is a possibility to meet and review the contract.

**Motion Trustee Manley, seconded Chairman Nelson to authorize Secretary-Treasurer to return bid bond along with a letter to the unsuccessful bidders. Motion carried unanimously.**

Trustee Manley will work with the city regarding impact fees.

Dave Graham, President of Polson Fairgrounds, Inc. will assist with the Department of Environmental (DEQ) process. Chairman Nelson suggested Mr. Graham work with the contractor, Trustee Manley, and legal counsel Bob Long.

Initially Lake County Commissioners offered to remove the bushes on the leased parcel at the fairgrounds. Commissioner Barron indicated the agreement to remove the bushes will be honored. The contractor should contact Commissioner Barron then the road superintendent will assist when needed.

**Motion Trustee Manley, seconded Trustee Bundy to adjourn. Motion carried unanimously.**

Meeting adjourned 6:14 p.m.

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Fred J. Nelson, Chairman

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Alison W. Meslin, Secretary-Treasurer

