
MONDAY, APRIL 13, 2009

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

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

MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

[9:01:45 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Fair Manager Jay Scott, Clerk Kile

Scott presented a calendar of events for the Fairgrounds which included the upcoming Flathead Home Builders Home Show, Alert Banquet, Special Olympics and in May an ice capades event. He then reported he is working with the courts in regards to following up on workers that are assigned to community service work at the Fairgrounds. It was noted entertainment for the 2009 Fair will be Terri Clark and John Michael Montgomery.

BI-MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE

[9:16:15 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, 4-H Director Karole Sommerfield, Extension Office Pat McGlynn, Clerk Kile

Sommerfield reported funding for after school 4-H has been received from JC Penny's for first through sixth graders that has been utilized at Canyon Elementary and Bigfork Schools. She then reported five horse seminars have been held, horse camp will be held in May, 4-H Congress was held last month, hog weigh in and tagging will be held this month and a service day is scheduled at Loon Lake Camp.

McGlynn reported the Master Gardener class is being wrapped up for the season with some of the participants volunteering in community service projects. She noted with so many wanting to take the class she would like to offer a day and evening course next fall. She also reported she has taught landscape design classes at Sanders County and Lincoln County and attended an International Master Gardeners Conference in Las Vegas. McGlynn then said she met with the developers of the International Business Park who are interested in planning the park using green design. She reported she has met with the Montana Department of Agricultural and Department of Commerce in regards to cherry growing in the Flathead and different projects in regards to older tree replacement. Discussion was held relative to putting in a garden next to the east annex in the Courthouse Loop.

MONTHLY MEETING W/ CINDY MULLANEY, OES

[9:43:06 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Interim OES Director Cindy Mullaney, Clerk Kile

Mullaney reported working is being done on the counties annual exercise that is being done in conjunction with DNRC's. She noted the Corp of Engineers along with the Road Department will be looking at the local dams and levies to see if there are any changes from last year. Discussion was held relative to surplus equipment and the continuity of operations plan that is included in her work statement as a NIMS requirement.

FINAL PLAT: SUBDIVISION NO. 276

[10:00:28 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planner Alex Hogle, Erica Wirtala, Clerk Kile

Hogle entered into record Final Plat for Subdivision No. 276; an application submitted by Jennifer and Laurence Wilke with technical assistance from Sands Surveying and Environmental Consulting for a subdivision creating one residential lot located on Mooring Road approximately five miles south of Columbia Falls. Preliminary plat approval was granted on August 5, 2008, subject to 19 conditions. Hogle noted the requirement to pave 29 feet was removed after preliminary plat approval was received on August 5, 2008.

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(Continued)

Commissioner Dupont made a **motion** to approve final plat of Subdivision No. 276. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: JUSTICE COURT

10:17:16 AM

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Dupont made a **motion** to approve the print bid from Trippett's Printing for 500 (4) part 2 sided compliant small claims division forms for \$397.50. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

BUDGET AMENDMENT: ROAD DEPT.

10:15:00 AM

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Finance Technician Lora Aspenlieder, Finance Technician Wendy Marquardt, Clerk Kile

Aspenlieder reviewed the budget amendment that breaks out the Road Department salaries in order to more accurately reflect cost centers.

Commissioner Dupont made a **motion** to approve Budget Amendment Resolution 2200. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

BUDGET AMENDMENT RESOLUTION #2200

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2008-2009, are required, and;

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

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2008-2009; and

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

DATED this 13th day of April 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Dale W. Lauman
Dale W. Lauman, Chairman

By: _____
Joseph D. Brenneman, Member

By/s/James R. Dupont
James R. Dupont, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

DATE OF ISSUE:		4/8/2009		BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:						Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESC	DEBIT	CREDIT	
2110	0218	430240	110	Salaries	1,364,141.00		
2110	0218	430240	120	Overtime	120,000.00		
2110	0218	430240	130	Accum Sick & Vac	20,000.00		
2110	0218	430240	141	Unemployment	6,770.00		
2110	0218	430240	142	Industrial Accident	212,236.00		
2110	0218	430241	110	Salaries		237,360.53	
2110	0218	430241	120	Overtime		20,880.00	
2110	0218	430241	130	Accum Sick & Vac		3,480.00	
2110	0218	430241	141	Unemployment		1,177.98	
2110	0218	430241	142	Industrial Accident		36,929.06	
2110	0218	430242	110	Salaries		62,750.49	

2110	0218	430242	120	Overtime		5,520.00
2110	0218	430242	130	Accum Sick & Vac		920.00
2110	0218	430242	141	Unemployment		311.42
2110	0218	430242	142	Industrial Accident		9,762.86
2110	0218	430243	110	Salaries		275,556.48
2110	0218	430243	120	Overtime		24,240.00
2110	0218	430243	130	Accum Sick & Vac		4,040.00
2110	0218	430243	141	Unemployment		1,367.54
2110	0218	430243	142	Industrial Accident		42,871.67
2110	0218	430250	110	Salaries		294,654.46
2110	0218	430250	120	Overtime		25,920.00
2110	0218	430250	130	Accum Sick & Vac		4,320.00
2110	0218	430250	141	Unemployment		1,462.32
2110	0218	430250	142	Industrial Accident		45,842.98
2110	0218	430252	110	Salaries		47,744.94
2110	0218	430252	120	Overtime		4,200.00
2110	0218	430252	130	Accum Sick & Vac		700.00
2110	0218	430252	141	Unemployment		236.95
2110	0218	430252	142	Industrial Accident		7,428.26
2110	0218	430254	110	Salaries		43,652.51
2110	0218	430254	120	Overtime		3,840.00
2110	0218	430254	130	Accum Sick & Vac		640.00
2110	0218	430254	141	Unemployment		216.64
2110	0218	430254	142	Industrial Accident		6,791.55
2110	0218	430255	110	Salaries		402,421.60
2110	0218	430255	120	Overtime		35,400.00
2110	0218	430255	130	Accum Sick & Vac		5,900.00
2110	0218	430255	141	Unemployment		1,997.15
2110	0218	430255	142	Industrial Accident		62,609.62
2370	0218	430240	144	FICA	93,255.00	
2370	0218	430240	145	PERS	104,316.00	
2370	0218	430240	147	Medicare Tax	21,806.00	
2370	0218	430240	149	Central Pension Benefit	2,288.00	
2370	0218	430240	151	Other Retirement Plans	10,920.00	
2380	0218	430240	143	Health Insurance	229,988.00	
2380	0218	430240	150	Life Insurance	1,452.00	
2370	0218	430241	144	FICA		16,226.37
2370	0218	430241	145	PERS		18,150.98
2370	0218	430241	147	Medicare Tax		3,794.24
2370	0218	430241	149	Central Pension Benefit		398.11
2370	0218	430241	151	Other Retirement Plans		1,900.08
2380	0218	430241	143	Health Insurance		40,017.91
2380	0218	430241	150	Life Insurance		252.65
2370	0218	430242	144	FICA		4,289.73
2370	0218	430242	145	PERS		4,798.54
2370	0218	430242	147	Medicare Tax		1,003.08
2370	0218	430242	149	Central Pension Benefit		105.25
2370	0218	430242	151	Other Retirement Plans		502.32
2380	0218	430242	143	Health Insurance		10,579.45
2380	0218	430242	150	Life Insurance		66.79
2370	0218	430243	144	FICA		18,837.51
2370	0218	430243	145	PERS		21,071.83
2370	0218	430243	147	Medicare Tax		4,404.81
2370	0218	430243	149	Central Pension Benefit		462.18
2370	0218	430243	151	Other Retirement Plans		2,205.84
2380	0218	430243	143	Health Insurance		46,457.58
2380	0218	430243	150	Life Insurance		293.30
2370	0218	430250	144	FICA		20,143.08
2370	0218	430250	145	PERS		22,532.26
2370	0218	430250	147	Medicare Tax		4,710.10
2370	0218	430250	149	Central Pension Benefit		494.21
2370	0218	430250	151	Other Retirement Plans		2,358.72
2380	0218	430250	143	Health Insurance		49,677.41
2380	0218	430250	150	Life Insurance		313.63
2370	0218	430252	144	FICA		3,263.93
2370	0218	430252	145	PERS		3,651.06
2370	0218	430252	147	Medicare Tax		763.21
2370	0218	430252	149	Central Pension Benefit		80.08
2370	0218	430252	151	Other Retirement Plans		382.20
2380	0218	430252	143	Health Insurance		8,049.58
2380	0218	430252	150	Life Insurance		50.82
2370	0218	430254	144	FICA		2,984.16
2370	0218	430254	145	PERS		3,338.11
2370	0218	430254	147	Medicare Tax		697.79
2370	0218	430254	149	Central Pension Benefit		73.22
2370	0218	430254	151	Other Retirement Plans		349.44
2380	0218	430254	143	Health Insurance		7,359.62
2380	0218	430254	150	Life Insurance		46.46
2370	0218	430255	144	FICA		27,510.23
2370	0218	430255	145	PERS		30,773.22
2370	0218	430255	147	Medicare Tax		6,432.77
2370	0218	430255	149	Central Pension Benefit		674.96
2370	0218	430255	151	Other Retirement Plans		3,221.40
2380	0218	430255	143	Health Insurance		67,846.46
2380	0218	430255	150	Life Insurance		428.34
Explanation					2,187,172.00	2,187,172.00

MONDAY, APRIL 13, 2009
(Continued)

CONSIDERATION OF EXTENSION REQUEST: SUNBURST ESTATES

10:19:15 AM

Members present:

Chairman Dale W. Lauman
Commissioner James R. Dupont

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Chairman Lauman stated a letter was received from Sands Surveying on April 8, 2009, that said on behalf of our client we are requesting a one year extension for preliminary plat approval of Sunburst Estates, which was approved on July 25, 2006. The one year extension request is to July 25, 2010.

Commissioner Dupont made a **motion** to approve the extension request. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

9:00 a.m. Commissioner Brenneman: Interoperability Montana Finance Committee meeting in Helena (till noon)
12:00 p.m. MACo Conference Call
1:00 p.m. Commissioner Brenneman: Interoperability Montana Committee meeting in Helena (till 5)

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 14, 2009.

TUESDAY, APRIL 14, 2009

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

9:00 a.m. Commissioner Brenneman: Interoperability Project Director's meeting in Helena (till 9:30)
1:15 p.m. 911 meeting @ Justice Center
4:00 p.m. Commissioner Dupont: RAC meeting @ Forest Service Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 15, 2009.

WEDNESDAY, APRIL 15, 2009

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

9:15 a.m. Commissioner Lauman: RSVP Board meeting @ Heritage Place
10:00 a.m. Commissioner Brenneman: Bigfork Stormwater discussion @ Commissioners' Meeting Room
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 April 16, 2009.

THURSDAY, APRIL 16, 2009

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

Chairman Lauman opened public comment on matters within the Commissions' Jurisdiction.

Russ Crowder, American Dream Montana questioned the status of a request made two weeks ago for electronic communications. He asked if the county would prefer that they bring their own computer tech in to retrieve material, or if the county was going to provide it.

Commissioner Brenneman stated Jonathan Smith would be making a response to him.

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

THURSDAY, APRIL 16, 2009
(Continued)

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

[9:00:54 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Weed & Parks Director Jed Fisher, Clerk Kile

Fisher reported he is moving forward with demolishing the house recently purchased across from the Earl Bennett Building and afterwards he will proceed with a 30 space unpaved parking area. He then noted he is working with Jim Vandenburg in regards to fuels reduction in county parks in the Many Lakes area. Fisher also reported a \$75,000.00 grant was received from Kalispell Rotary for improvements to Conrad Complex. Discussion was then held relative to trail improvements and the maintenance of them, a proposed garden on the east side of the courthouse loop and insurance requirements. He then said plans were made for placement of playground equipment in Ben Williams Park and that the Lakeside Advisory Committee is committed to raising \$170,000.00 for tennis courts in the park. Fisher stated a walk through was done on the Mattson property in Lakeside by the Weed & Parks Board and they are now asking for permission from the commission to move forward with a public process.

MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER

[9:30:45 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Kathy Frame, Dave Hutton, Clerk Kile

Kathy Frame updated the commission on the escape attempt at the Juvenile Detention Center and reported their will be some minor renovations and procedural changes forthcoming. She then explained there will be some cross training between juvenile and adult officers.

SECOND READING OF PARK ORDINANCE NO. 4

[10:14:55 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Clerk Kile

Smith detailed the proposed amendments to Park Ordinance No. 4.

Commissioner Brenneman made a **motion** to approve the Second Reading of Park Ordinance No. 4. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**ORDINANCE NO. 4
PARK RULE ENFORCEMENT**

WHEREAS, the Board of Commissioners, Flathead County, Montana, recognize that the County contains a substantial number of public county parks and facilities which are now receiving and do receive heavy and intense public use, and

WHEREAS, such use requires greater policing and monitoring that the County Sheriff's Department can be expected to provide on a continuing basis, and,

WHEREAS, the public deserves the quiet, safe, and peaceful use of the County parks and facilities, and,

WHEREAS, under Section 7-16-2322, M.C.A., the County Park Board has the authority to pass park rules and regulations to govern and control the use of the County park facilities and to assure their enjoyment for the members of the public using the park facilities, and,

WHEREAS, the County Park Board has adopted rules and regulations and under Section 7-16-2322, M.C.A., and, the County governing body may adopt an ordinance which will provide for the enforcement of these rules and regulations, provide for penalties for violation of the rules and regulations, and authorize the county Park Board to employ a County Park Warden, who may be a peace officer as defined in Section 46-1-201, M.C.A., to enforce the Park rules and regulations, and,

WHEREAS, Section 7-5-102, M.C.A., through 7-5-107, M.C.A., provide the Commissioners with the authority to adopt ordinances.

NOW THEREFORE, BE IT RESOLVED, that effective thirty-one (31) days after the second reading and final adoption, the following ordinance shall be in force and effect in all of Flathead County inclusive of the limits of the incorporated cities.

THURSDAY, APRIL 16, 2009
(Continued)

SECTION ONE
DEFINITIONS

A. Board of County commissioners. Board of Commissioners shall mean the Board of Commissioners of Flathead County, Montana.

B. Camping Site. Camping site, when used in this Ordinance, shall be a duly designated and posted overnight camping site.

C. County Park Board. County Park Board shall mean the duly appointed county Board of Park Commissioners as provided for in Title 7, Chapter 16, part 23, of the Montana Code Annotated.

D. Swimming Area. Swimming area shall mean the duly designated area within a lake or other body of water which shall be marked by red and yellow buoys and within said buoys shall be the designated swimming area and outside of said buoys shall not be a designated swimming area.

E. Power Boat. Power boat shall mean any boat powered by a gasoline powered or electrically powered motor or engine.

F. Warden. Warden, when used in this Ordinance, shall mean the Flathead county Park Warden or Park Ranger employed by the county Park Board and as authorized under Section 7-16-2322 (2) (b), M.C.A.

G. Water Skier. Water Skier shall include an individual water skier or water skiers being towed by a power boat and shall also include a person or persons being towed by a power boat upon any type of device such as a surfboard, inner tube, or other floating device. Water skiers shall also include any sailboat and any board-sailing device.

SECTION TWO
WARDEN

The Warden is hereby vested with the power and authority necessary to enforce the provisions of this Ordinance.

The Warden shall serve at the will and the pleasure of the County Park Board and may be a peace officer as defined in Section 46-1-201, M.C.A.

SECTION 3
RULES AND REGULATIONS

Section Number		Bond Fees
0-1	No person shall discharge any fireworks, firearm, air or gas weapon (this includes paintball guns), or arrows from a bow on or over either land or water.	85.00
0-2	No person shall permit a pet animal to run at large in a designated public recreation area, but must restrain all pet animals and keep them under control and on a leash at all times.	35.00
0-3	No motor vehicle shall be driven off authorized roads, except into parking areas provided.	85.00
0-4	No motor vehicle shall be driven at a speed greater than the posted speed.	85.00
0-5	No person shall park any vehicle, trailer, camper, boat, or other vehicle except in designated parking areas.	85.00
0-6	No person shall camp overnight in any county-owned or county administered shelter building.	85.00
0-7	No person shall build or maintain a fire in any designated recreation area.	85.00
0-8	No person shall destroy, deface, injure, remove, or otherwise damage any natural or improved property or shall willfully or negligently cut, destroy, or mutilate any tree, shrub, or plant.	85.00
0-9	No person shall disturb or remove the topsoil cover. This prohibits digging for worms, burying of garbage, and allowing pets to dig holes.	85.00
0-10	No person shall permit livestock to graze in any area properly fenced to restrict the passage of livestock unless the area is specifically leased to the owner grazing.	100.00
0-11	No person shall enter upon any portion of any area that is posted as restricted to public passage.	85.00
0-12	No person shall dump fish or animals or parts thereof, human excrement, refuse, rubbish, or wash water (except in receptacles provided for this purpose) nor pollute or litter in any manner a public recreational area.	85.00
0-13	No commercial or political signs shall be posted.	85.00
0-14	No boats shall be launched from any boat trailer, car, truck or other conveyance except at an established launching area if such a facility is provided.	85.00

**THURSDAY, APRIL 16, 2009
(Continued)**

0-15	No person shall use these lands for any commercial purpose without first securing permission from the County Park Board and/or its Supervisor and meeting any necessary insurance standards or liability risks. Upon approval, the county will charge according to comparative prices of the private sector, whenever possible.	1 st offense 85.00 2 nd offense 170.00 3 rd offense 255.00
0-16	Disorderly conduct such as drunkenness, use of vile or profane language, fighting, indecent exposure or operation of a motor vehicle in a manner as to create a nuisance or annoyance to others, or loud or noisy behavior during the hours of darkness is prohibited; and in addition to any other penalty provided, the participant may be expelled from the area, and/or subject to any penalties enforced by the sheriff's office.	100.00
0-17	Swimming areas, when designated, are limited to red and yellow buoys. No person shall swim from such designated swimming area to any area beyond that which is so marked or limited. No person shall disturb, deface, remove or relocate such buoys unless authorized by the County Park Board.	85.00
0-18	No power boat shall be operated or beached within a designated swimming area nor shall be operated with its motor in operation so that any portion of such boat approaches closer than twenty (20) feet to any swimmer in the water. The term "swimmer" as used herein shall not mean any water skier then engaged in water skiing and using said boat as towing power. This regulation is applicable only in water areas which are within one hundred (100) feet of the nearest shoreline and shall not apply to emergency or lifesaving situations.	85.00
0-19	No operator of a power boat shall tow any water skier so that such water skier is caused to approach within twenty (20) feet from any swimmer in the water. No water skier, while afloat on water skis, shall approach any swimmer in the water within twenty (20) feet or ski within the bounds of any designated swim area.	85.00
0-20	No group of more than twenty (20) people shall use a County Administered recreation area except with prior permission by the Superintendent or his agent. User permit must be in possession.	85.00
0-21	No person shall operate over the snow equipment on any county owned or county administered recreation area.	85.00
0-22	No person shall camp overnight in a county-administered recreation area unless one has prior approval from the Superintendent.	85.00
0-23	The hours of public use for <u>all</u> county recreation facilities are from 6:00 a.m. to 11:00 p.m. Public use is prohibited from 11:00 p.m. to 6:00 a.m. unless otherwise specified by Board and/or its Supervisor, or Board of Commissioners. Varying hours may be put into effect by the Board of Directors.	85.00

The above enumerated rules and regulations shall be posted in a conspicuous place at all county parks and park facilities and shall also be made available by the Park Department in pamphlet form and made available to the public at the Park's Department Office, and the Office of the Board of County Commissioners.

SECTION FOUR
PENALTIES

The penalties for violation of this Ordinance or any part thereof, including the specific rules and regulations as promulgated herein, shall be a fine not to exceed \$500.00 or six (6) months imprisonment, or both, for each separate offense. All fines collected pursuant to the provisions of this Ordinance are to be paid to the County Treasurer for application to the County General Fund.

SECTION FIVE
SEVERABILITY CLAUSE

If any provisions of this Ordinance are held invalid, such invalidity shall not affect the other provisions which can be given effect without the invalid provisions. To this end, provisions of these regulations are to be severable.

DATED this 16th day of April, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Dale W. Lauman
Dale W. Lauman, Chairman

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

By/s/James R. Dupont
James R. Dupont, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

THURSDAY, APRIL 16, 2009
(Continued)

ORDINANCE ADOPTED - AUGUST 26, 1985

AMENDED - June 4, 1987
AMENDED - August 12, 1999
AMENDED - April 16, 2009

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: CREATE RSID #146/ BADROCK

10:01:40 AM

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Public Works Director Dave Prunty, Brett Walcheck, Jim Williamson, Clerk Kile

Pence reported the pilot double chip program for Badrock Drive has been in the works for a couple of years now and was suggested by the Road Advisory Committee.

Jim Williamson, 48 North Civil Engineering presented a map of the proposed project located on Badrock Drive. He then noted the road is a 60 foot county right of way and is one mile in length. The road count on Badrock Drive has been anywhere from 780 to 1300 per week in recent years. He then stated the project is being initiated by the neighborhood with the point person being Doug Barth who collected petition signatures. Williamson said the neighborhood consists of 54 individual tracts with 81% being unique owners, 67% of the lots are developed, 39% had signed waivers attached to them. The rationale used for the properties that were included in the district was from a record search done at the Courthouse for any and all properties that have some form of legal and physical access to the stretch of Badrock Drive. The intent for the engineers estimate was to come in high to ensure costs would be covered. As a part of the pilot project the county is going to be widening the road base to county standards, there could also be some drainage improvements, a traffic impact study to determine pre and post before and after the chip sealing to see if there is a participation by the county to contribute to the rest of the project. The estimate for chip sealing is at 90¢ a square foot and that could change to as low as 70¢ to 75¢ a square foot. The other items in the estimate include surveying and geotechnical evaluations. He noted the only real equitable way to divide the cost is by equal part; each lot will share in 1/54th of the assessment with the total project cost being around \$204,000.00 at 5% interest over a 10 year period, with a yearly payment of \$485.00.

Commissioner Brenneman asked if the hills on Badrock Drive would be taken out and reduced to meet road standards.

Jim Williamson said full road standards would be developed on the road.

Prunty noted the county would bear that cost, since they are preparing the road to right up before the chips would be applied.

Smith explained we have a Resolution of Intent and Notice of Passage of Resolution of Intent. He then stated there will be a 30 day protest period which will end on May 21, 2009, at 5:00 and the commission will meet again on May 26, 2009 to consider the protests received and determine whether or not to create the district. He explained the amount of the proposed RSID is for \$204,000.00 which does not include interest.

Commissioner Brenneman made a **motion** to adopt Resolution 2202 and authorized the publication of the Notice of Passage of Resolution of Intent and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 2202

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 146; DECLARING IT TO BE THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

BE IT RESOLVED by the Board of County Commissioners of the County of Flathead (the "County"), Montana, as follows:

Section 1. Proposed Improvements; Intention To Create District. The County proposes to undertake certain local improvements (the "Improvements") to benefit certain property located in the County. The Improvements consist of the making improvements to approximately one mile of Badrock Drive, as more particularly described in Section 5. The total estimated costs of the Improvements are \$204,505. The costs of the Improvements are to be paid from the rural special improvement district bonds hereinafter described. It is the intention of this Board to create and establish in the County under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended, a rural special improvement district (the "District") for the purpose of financing the costs of the Improvements and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds drawn on the District (the "Bonds"), the creation and administration of the District, and the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund"). The total estimated costs of the Improvements, including such incidental costs, to be financed by the Bonds are \$204,505. The Bonds are to be payable primarily from special assessments to be levied against property in the District, which property will be specially benefitted by the Improvements in an amount not less than \$204,505.

Section 2. Number of District. The District, if the same shall be created and established, shall be known and designated as Rural Special Improvement District No. 146, of the County of Flathead, Montana.

Section 3. Boundaries of District. The limits and boundaries of the District are depicted on a map attached as **Exhibit A** hereto (which is hereby incorporated herein and made a part hereof) and more particularly described on **Exhibit B** hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District is shown on **Exhibit C** hereto.

THURSDAY, APRIL 16, 2009
(Continued)

Section 4. Benefitted Property. The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibits A and B are hereby declared to be the rural special improvement district and the territory which will benefit and be benefitted by the Improvements and will be assessed for the costs of the Improvements as described in Section 1. The property included within said limits and boundaries is hereby declared to be the property benefitted by the Improvements.

Section 5. General Character of the Improvements. The general character of the Improvements is the design, engineering and construction for double chip-sealing on top of a gravel sub-base, on approximately one mile of Badrock Drive, and improvements to driveway approaches and road drainage.

Section 6. Engineer and Estimated Cost. 48 North Engineering, shall be the engineer for the District. The Engineer has estimated that the cost of the Improvements, including all incidental costs, is \$204,505.

Section 7. Assessment Method - Equal Assessments. All properties in the District will be assessed for their proportionate share of the costs of the project. The total estimated cost of the project is \$204,505 and shall be assessed against each lot, tract or parcel of land in the District equally, such that each lot, tract or parcel in the District shall be assessed for the same amount of the cost of the project. The costs of the project per lot, tract or parcel to be assessed shall not exceed \$3787.13. The assessment for each lot, tract or parcel of land for the project will be 1/54 of the total and will not exceed \$3787.13.

Assessment Methodology Equitable and Consistent with Benefit. This Board hereby determines that the method of assessment and the assessment of costs of the specific Improvements against the properties benefitted thereby as prescribed in this Section 7 are equitable and in proportion to and not exceeding the special benefits derived from the respective Improvements by the lots, tracts and parcels to be assessed therefor within the District.

Section 8. Payment of Assessments. The special assessments for the costs of the Improvements shall be payable over a term not exceeding 10 years, each in equal semiannual installments of principal, plus interest, or equal semiannual payments of principal and interest, as this Board shall prescribe in the resolution authorizing the issuance of the Bonds. Property owners have the right to prepay assessments as provided by law.

Section 9. Method of Financing; Pledge of Revolving Fund; Findings and Determinations. The County will issue the Bonds in an aggregate principal amount not to exceed \$204,505, in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District. This Board further finds it is in the public interest, and in the best interest of the County and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the County to enter into the undertakings and agreements authorized in Section 7-12-2185 in respect of the Bonds.

In determining to authorize such undertakings and agreements, this Board has taken into consideration the following factors:

(a) Estimated Market Value of Parcels.

The Board reasonably expects that the market value of the lots, parcels or tracts in the District as of the date of adoption of this resolution, will increase by at least the amount of the special assessment to be levied under Section 7 against each lot, parcel or tract in the District, as a result of the construction of the Improvements.

(b) Diversity of Property Ownership.

Analysis of the number of property owners, business or family relationships, if any, between property owners, the comparative holdings of property by owners in the District indicated that of the 54 properties, there are 45 different owners. The substantial diversity in ownership makes it less likely that financial difficulties of one or related property owners will require the Revolving Fund to make a loan.

(c) Comparison of Special Assessments and Property Taxes and Market Value.

The amount of the proposed assessments against each lot, parcel or tract in the District (\$3787.13), compares favorably to the estimated market value of each lot, parcel, or tract, which range in value (land only, not including improvements) from approximately \$180 to \$79,620. The amount of security for any Revolving Fund loan is more than adequate. Since the estimated market value of each parcel compares favorably to the sum of special assessments any loan from the Revolving Fund loan would be adequately secured.

(d) Delinquencies.

The amount of delinquencies in the payment of outstanding property taxes levied against property in the District is only 3 of the 54 properties. The lack of substantial delinquent taxes suggests that the likelihood of financial difficulties is small, making the necessity for a Revolving Fund loan unlikely.

(e) The Public Benefit of the Improvements.

The public benefit to be derived from the Improvements is substantial. The Improvements meet an urgent and important need of the County to prevent dust on County roads in rural areas of the County for public health and safety reasons.

(f) Newly Platted Subdivision.

The District is not a recently platted subdivision or proposed subdivision plat. The lots are not owned by a developer, but are owned by 45 different parties.

Section 10. Public Hearing; Protests. At any time within thirty (30) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the County Clerk and Recorder until 5:00 p.m., M.D.T., on the expiration date of said 30-day period (May 21, 2009), written protest against the proposed Improvements, or against the creation of the District or both, and this Board will at its next regular meeting after the expiration of the thirty (30) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Tuesday, the 26th day of May, 2009, at 11:30 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana.

THURSDAY, APRIL 16, 2009
(Continued)

EXHIBIT B

A tract of land, situated, lying and being in Section 29, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, and more particularly described as follows to wit:

Beginning at the section corner in the SW corner of Tract 4 in Section 29, Township 30N, Range 20W at a point on the east right of way of Columbia Falls Stage; Thence north along the east right of way of Columbia Falls Stage a distance of 1986.19 feet; Thence along the north boundary (S 89°29' 14" E) of Lot 2A, Re-subdivision of Lot 2 Donaldson Subdivision a distance of 627.32 feet; Thence along the west boundary (N 00°14' 17" E) of Lot 3, Donaldson subdivision a distance of 661.78 feet; Thence along the north boundary (S 89°27' 43" E) of Lot 3, Donaldson Subdivision a distance of 658.01 feet; Thence along the west boundary (N 00°14' 30" W) of Tract 1, C.O.S. 13836 a distance of 1323.08 feet; Thence along the north boundary (S 89°56' 56" E) of Tract 1, C.O.S. 13836 a distance of 1318.06 feet. Thence along the north boundary (S 89°56' 52" E) of Tract 2, C.O.S. 13836 a distance of 1326.38 feet; Thence along the east boundary (S 00°06' 00" W) of Tract 2, C.O.S. 13836 a distance of 1320.88 feet; Thence along the north boundary (S 89°59' 46" E) of Tract 3, C.O.S. 13761 a distance of 1320.95 feet; Thence south along the west right of way of Middle Road a distance of 1649.64 feet; Thence along the south boundary (N 89°52' 29" W) of Parcel C, C.O.S. 15185 a distance of 613.99 feet; Thence along the east boundary (S 03°31' 11" W) of Parcel A, C.O.S. 15185 a distance of 332.80 feet; Thence along the south boundary (S 89°55' 36" W) of Parcel E, C.O.S. 18642 a distance of 644.24 feet; Thence along the east boundary (N 00°07' 33" E) of Parcel D, C.O.S. 18642 a distance of 376.28 feet; Thence along the north boundary (S 89°57' 39" W) of Parcel D, C.O.S. 18642 a distance of 187.90 feet; Thence along the west boundary (S 21°22' 48" W) of Parcel D, C.O.S. 18642 a distance of 404.22 feet; Thence along the north boundary (S 89°57' 36" W) of Parcel A, C.O.S. 18642 a distance of 328.26 feet; Thence along the west boundary (S 00°00' 29" W) of Parcel A, C.O.S. 18642 a distance of 660.53 feet; Thence along the south boundary (N 89°56' 20" E) of Parcel A, C.O.S. 18642 a distance of 328.26 feet; Thence along the south boundary (N 89°56' 20" E) of Parcel B, C.O.S. 18642 a distance of 326.80 feet; Thence along the east boundary (S 00°6' 25" W) of Parcel A, C.O.S. 9256 a distance of 331.10 feet; Thence along the east boundary (S 00° 09' 15" W) of Tract 2, C.O.S. 13709 a distance of 330.96 feet; Thence along the east boundary (S 00° 06' 25" W) of Tract 2, C.O.S. 11860 a distance of 331.10 feet; Thence along the east boundary (S 00° 05' 54" W) of Tract 4 in Section 32, Township 30N, Range 20W a distance of 1324.50 feet; Thence along the east boundary (S 00° 06' 38" W) of Tract 4 in Section 32, Township 30N, Range 20W a distance of 1324.58 feet; Thence along the south boundary (N 89° 33' 27" W) of Tract 4 in Section 32, Township 30N, Range 20W a distance of 1317.54 feet; Thence along the west boundary (N 00° 12' 48" E) of Tract 4 in Section 32, Township 30N, Range 20W a distance of 1324.61 feet; Thence along the south boundary (S 89° 56' 07" W) of Tract 4 in Section 32, Township 30N, Range 20W a distance of 1309.92 feet; Thence along the west boundary (N 00° 18' 56" W) of Tract 4 in Section 32, Township 30N, Range 20W a distance of 643.42 feet; Thence along the south boundary (S 89° 57' 12" W) of Lot 1, Subdivision 258 a distance of 1280.12 feet; Thence north along the east right of way of Columbia Falls Stage a distance of 680.40 feet; Thence along the north boundary (N 89° 56' 24" E) of Lot 1, Subdivision 258 a distance of 1280.32 feet; Thence along the west boundary (N 00° 18' 56" W) of Tract 4 in Section 32, Township 30N, Range 20W a distance of 1324.12 feet; Thence along the section line and south boundary (S 89° 56' 24" W) of Tract 4 in Section 29, Township 30N, Range 20W a distance of 1280.32 feet to the point of beginning.

THURSDAY, APRIL 16, 2009
(Continued)

Exhibit C - List of Properties		
Geocode	Assessor Number	Section, Township, Range
1 3020X29-DOL-2A-100	0000566	S29, T30N, R20W
2 3020X29-DON-3-100	0000567	S29, T30N, R20W
3 3020X32-XXX-3BAB	0002398	S29, T30N, R20W
4 3020X29-XXX-8B	0002446	S29, T30N, R20W
5 3020X29-XXX-1AA	0002610	S29, T30N, R20W
6 3020X29-BDR-1-100	0003035	S29, T30N, R20W
7 3020X29-DOL-2B-100	0003492	S29, T30N, R20W
8 3020X29-BL1-2	0003946	S29, T30N, R20W
9 3020X29-BL1-3	0003947	S29, T30N, R20W
10 3020X29-BL1-4	0003948	S29, T30N, R20W
11 3020X29-BL1-5	0003949	S29, T30N, R20W
12 3020X29-BL1-6-100	0003950	S29, T30N, R20W
13 3020X29-BL1-7	0003951	S29, T30N, R20W
14 3020X29-BL1-8-200	0003952	S29, T30N, R20W
15 3020X29-XXX-7DE-100	0005625	S29, T30N, R20W
16 3020X29-GDE-2	0008078	S29, T30N, R20W
17 3020X29-GDE-3-100	0008079	S29, T30N, R20W
18 3020X29-GDE-4	0008080	S29, T30N, R20W
19 3020X29-GDE-5-100	0008081	S29, T30N, R20W
20 3020X32-XXX-3BF	0011277	S29, T30N, R20W
21 3020X29-XXX-9EA	0011869	S29, T30N, R20W
22 3020X29-XXX-9EB	0011870	S29, T30N, R20W
23 3020X32-XXX-4	0078850	S29, T30N, R20W
24 3020X29-XXX-5A	0201401	S29, T30N, R20W
25 3020X29-XXX-1A	0201402	S29, T30N, R20W
26 3020X29-BL1-1-200	0201403	S29, T30N, R20W
27 3020X29-XXX-7BA	0343801	S29, T30N, R20W
28 3020X29-XXX-7BB	0372069	S29, T30N, R20W
29 3020X29-XXX-7C-100	0383048	S29, T30N, R20W
30 3020X29-XXX-7B	0383049	S29, T30N, R20W
31 3020X32-XXX-3BA	0383052	S29, T30N, R20W
32 3020X32-XXX-3B	0383057	S29, T30N, R20W
33 3020X32-SDC-1	0500414	S29, T30N, R20W
34 3020X29-BDR-2-200	0502616	S29, T30N, R20W
35 3020X29-THV-1-100	0504012	S29, T30N, R20W
36 3020X29-THV-2-100	0504013	S29, T30N, R20W
37 3020X29-THV-3-100	0504014	S29, T30N, R20W
38 3020X29-THV-4	0504015	S29, T30N, R20W
39 3020X29-THV-5	0504016	S29, T30N, R20W
40 3020X29-XXX-4	0779950	S29, T30N, R20W
41 3020X29-XXX-9A-100	0872870	S29, T30N, R20W
42 3020X29-XXX-7BBA	0969377	S29, T30N, R20W
43 3020X32-XXX-3BB	0970450	S29, T30N, R20W
44 3020X32-XXX-3BC	0970659	S29, T30N, R20W
45 3020X29-XXX-7BBAA	0971670	S29, T30N, R20W
46 3020X29-XXX-9B-100	0972119	S29, T30N, R20W
47 3020X32-XXX-3BD	0972120	S29, T30N, R20W
48 3020X29-XXX-7DB-100	0972404	S29, T30N, R20W
49 3020X29-XXX-7BBAB	0973843	S29, T30N, R20W
50 3020X32-XXX-3BBA	0976602	S29, T30N, R20W
51 3020X32-XXX-3BAA	0976798	S29, T30N, R20W
52 3020X29-XXX-9E	0977640	S29, T30N, R20W
53 3020X29-GDE-1-100	0980223	S29, T30N, R20W
54 3020X29-XXX-7BBB	0983392	S29, T30N, R20W

THURSDAY, APRIL 16, 2009
(Continued)

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 146 AND TO ISSUE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 146 BONDS OF THE COUNTY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$204,505, SECURED BY THE RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND
FLATHEAD COUNTY, MONTANA**

NOTICE IS HEREBY GIVEN that on April 16, 2009, the Board of County Commissioners of Flathead County, Montana (the "County"), adopted a Resolution of Intention to Create Rural Special Improvement District No. 146 (the "District") for the purpose of financing the costs of certain local improvements (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds of the County drawn on the District (the "Bonds"), the creation and administration of the District, and the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund"). The Improvements shall be constructed and installed pursuant to plans and specifications prepared by 48 North Engineering.

A complete copy of the Resolution of Intention (the "Resolution") is on file with the County Clerk and Recorder which more specifically describes the nature of the Improvements, the boundaries and the area included in the District, the location of the Improvements and other matters pertaining thereto and further particulars. A map of the proposed District accompanies this notice.

The Improvements consist of the design, engineering and construction for double chip-sealing on top of a gravel sub-base, on approximately one mile of Badrock Drive, and improvements to driveway approaches and road drainage.

The County would issue the Bonds in an aggregate principal amount not to exceed \$204,505, in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District in the aggregate principal amount of \$204,505 and such payment will be secured by the Revolving Fund. Subject to the limitations of Montana Code Annotated, Section 7-12-2182, the general fund of the County may be used to provide loans to the Revolving Fund or a general tax levy may be imposed on all taxable property in the County to meet the financial requirements of the Revolving Fund.

All properties in the District will be assessed for their proportionate share of the costs of the Paving Improvements. The total estimated cost of the Paving Improvements is approximately \$204,505, and shall be assessed against each lot, tract or parcel of land in the District equally, such that each lot, tract or parcel in the District shall be assessed for the same amount of the cost of the Improvements. There are 54 lots, tracts or parcels in the District. The estimated cost of the Improvements per lot, tract or parcel to be assessed is \$3787.13

On May 26, 2009, at 11:30 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana, the Board of County Commissioners will conduct a public hearing and pass upon all written protests against the creation of the District, or the making of Improvements, that may be filed in the period hereinafter described.

Written protests against the creation of the District and the making of the Improvements may be filed by an agent, person, firm or corporation owning real property within the proposed District whose property is liable to be assessed for the Improvements. For purposes of protest, the owner of a property created as a condominium is collectively the owners of all units having an undivided interest in the common elements. The protest must be filed by the president, vice president, secretary or treasurer of the condominium owners' association, and such protest must be in writing, identify the condominium property, include a declaration or other document that shows how votes of unit owners in the condominium are calculated and be signed by owners of units in the condominium sufficient to constitute an affirmative vote for an undertaking relating to the common elements under the condominium declaration, as more particularly set forth in Section 7-12-2141, M.C.A. Such protests must be delivered to the County Clerk and Recorder at the Flathead County Courthouse, 800 South Main, Kalispell, Montana 59901, no later than 5:00 p.m., M.D.T., on May 21, 2009. As provided by law, such protests must be in writing, identify the property in the District owned by the protestor and be signed by all owners of the property. The protest must be delivered to the County Clerk and Recorder, who shall endorse thereon the date of its receipt by her.

Further information regarding the proposed District or the Bonds or other matters in respect thereof may be obtained from the Board of Commissioners at 800 South Main, Kalispell, Montana, or by telephone at 406/758-5503.

DATED this 16th day of April, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

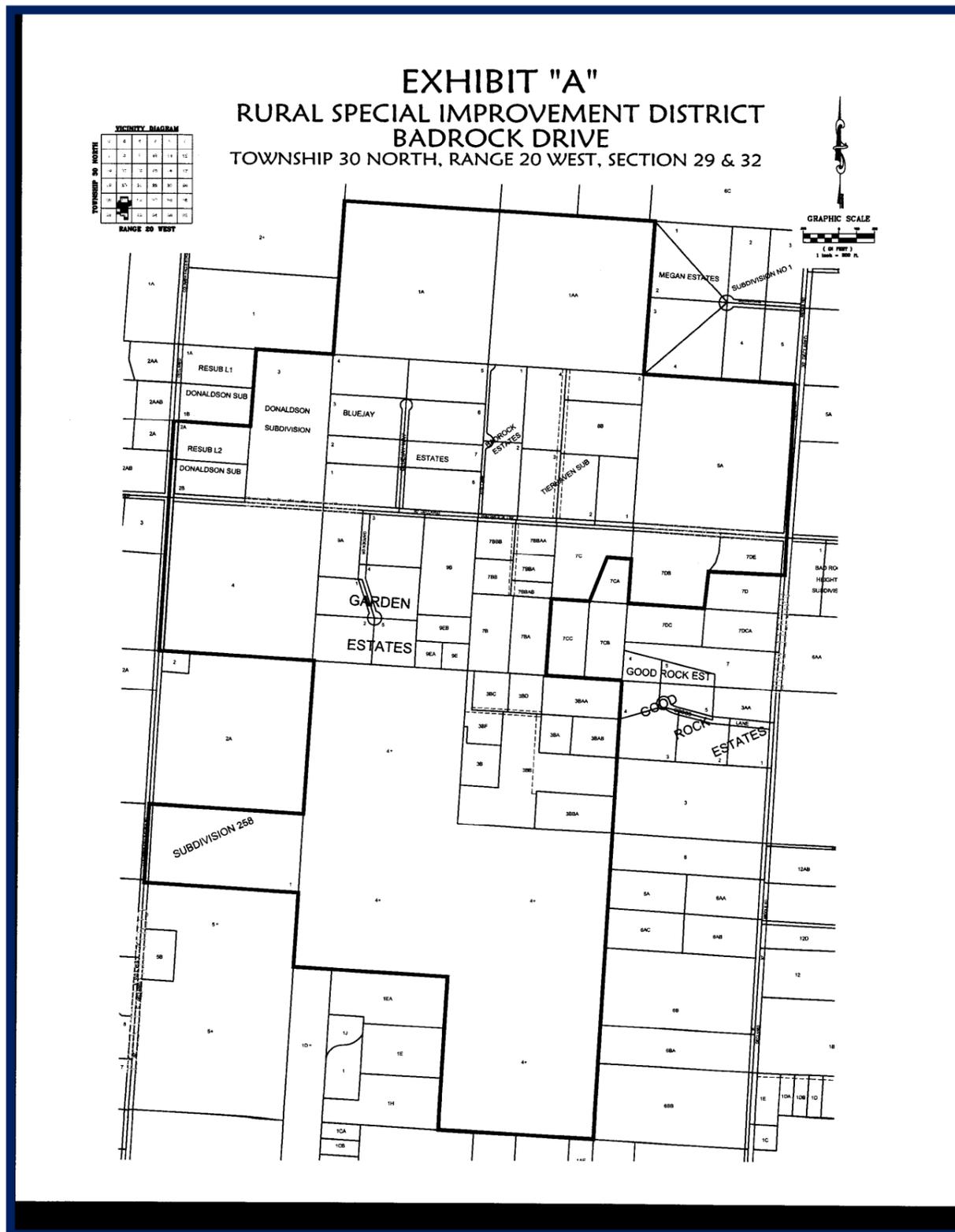
ATTEST:
Paula Robinson, Clerk

By/s/Dale W. Lauman
Dale W. Lauman, Chairman

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 21 and April 28, 2009.

THURSDAY, APRIL 16, 2009
(Continued)



CONSIDERATION OF HR TRANSMITTAL: CUSTODIAN/ HEALTH CLINIC

[10:18:38 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, HR Director Raeann Campbell

Commissioner Dupont made a **motion** to approve the HR Transmittal for a Custodian at the Health Clinic. Commissioner Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

MEETING W/ FIRST BEST PLACE TASK FORCE RE: HISTORIC RED BRIDGE MEMORANDUM OF UNDERSTANDING

[10:32:44 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Gary Hall, Dave Renfro, Barry Conger, Bill Shaw, Clerk Kile

Barry Conger, Executive Director of First Best Place presented a report on the Historic Red Bridge project in Columbia Falls in which the county is being asked to sign a MOU to join in a partnership that is being formed between the City of Columbia Falls, Flathead County, MDOT, First Best Place Task Force and the Old Red Bridge, LLC (which is a private entity) to re-develop either end of the Old Red Bridge. Their idea is to have private entities on either end of the bridge with a 24 hour seven day a week public access as a pedestrian crossing.

THURSDAY, APRIL 16, 2009
(Continued)

Dave Renfrow said they are asking from the county survey time, grant writing time and a schedule for some allocation of CTEP funds.

Commissioner Dupont stated he felt it would be great for the community.

Commissioner Brenneman stated he felt it was an excellent idea and would like to see it happen.

Discussion was held relative to mobilization costs.

Commissioner Brenneman commented that we have discussed before that we can't lease an easement, so it would be imperative that the city annex the property. He then said CTEP money would be prioritized with all the other competing interests and that it should not be taken as an indication that we will allocate all available CTEP money to this project.

Barry Conger said that monies have been allocated in the past and that it has been recognized as an important life safety issue that has been deferred for a long time.

Smith said as he understands this Flathead County Parks Department is putting together a Master Plan for all the trails and asked if they were part of the process.

Barry Conger noted they have been working with them.

Gary Hall said they actually had funding for a bike path along River Road six years ago; with one of the motivating factors being a way for kids coming to school from the other side of the bridge to have a safe access to school.

Dave Renfro explained the project is eligible for the state bridge registry that will help leverage additional funding. He then said he has spoken to Jan Hardesty who has been unable to find any information prior to 1954 in the commissioner's journals and would like help in doing some historic research.

Barry Conger noted they have a goal date of 2011-2012 to commemorate the 100 year anniversary of the bridge.

Commissioner Brenneman clarified that during construction that presumably the contractor will provide liability insurance.

Dave Renfro asked for names of who they could work with to accomplish survey work, grant writing, scheduling and historic research.

Commissioner Brenneman made a **motion** to approve the MOU as a general conceptual document regarding the Historic Red Bridge development project. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

BUDGET AMENDMENT: COUNTYWIDE REVENUE & EXPENDITURE

[10:56:59 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Finance Technician Lora Aspenlieder, Clerk Kile

Garza reported the budget amendment is to reduce non-tax revenue throughout the entire county to ensure a more realistic budget picture.

Commissioner Dupont made a **motion** to approve Budget Amendment Resolution 2201. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**THURSDAY, APRIL 16, 2009
(Continued)**

BUDGET AMENDMENT RESOLUTION #2201

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2008-2009, are required, and;

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

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2008-2009; and

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

DATED this 16th day of April 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Dale W. Lauman
Dale W. Lauman, Chairman

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

By/s/James R. Dupont
James R. Dupont, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

DATE OF ISSUE:		4/3/2009	BUDGET ENTRY			VOUCHER NO.:	
DATE OF RECORD:			RESOLUTION #2201			Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT	
2985	0741	365005		Fund Raisers		7,500.00	
2985		172000			7,500.00		
5410	0220	343420		Disposal Charges		300,000.00	
5410		172000			300,000.00		
2110	0218	333010		Forest Reserve Act	500,000.00		
2110		172000				500,000.00	
2251	0231	341070		Planning Fees		75,000.00	
2251		172000			75,000.00		
7055	0248	338040		Local Match		15,000.00	
7055		172000			15,000.00		
2200	0227	311010		Property Tax Real	163,983.00		
2200		172000				163,983.00	
1000	0200	312100		Pen & Int Real Taxes	4,000.00		
1000	0200	361000		Rents/Leases		10,000.00	
1000	0201	322045		Video Gaming Fees	3,000.00		
1000	0206	341015		GIS Revenue		5,000.00	
1000	0210	351020		Attorney Fees	10,000.00		
1000	0210	351022		Surcharge HB 257	5,300.00		
1000	0211	351011		JP Fines & Surcharge		95,023.00	
1000	0244	396100		Other Internal Serv	7,100.00		
1000	0244	396200		IT Training Rev	9,600.00		
1000		172000			71,023.00		
2110	0218	311020		Personal Property Taxes	85,000.00		
2110	0218	321400		Permits		15,000.00	
2110	0218	343009		Subdivision Fees	7,500.00		
2110		172000				77,500.00	
2120	0201	311020		Personal Prop Taxes	4,000.00		
2120		172000				4,000.00	
2130	0219	311020		Personal Prop Taxes	27,000.00		
2130		172000				27,000.00	
2211	0259	346080		Park Subdiv Charges		200,000.00	
2211		172000			200,000.00		
2210	0259	341024		Conrad Complex Fees	15,000.00		
2210		172000				15,000.00	
2320	0209	331155		ACA Fundraiser	10,300.00		
2320	0209	334146		Court Assessment Program	3,900.00		
2320	0209	338009		Interlocal Agreement	1,200.00		
2320	0209	383000		Transfer In	39,000.00		
2320		172000				54,400.00	
4026	0209	360000		Misc Revenue	510,000.00		
4026		172000				510,000.00	
Explanation					2,074,406.00	2,074,406.00	
Adjust budget line items to accurately reflect year-to-date and projected revenues for FY09							

THURSDAY, APRIL 16, 2009
(Continued)

DATE OF ISSUE: 4/6/2009		BUDGET ENTRY			VOUCHER NO.:	
DATE OF RECORD:		RESOLUTION #2201 (Cont'd)			Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
4020	0248	460110	920	Capital Outlay		100,000.00
4020		242000			100,000.00	
2391	0201	420400	231	Gas Oil Diesel	5,000.00	
2391	0201	420400	350	Prof Serv	500.00	
2391	0201	420400	370	Travel	1,000.00	
2391	0201	420400	380	Training Serv	2,000.00	
2391		242000				8,500.00
1000	0200	411801	730	Donations to Other Institutions	15,500.00	
1000	0200	440540	398	Other Contracted Serv		20,000.00
1000	0244	410580	398	Other Contracted Serv		9,000.00
1000		242000			13,500.00	
2180	0262	410331	110	Salaries		27,859.00
2180	0262	410331	141	Unemployment		271.00
2180	0262	410331	142	Industrial Accident		489.00
2180		242000			28,619.00	
2901	0201	450141	351	Med/Dent/Pharmacy	100,000.00	
2901	0201	521003	821	Transfer to		30,954.00
2901		242000				69,046.00
2320	0209	420110	110	Salaries		15,080.00
2320	0209	420110	141	Unemployment		68.00
2320	0209	420110	142	Industrial Accident		284.00
2320	0209	420110	143	Health Insurance		3,594.00
2320	0209	420110	144	FICA		999.00
2320	0209	420110	145	PERS		1,118.00
2320	0209	420110	147	Medicare Tax		234.00
2320	0209	420110	150	Life Insurance		22.00
2320	0209	420110	220	Oper Supplies		1,200.00
2320	0209	420110	335	Membership/Registrations		3,500.00
2320	0209	420110	380	Training Serv		1,200.00
2320	0209	420110	398	Other Contracted Serv		300.00
2320		242000			27,599.00	
4026	0209	420750	398	Other Contracted Serv		10,000.00
4026	0209	420750	900	Capital Outlay		100,000.00
4026		242000			110,000.00	
7057	0209	411100	305	Operating Costs	80,000.00	
7057		242000				80,000.00
Explanation					483,718.00	483,718.00
Adjust budget line items to accurately reflect year-to-date and projected expenditures for FY09						

CONSIDERATION OF RELEASE OF COLLATERAL: SPRUCE MEADOWS

[10:59:38 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Assistant Planning & Zoning Director B J Grieve, Clerk Kile

Grieve reported engineer certification that the work was completed was received on April 2, 2009.

Commissioner Brenneman made a **motion** to approve the release of collateral for Spruce Meadows. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF RELEASE OF COLLATERAL: COLUMBIA MOUNTAIN VIEW LOTS, UNIT 13

[11:02:45 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planning & Zoning Director B J Grieve, Clerk Kile

Grieve reported staff inspected Columbia Mountain Views and the approach was completed and paving was done.

Commissioner Dupont made a **motion** to approve the release of collateral for Columbia Mountain View. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, APRIL 16, 2009
(Continued)

CONSIDERATION OF RELEASE OF COLLATERAL: CHERRY HILL YACHT CLUB, PHASE II

[11:03:32 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planning & Zoning Director B J Grieve, Clerk Kile

Grieve reported engineer certification that landscaping and paving improvements were completed was received on April 2, 2009.

Commissioner Brenneman made a **motion** to approve the release of collateral for Cherry Hill Yacht Club, Phase II. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF RELEASE OF COLLATERAL: MOUNTAIN VIEW TIMBERS

[11:04:46 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planning & Zoning Director B J Grieve, Clerk Kile

Grieve reported an engineer certification was received on April 10, 2009 that all improvements were complete.

Commissioner Dupont made a **motion** to approve the release of collateral for Mountain View Timbers. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF RELEASE OF COLLATERAL: SOLBERG ACRES, RESUB. LOT 9, BLOCK 1

[11:06:16 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planning & Zoning Director B J Grieve, Clerk Kile

Grieve reported the Road Department and Planning Staff both inspected the approach which is complete.

Commissioner Dupont made a **motion** to approve the release of collateral for Solberg Acres, Resubdivision, Lot 9; Block 1 Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: CONSULTING AGREEMENT FOR PACIFIC NORTHWEST ECONOMIC REGION FOUNDATION/ OES

[11:10:23 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve the contract with Pacific Northwest. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

4:00 p.m. Commissioner Brenneman: Montana Lake Book meeting @ Fish, Wildlife & Parks

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 17, 2009.

FRIDAY, APRIL 17, 2009

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

9:00 a.m. Subdivision Review Committee meeting @ Commissioners' Meeting Room
9:00 a.m. Commissioner Lauman: Mental Health Council & CDC meetings in Thompson Falls
12:00 p.m. Commissioner Brenneman: Read to children at Hedges Elementary School
12:00 pomp Safe Kids Safe Community meeting @ Earl Bennett Building

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 20, 2009.
