
MONDAY, AUGUST 7, 2006

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

Commissioner Hall PT opened the public comment on matters within the Commissions' Jurisdiction, no one rising to speak, Commissioner Hall PT closed the public comment period.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: RSID / PAVING ON SANDY HILL LAND

[8:39:35 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Gene L Evans, Day Marshall, Jeff Drummond, Gary Nelson, Thomas S McCrea, Jim Holman, Tom Powell, Phyllis Tidwell, Bill Tidwell, Donnie, Seay, Dudley Snyder, Rex Amini, Bill Jaynes, Greg Lukasir, Denise Hanson, Terence W Richmond, Dave Richter, Rey Kleiv, Judy Richter, Mark Munsinger, Adele Krantz

Commissioner Brenneman made a **motion** to adopt Resolution 1956. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1956

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 139; 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 paving of approximately 80,000 square feet of Sandy Hill Lane, as more particularly described in Section 5. The total estimated costs of the Improvements are \$174,473.20 . 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

MONDAY, AUGUST 7, 2006
(Continued)

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 \$174,473.20 . 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 \$174,473.20 .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. 139, 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 also shown on Exhibit A hereto.

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 paving of approximately 80,000 square feet of Sandy Hill Lane, including application of crushed gravel, a tack coat and approximately 4 inch thick asphalt paving.

Section 6. Engineer and Estimated Cost. Morrison Maierle, Inc., shall be the engineer for the District. The Engineer has estimated that the cost of the Improvements, including all incidental costs, is \$174,473.20 .

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 \$174,473.20 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 \$6,016.32. The assessment for each lot, tract or parcel of land for the project will be 1/29 of the total and will not exceed \$6,016.32.

Section 8. Payment of Assessments. The special assessments for the costs of the Improvements shall be payable over a term not exceeding 15 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 \$174,473.20 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 29 properties, there are 24 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 (\$6,016.32), compares favorably to the estimated market value of each lot, parcel, or tract, which range in value (land only, not including improvements) from approximately \$30,000 to \$136,000. The amount of security for any Revolving Fund loan is more than adequate. Since the estimated market value of each parcel far exceeds 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 29 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 pave 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 24 different parties.

MONDAY, AUGUST 7, 2006
(Continued)

Section 10. Public Hearing; Protests. At any time within fifteen (15) 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.T., on the expiration date of said 15-day period (August 25, 2006), 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 fifteen (15) 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 Monday, the 28th day of August, 2006, at 9:30 a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Section 11. Notice of Passage of Resolution of Intention. The County Clerk and Recorder is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Daily Interlake, a newspaper of general circulation in the County on August 10 and August 17, 2006, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the Board of County Commissioners of the County of Flathead, Montana, this 7th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

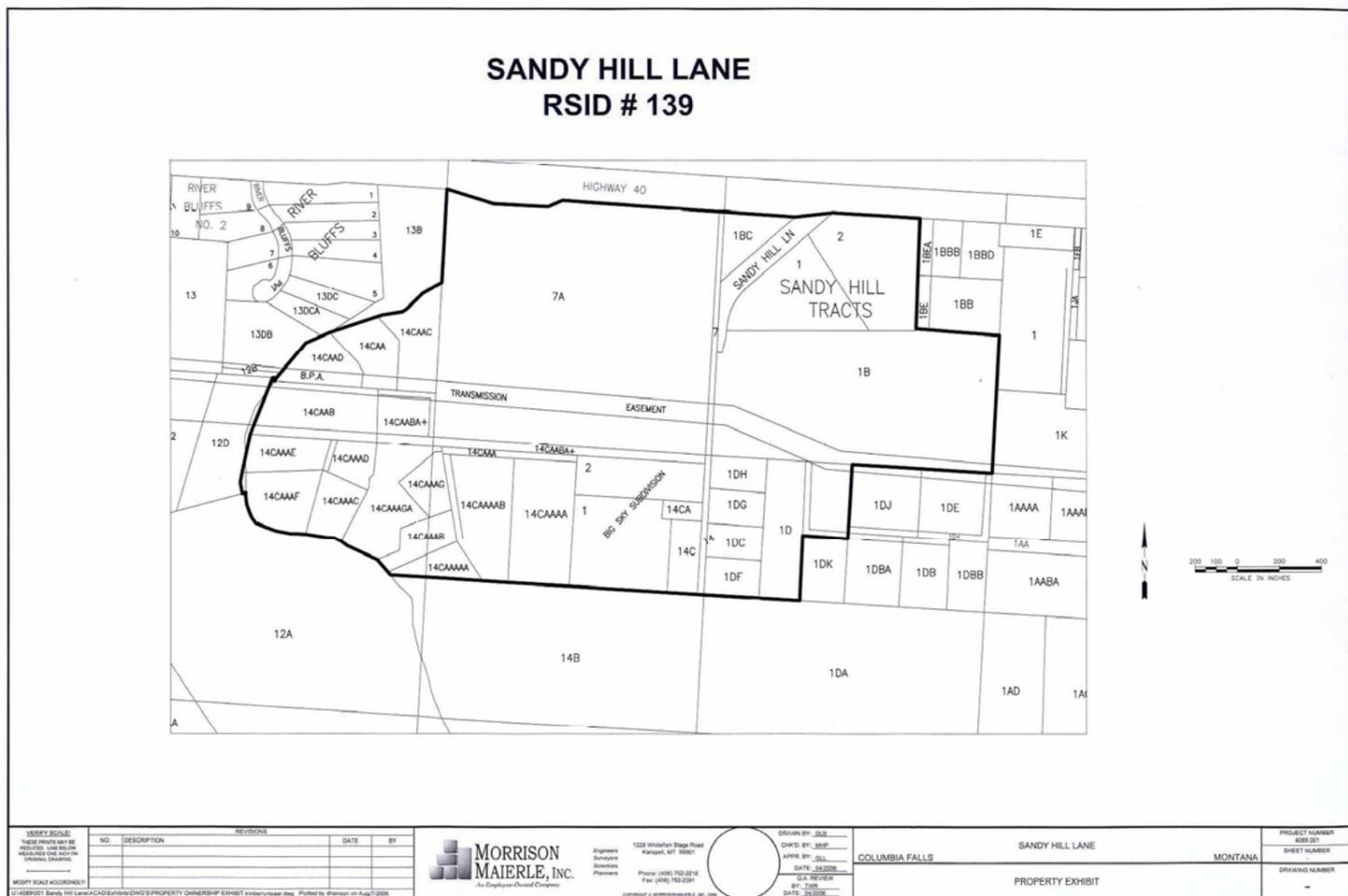
By _____
Robert W. Watne, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Deputy



Commissioner Brenneman made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 139 AND TO ISSUE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 139 BONDS OF THE COUNTY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$174,473.20, SECURED BY THE RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

FLATHEAD COUNTY, MONTANA

NOTICE IS HEREBY GIVEN that on August 7, 2006, the Board of County Commissioners of Flathead County, Montana (the "County"), adopted a Resolution of Intention to Create Rural Special Improvement District No. 139 (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 Morrison Maierle, Inc.

**MONDAY, AUGUST 7, 2006
(Continued)**

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 of paving on approximately 80,000 square feet of Sandy Hill Lane, currently a gravel road.

The County would issue the Bonds in an aggregate principal amount not to exceed \$174,473.20 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 \$174,473.20 and such payment will be secured by the Revolving Fund. **Subject to the limitations of Montana Code Annotated, Section 7-12-4222, 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 \$174,473.20, 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 Paving Improvements. There are 29 lots, tracts or parcels in the District. The estimated costs of the Paving Improvements per lot, tract or parcel to be assessed is \$6,016.32.

On August 28, 2006, at 9:30 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 August 25, 2006. 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 7th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

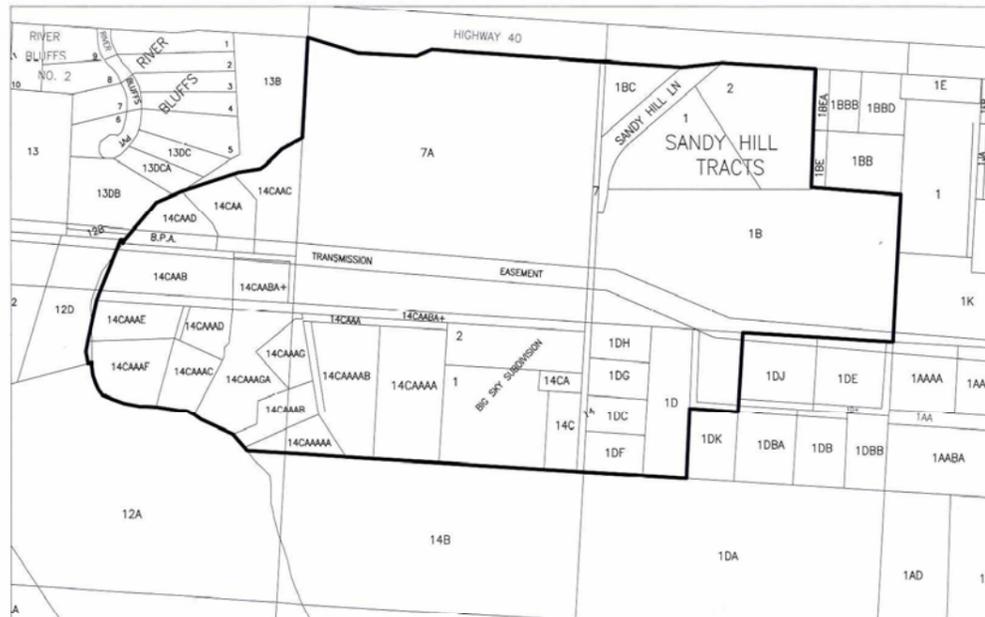
ATTEST:
Paula Robinson, Clerk

By/s/Gary D. Hall PT
Robert W. Watne, Chairman

By/s/Kimberly Moser
Deputy

Publish on August 10 and August 17, 2006.

**SANDY HILL LANE
RSID # 139**



<small>VERIFY SCALE 1:5000 SCALE MAY BE REQUIRED. LAND IS NOT WARRANTED OR GUARANTEED UNLESS OTHERWISE SPECIFIED.</small>	NO.	DESCRIPTION	REVISIONS	DATE	BY	 <small>1228 Williams Lane Columbia Falls, MT 59912 Phone: (406) 752-2210 Fax: (406) 752-2291 www.morrisonmaierle.com</small>	<small>DRAWN BY: JLS CHECKED BY: JMS DATE: 04/20/06</small>	COLUMBIA FALLS	SANDY HILL LANE	MONTANA	PROJECT NUMBER 458100
<small>MOOPY SCALE ACCURACY: 1:45890001 Sandy Hill Lane/RSID#139/PROPERTY OWNERSHIP EXHIBIT/owner/owner.dwg Plotted by shaman on Aug/12/08</small>									PROPERTY EXHIBIT		DRAWING NUMBER -

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: RSID / PAVING ON WILLIAMS LANE

8:44:59 AM

Members present:

- Commissioner Gary D. Hall PT
- Commissioner Joseph D. Brenneman

Members absent:

- Chairman Robert W. Watne

Others present:

- Assistant Michael Pence
- Clerk Kimberly Moser, Jonathan Smith, Gene L Evans, Day Marshall, Jeff Drummond, Gary nelson, Thomas S McCrea, Jim Holman, Tom Powell, Phyllis Tidwell, Bill Tidwell, Donnie Seay, Dudley Snyder, Rex Amini, Bill Jaynes, Greg Lukasir, Denise Hanson, Terence W Richmond, Dave Richter, Rey Kleiv, Judy Richter, Mark Munsinger, Adele Krantz

Commissioner Brenneman made a **motion** to adopt Resolution 1958. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

MONDAY, AUGUST 7, 2006
(Continued)

RESOLUTION NO. 1958

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 141; 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 paving of approximately 70,000 square feet of Williams Lane, as more particularly described in Section 5. The total estimated costs of the Improvements are \$180,639.13. 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, the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund") and the establishment of a reserve account securing the Bonds in the District fund (the "Reserve Account"). The total estimated costs of the Improvements, including such incidental costs, to be financed by the Bonds are \$180,639.13. 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 \$180,639.13.

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. 141, 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 also shown on Exhibit A hereto.

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 paving of approximately 70,000 square feet of Williams Lane, including application of crushed gravel, a tack coat and approximately 4 inch thick asphalt paving.

Section 6. Engineer and Estimated Cost. Morrison Maierle, Inc., shall be the engineer for the District. The Engineer has estimated that the cost of the Improvements, including all incidental costs, is \$180,639.13.

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 \$180,639.13 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 \$6451.40. The assessment for each lot, tract or parcel of land for the project will be 1/28 of the total and will not exceed \$6,451.40.

Section 8. Payment of Assessments. The special assessments for the costs of the Improvements shall be payable over a term not exceeding 15 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 \$180,639.13 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 and such payment will be secured by the Reserve Account. 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 28 properties, there are 20 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 (\$6,451.40), compares favorably to the estimated market value of each lot, parcel, or tract, which range in value (land only, not including improvements) from approximately \$24,000 to over \$200,000. The amount of security for any Revolving Fund loan is more than adequate. Since the estimated market value of each parcel far exceeds 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 4 of the 28 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.

**MONDAY, AUGUST 7, 2006
(Continued)**

(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 pave 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 19 different parties.

Section 10. Public Hearing: Protests. At any time within fifteen (15) 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.T., on the expiration date of said 15-day period (August 25, 2006), 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 fifteen (15) 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 Monday, the 28th day of August, 2006, at 9:30 a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Section 11. Notice of Passage of Resolution of Intention. The County Clerk and Recorder is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Daily Interlake, a newspaper of general circulation in the County on August 10 and August 17, 2006, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the Board of County Commissioners of the County of Flathead, Montana, this 7th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

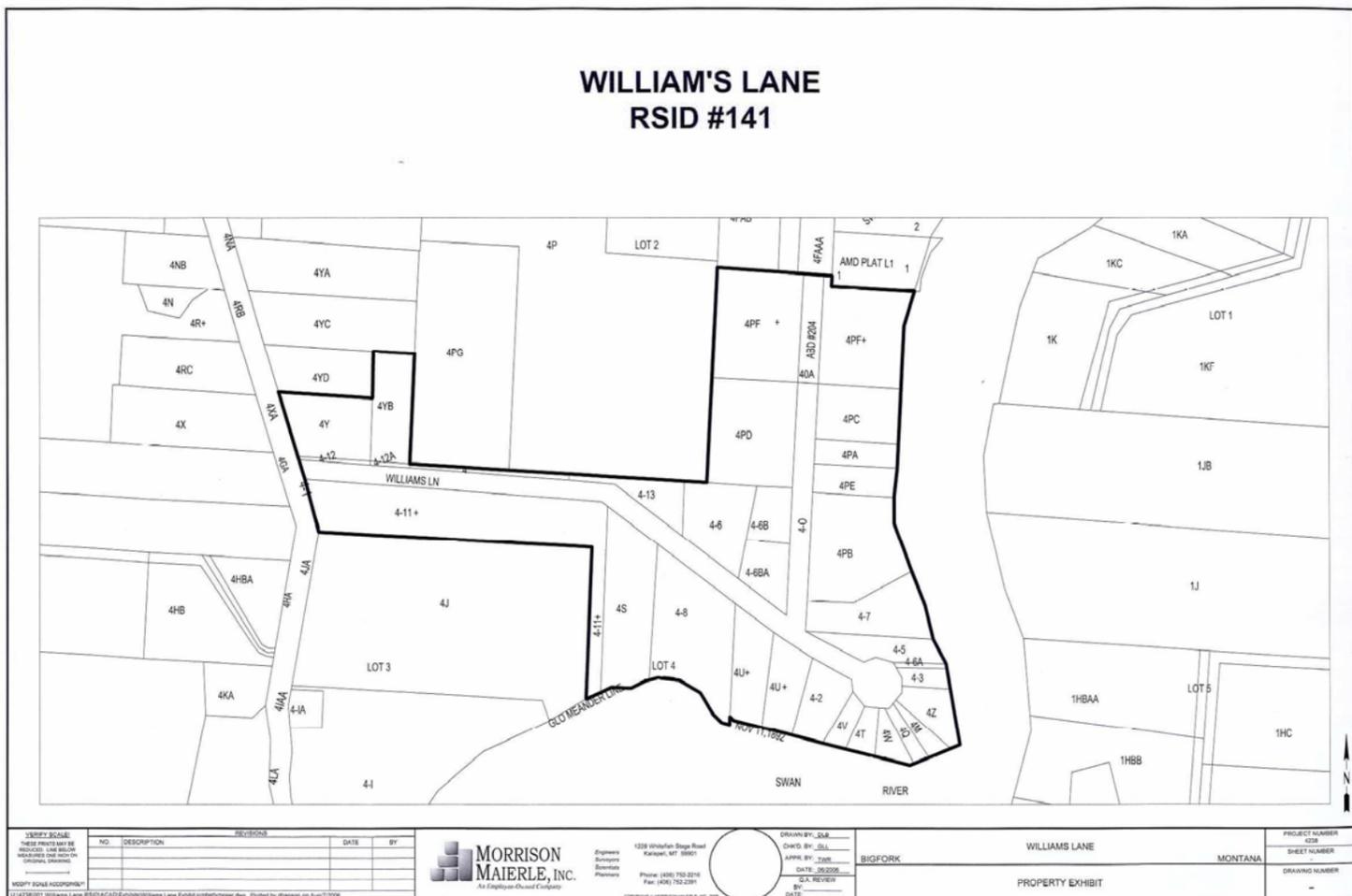
By _____
Robert W. Watne, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Deputy



Commissioner Brenneman made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

MONDAY, AUGUST 7, 2006
(Continued)

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 141 AND TO ISSUE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 141 BONDS OF THE COUNTY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$180,639.13, SECURED BY THE RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

FLATHEAD COUNTY, MONTANA

NOTICE IS HEREBY GIVEN that on August 7, 2006, the Board of County Commissioners of Flathead County, Montana (the "County"), adopted a Resolution of Intention to Create Rural Special Improvement District No. 141 (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 Morrison Maierle, Inc.

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 of paving on approximately 70,000 square feet of Williams Lane, currently a gravel road.

The County would issue the Bonds in an aggregate principal amount not to exceed \$180,639.13 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 \$180,639.13 and such payment will be secured by the Revolving Fund. **Subject to the limitations of Montana Code Annotated, Section 7-12-4222, 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 \$180,639.13, 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 Paving Improvements. There are 28 lots, tracts or parcels in the District. The estimated costs of the Paving Improvements per lot, tract or parcel to be assessed is \$6,451.40.

On August 28, 2006, at 9:30 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 August 25, 2006. 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 7th day of August, 2006.

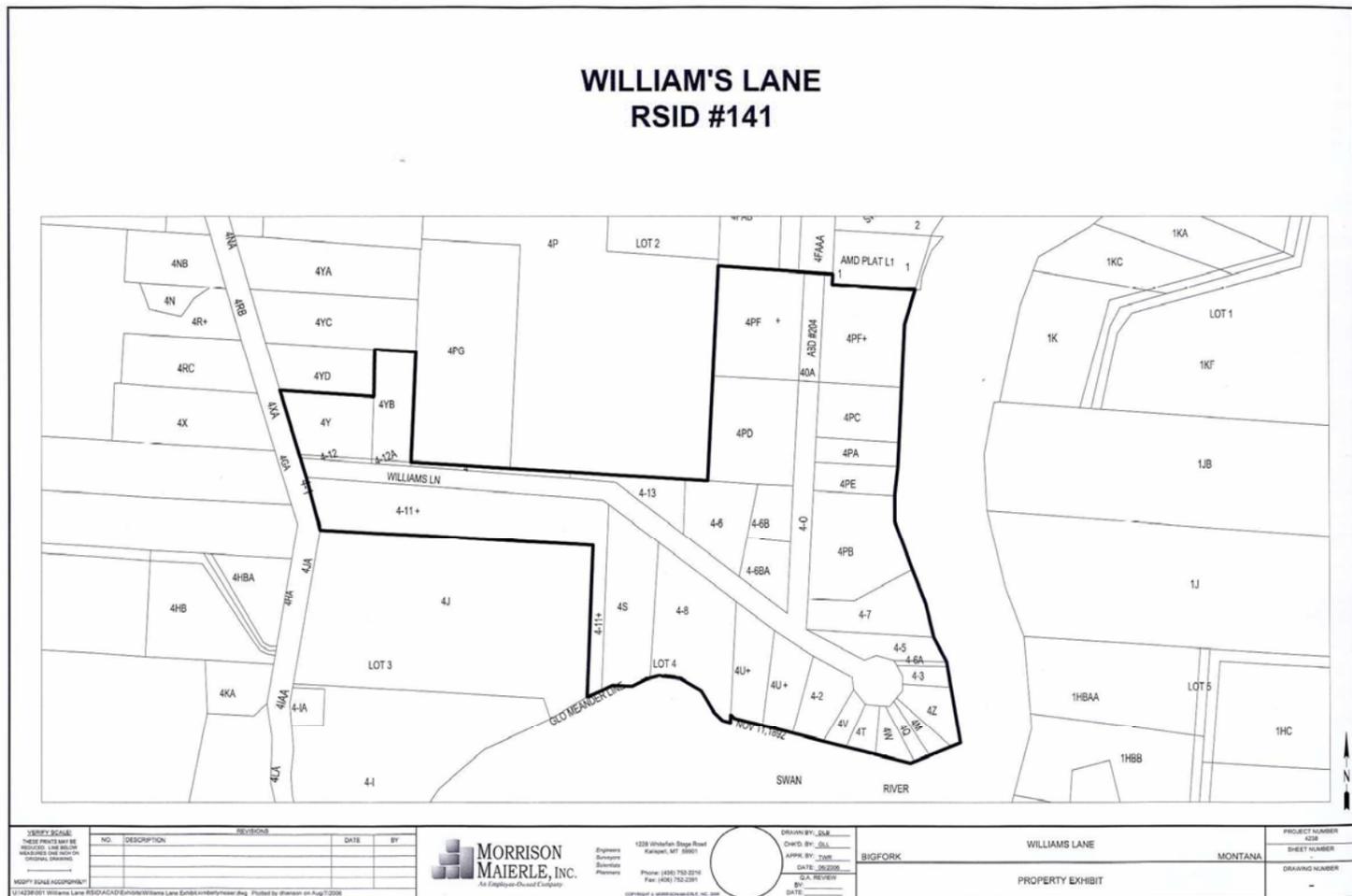
BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Gary D. Hall PT
Robert W. Watne, Chairman

By: /s/Kimberly Moser
Deputy

Publish on August 10 and August 17, 2006.



CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: RSID / PAVING ON SHADY LANE

8:49:10 AM

Members present:

- Commissioner Gary D. Hall
- Commissioner Joseph D. Brenneman

Members absent:

- Chairman Robert W. Watne

Others present:

- Assistant Michael Pence
- Clerk Kimberly Moser, Jonathan Smith, Gene L Evans, Day Marshall, Jeff Drummond, Gary Nelson, Thomas S McCrea, Jim Holman, Tom Powell, Phyllis Tidwell, Bill Tidwell, Donnie Seay, Dudley Snyder, Rex Amini, Bill Jaynes, Greg Lukasir, Denise Hanson, Terence W Richmond, Dave Richter, Rey Kleiv, Judy Richter, Mark Munsinger, Adele Krantz

Discussion was held relative to the way that the properties were being assessed. Jonathan stated that he would contact Mae Nan about changing how the county has accumulated the assessments.

11:40:10 AM

Members present:

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

Others present:

- Assistant Michael Pence
- Clerk Kimberly Moser, Jonathan Smith, Gene L Evans, Day Marshall, Jeff Drummond, Gary Nelson, Thomas S McCrea, Jim Holman, Tom Powell, Phyllis Tidwell, Bill Tidwell, Donnie Seay, Dudley Snyder, Rex Amini, Bill Jaynes, Greg Lukasir, Denise Hanson, Terence W Richmond, Dave Richter, Rey Kleiv, Judy Richter, Mark Munsinger, Adele Krantz

Discussion was held relative to the comments by Mae Nan that they could not change the way the properties were assessed.

Commissioner Hall made a **motion** to adopt Resolution 1957. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1957

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 140; 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:

MONDAY, AUGUST 7, 2006
(Continued)

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 paving of approximately 70,000 square feet of Shady Lane, as more particularly described in Section 5. The total estimated costs of the Improvements are \$152,729.78. 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, the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund") and the establishment of a reserve account securing the Bonds in the District fund (the "Reserve Account"). The total estimated costs of the Improvements, including such incidental costs, to be financed by the Bonds are \$152,729.78. 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 \$152,729.78.

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. 140, 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 also shown on Exhibit A hereto.

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 paving of approximately 70,000 square feet of Shady Lane, including application of crushed gravel, a tack coat and approximately 4 inch thick asphalt paving.

Section 6. Engineer and Estimated Cost. Morrison Maierle, Inc., shall be the engineer for the District. The Engineer has estimated that the cost of the Improvements, including all incidental costs, is \$152,729.78.

Section 7. Assessment Method - Assessed Valuation. All properties in the District will be assessed for their proportionate share of the costs of the Improvements. The total estimated cost of the Improvements is \$152,729.78 and shall be assessed against each lot, tract or parcel of land (whether or not it currently has structures on it) in the District for that part of the costs of the Improvements which the assessed valuation of the tract, lot or parcel of land without improvements as of January 1, 2006, bears to the total assessed valuation of all lots, tracts or parcels of land without improvements in the District as of January 1, 2006. The total assessed valuation of the land in the District without improvements is \$1,697,811.00, as of January 1, 2006. Property that is exempt from property taxation under Montana law is nonetheless subject to special assessments and such properties have been assigned an assessed valuation by the County Assessor for purposes of calculating such properties' assessment for the Improvements and such valuations are included in the total assessed valuation of the District. The costs of the Improvements per dollar of assessed value is \$0.09. The assessment for each lot, tract or parcel of land for the Improvements is shown on Exhibit C hereto.

Section 8. Payment of Assessments. The special assessments for the costs of the Improvements shall be payable over a term not exceeding 15 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 \$152,729.78 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 and such payment will be secured by the Reserve Account. 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 26 properties, there are 19 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 compares favorably to the estimated market value of each lot, parcel, or tract, excluding improvements. The assessment, payable over 15 years, amounts to approximately 9 percent of the estimated market value of each lot, parcel, or tract, excluding improvements. The amount of security for any Revolving Fund loan is more than adequate. Since the estimated market value of each parcel far exceeds the sum of special assessments, any loan from the Revolving Fund loan would be adequately secured.

(d) Delinquencies.

There are no delinquencies in the payment of outstanding property taxes levied against property in the District. The lack of 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 pave roads in rural areas of the County for public health and safety reasons.

MONDAY, AUGUST 7, 2006
(Continued)

NOTICE IS HEREBY GIVEN that on August 7, 2006, the Board of County Commissioners of Flathead County, Montana (the "County"), adopted a Resolution of Intention to Create Rural Special Improvement District No. 140 (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 Morrison Maierle, Inc.

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 of paving on approximately 70,000 square feet of Shady Lane, currently a gravel road.

The County would issue the Bonds in an aggregate principal amount not to exceed \$152,729.78 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 \$152,729.78 and such payment will be secured by the Revolving Fund. **Subject to the limitations of Montana Code Annotated, Section 7-12-4222, 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 \$152,729.78, and shall be assessed against each lot, tract or parcel of land (whether or not it currently has structures on it) in the District for that part of the costs of the Improvements which the assessed valuation of the tract, lot or parcel of land without improvements as of January 1, 2006, bears to the total assessed valuation of all lots, tracts or parcels of land without improvements in the District.

On August 28, 2006, at 9:30 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 August 25, 2006. 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 7th day of August, 2006.

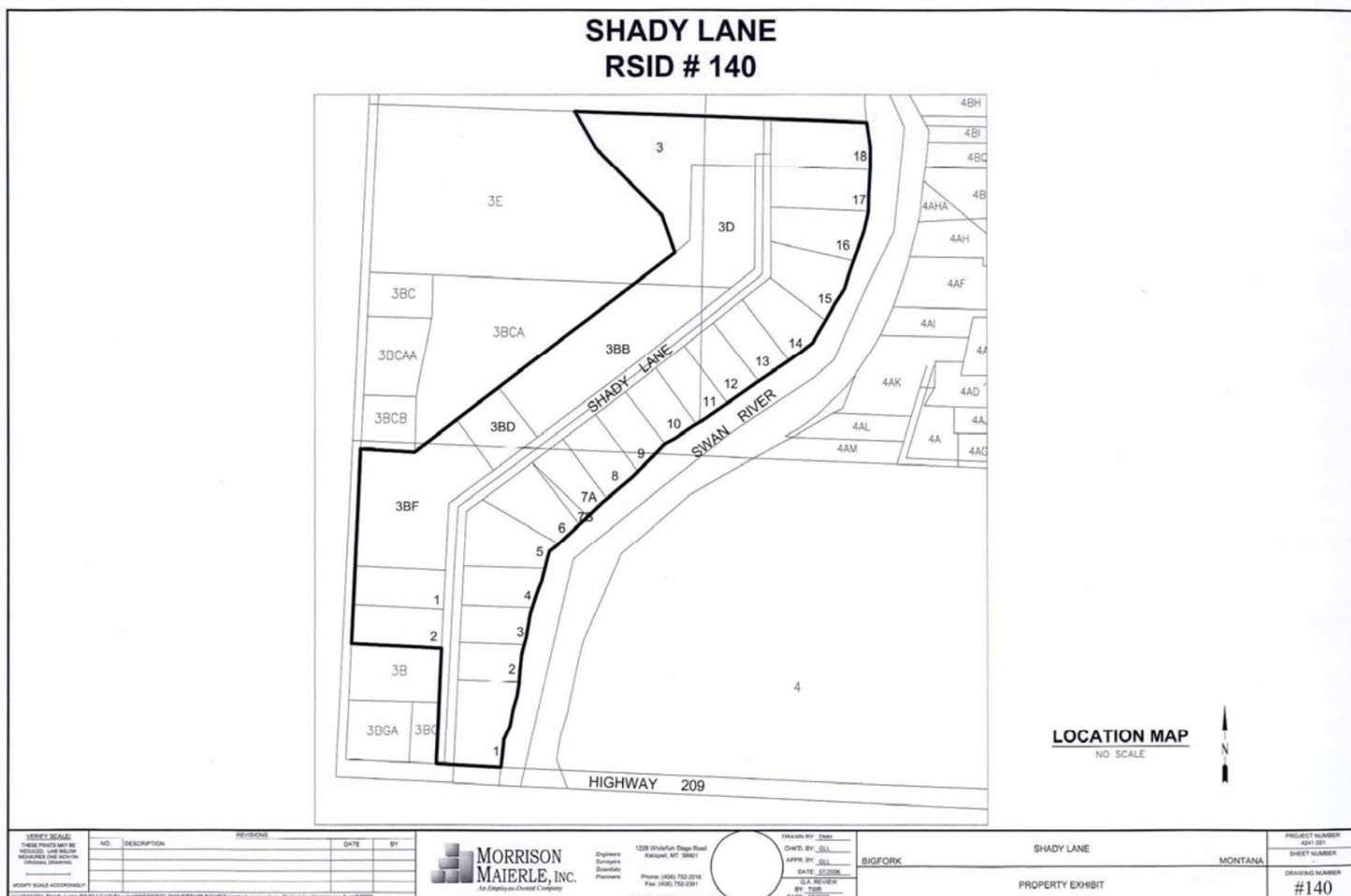
BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Gary D. Hall PT
Robert W. Watne, Chairman

By/s/Kimberly Moser
Deputy

Publish on August 10 and August 17, 2006.



CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: RSID / SOUTHSIDE TOWNHOMES SEWER PROJECT

[8:55:46 AM](#)

Members present:

- Commissioner Gary D. Hall
- Commissioner Joseph D. Brenneman

Members absent:

- Chairman Robert W. Watne

Others present:

- Assistant Michael Pence
- Clerk Kimberly Moser, Jonathan Smith, Gene L Evans, Day Marshall, Jeff Drummond, Gary Nelson, Thomas S McCrea, Jim Holman, Tom Powell, Phyllis Tidwell, Bill Tidwell, Donnie Seay, Dudley Snyder, Rex Amini, Bill Jaynes, Greg Lukasir, Denise Hanson, Terence W Richmond, Dave Richter, Rey Kleiv, Judy Richter, Mark Munsinger, Adele Krantz

Discussion was held relative to the petition that was submitted being the incorrect petition. Jonathan Smith stated that Petitions that have one hundred percent signatures must use a different kind of petition.

Commissioner Brenneman made a **motion** to continue consideration until a new petition can be submitted. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: WEED DEPT. & AOA

[8:59:54 AM](#)

Members present:

- Commissioner Gary D. Hall
- Commissioner Joseph D. Brenneman

Members absent:

- Chairman Robert W. Watne

Others present:

- Assistant Michael Pence
- Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the bid submitted by Eagle Flight Business Forms in the amount of \$151.50 for 5,000 weed department envelopes. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the bid submitted by Great Northern Printing in the amount of \$37.95 for 1,000 business cards and \$421.18 for 10,000 letterhead for AOA. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

9:00 a.m. Budget Workshop (till noon)

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

TUESDAY, AUGUST 8, 2006

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

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

CONSIDERATION OF ROADLESS RULE TASK FORCE RECOMMENDATIONS

This meeting was not held.

PUBLIC HEARING: ROAD ABANDONMENT #451 (S. FORK ADDITION HUNGRY HORSE), #453 (PORTION N. HILLTOP ROAD) AND #454 (OFF TAMARACK LANE)

[10:06:32 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Richard Habeger, Theresa Bilger-Habeger, Peter Tracy

Chairman Watne opened the public hearing to anyone wishing to speak in favor or opposition.

Theresa Bilger-Habeger spoke in favor of Road Abandonment #453 stating that this is on the land that they bought.

Peter Tracy spoke in regards to Road Abandonment #454. He stated that he has been paying taxes on this for years and then it was discovered that there was an old deed that granted this road to the county and no purpose is served by its existence.

No one else rising to speak Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to approve Road Abandonment 451 subject to the conditions listed on the viewers report. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman spoke in opposition of abandonment #453.

Commissioner Hall made a **motion** to approve Road 453 subject to the conditions listed on the viewers report. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. **Opposed** - Brenneman. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Road Abandonment #454 subject to the conditions listed on the viewers report. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

OPEN BIDS: EVERGREEN BIKE PATH

[10:24:39 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

List of Bidders:

Robert Peccia & Associates
TD&H Engineering Consultants
NCI Engineering

Commissioner Hall made a **motion** to take the bids under advisement. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: MDOT AMENDMENT #2 / EAGLE TRANSIT

[10:12:04 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve MDOT Amendment #2 for Eagle Transit and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

TUESDAY, AUGUST 8, 2006
(Continued)

CONSIDERATION OF RELEASE OF COLLATERAL: THE GLADES AT BIG MOUNTAIN

[10:24:06 AM](#)

Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the release of collateral for The Glades at Big Mountain. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

MONTHLY MEETING W/ MARK PECK, OES

This meeting was not held.

COS REVIEW: GUNDY

[11:00:23 AM](#)

Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Clerk Kimberly Moser, Kirsten Holland, Jim Burton

Holland reviewed the Gundy family transfer request.

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

COS REVIEW: ROBERTS

[11:06:42 AM](#)

Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Clerk Kimberly Moser, Kirsten Holland, Ardis Larsen, Vera Roberts, Kenn Roberts, Cal Scott

Holland reviewed the Roberts family transfer request.

Commissioner Brenneman questioned why the property is being transferred. Vera Roberts explained that they would be putting a home on the new parcel and selling the original parcel to finance the new home.

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

9:30 a.m. Quarterly Juvenile Detention Facility Tour

11:30 a.m. Canvass Greenacres Water & Sewer District at the Election Dept.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 9, 2006.

WEDNESDAY, AUGUST 9, 2006

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

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 10, 2006.

THURSDAY, AUGUST 10, 2006

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

FINAL PLAT: EAST RESERVE RANCHETTES

Members present:
Chairman Robert W Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser

Due to a power outage no audio recording is available for this meeting.

Shaw reviewed the application submitted by Clifford J & Lisa I Swallow for final plat approval of East Reserve Ranchettes, a subdivision creating three residential lots. The subdivision is located off of East Reserve via Gazebo Lane, a 60' private road and utility easement. Preliminary plat approval was granted on June 13, 2005, subject to 12 conditions. All conditions have been met.

Commissioner Brenneman made a **motion** to approve the final plat of East Reserve Ranchettes. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF PRINTING BIDS: ELECTION DEPT

Members present:
Chairman Robert W Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser

Due to a power outage no audio recording is available for this meeting.

Commissioner Hall made a **motion** to approve the bid submitted by The Towne Printer in the amount of \$363.09 for registration cards for the election department. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the bid submitted by Great Northern Printing in the amount of \$340.59 for Poll books for the election department. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: MSU EXTENSION SERVICES AGREEMENT

Members present:
Chairman Robert W Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser

Due to a power outage no audio recording is available for this meeting.

Commissioner Brenneman made a **motion** to approve the MSU Extension Services Agreement with the understanding that the contract time line would run from the day that the contract was signed. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DISCUSSION: FIRE SERVICE AREA JURISDICTION

[9:52:11 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Mark Peck

Commissioner Brenneman made a **motion** to send a letter to the appropriate agencies stating the counties intention to cover fire protection for structures and the one hundred feet surrounding. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

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

**THURSDAY, AUGUST 10, 2006
(Continued)**

Jeff Hutton presented the commissioners with written comments. He then stated that both the application for preliminary plat approval and PUD announcement had the differing legal and map. He asked if it was a simple mistake or if this is only phase one of a multiple phase project. He stated that a phasing plan must be submitted and it has not been done. He stated that this would be a doubling of the density of the area and he felt it is too much for the neighborhood. He also stated that he felt that there could be a more creative subdivision for this area.

Valerie Kurtzhalt submitted written comments in regards to Haskill Mountain Ranch. She stated that she was very concerned that this subdivision will drastically change the area. She asked the commissioners to support the planning boards decision to deny this and asked the developers to consider a more creative plan for the community. She then stated that they do not have a neighborhood plan yet and are very concerned that the area could change before they have a chance to complete one.

Alice Cabell stated that she agreed with Valerie's concern. She stated that she had lived out there for about ten years and has seen every kind of wildlife imaginable. She encouraged the developer to take the wildlife into consideration.

Dan Moore spoke on the Haskill Mountain Ranch Subdivision. He stated that the paving of the road and helipad uses are a good idea and it should be considered in the future for other developments but the density in this particular spot is rather high. He also stated that this is a winter range area. He then stated that this proposal takes up about five sections of land. He stated that this is land that is being taken out of the public domain and now it is being made into unusable space for the public. He also stated that it is not following the historical use of the neighborhood. He then asked them to consider a community water system and sewage treatment plants in this area.

Jeff Raper spoke in regards to Haskill Mountain ranch. He spoke in regards to the wildlife in the area. He stated that the whitetail deer range maps show that much of the development in Flathead County is in the winter range. He then spoke in regards to the number of whitetail deer in the area stating that it has grown immensely in the years. He stated that the covenants have already addressed the concerns of the Fish, Wildlife and Parks. He then reviewed a letter submitted by Jerry Lyman in regards to dust abatement. The letter reviewed the product information for the different types of dust abatement that are available.

10:15:21 AM Colleen Wade stated that she felt that it was her responsibility as a Kila community member to make sure that their objectives are upheld. She reviewed the environmental assessment for the project and the concerns she had with that assessment being incomplete. She stated that just answering the questions with see the attached from Envirotech Consulting did not follow the instructions of the environmental assessment. She then reviewed the use of the land and that the master plan clearly states that the land must be one unit per twenty acres in big game range

Ken Kalvig spoke on behalf of Haskill Mountain Ranch. He stated that his practice is leaning more into land use projects. He stated that he is hearing more and more on the planning staff and the planning board on two different pages. He reviewed his concerns with the differences between the planning staff and the planning board. In regards to the environmental assessment he stated that he was not aware of a problem that the planning staff or the planning board had a problem with. He stated that he felt that the planning board is tired and worn out and he felt that on this application the planning board took their eye off of the ball. He then stated that the felt that Flathead County had the chance to do something good here with the paving of Brown's Meadow Road. He also stated that he had submitted a letter to the commissioners yesterday.

Discussion was held relative to the law that the commissioner can not consider new evidence submitted between the planning board meeting and the commissioner meeting.

Kip Drobish stated that he thought the fact that this proposal even made it the commissioner's office showed why they need a better master plan. He stated that yes the planning board is overwhelmed but even more so the planning office is overwhelmed. He also stated that he felt that it is his opinion that they do plan on putting more development in the area and want to push this one through to get the road paved to improve the odds of the upcoming requests. He also stated that the planning office does not have time to suggest changes to plans when they come in the office. He suggested that when the planning board unanimously recommends denial that it should not go to the commissioners. He then stated that he is concerned that this is a phased subdivision that has not been declared. He also stated that with the cost of gas it may be that people are not going to want to live that far out. He then suggested that the road supervisor lives on that road and stands to gain by having that road paved. He then stated that he was not sure why the developer would not go back and look at the application after the concerns that were brought up at the planning board meeting. He then made suggestions of what the developer could do to make this a more desirable subdivision, including water storage, larger lots, and the addressing of wildlife concerns.

Diane Sande stated that her biggest concern has always been the water. She spoke in regards to the well concerns and sewer concerns. She stated that the animals will survive and make it. She also stated that you can not get near a piece of water in this valley and now they want to make it so you can not get near the forests.

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

PRELIMINARY PLAT: WHISPER RIDGE

10:34:56 AM

Members present:

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

Others present:

Clerk Kimberly Moser, Kirsten Holland, BJ Grieve, Rick A Mathies, Mary Ellen Turmell, Greg Carter, John Turmell, Jeff Raper, Bill McIntyre, Dan L Moore, Valerie Kurtzhalt, Jeff Hutton, Alice Cabell, Colleen Wade, Don McBurney, Diana Sande, Scott Hollinger, Erica Wirtala, Sandy Sheret, Elsa Putzier, Debbie Holt, Kip Drobish, Ardis Larsen

Holland reviewed the application submitted by Brandyland, LLC and Bob & Sandy Cherot with Technical Assistance from Sands Surveying for preliminary plat approval of Whisper Ridge, a major subdivision that will create 59 residential lots. The subdivision is proposed on 14.049 acres. The property is zoned R-4 PUD and located off MT Highway 35 on Sunset Drive in Bigfork.

**THURSDAY, AUGUST 10, 2006
(Continued)**

The Bigfork Land Use Advisory Committee reviewed the application on May 25, 2006 and unanimously recommended approval with added conditions. The conditions were that MDOT conduct a Traffic Impact Study and the developer comply with the MDOT standards, the subdivision receive a will serve certification from Bigfork Water and Sewer District, and the emergency egress be provided to the south or southeast of the property.

Discussion was held relative to the difficulty of adding a second emergency egress route. Kirsten Holland stated that the Fire Marshall did not ask for one but the Bigfork Land Use Advisory Committee wanted one and the regulations would warrant asking for one.

On June 28, 2006 the Flathead County Planning Board made a motion to deny the application, the motion failed on a 4-4 vote. A motion to approve with the addition of conditions 20 was made and failed on a 4-4 vote. The application was forwarded with no recommendation.

Commissioner Hall requested a change stating that instead of being referred to as 59 residential lots that it state 59 residential units. He then discussed with the developer the condition requiring that the applicant work with MDOT on putting in a traffic light.

Commissioner Brenneman suggested that they should either require that they have another egress route or not, period.

Discussion was held relative to whether or not to require a secondary egress. Commissioner Brenneman asked for a letter from Bigfork Fire stating that they are aware that the regulations do allow for requiring a second egress but in this case what they have is adequate.

Kirsten Holland suggested changing condition 11 to state that a letter from the fire chief that an agreement has been made and that the fire chief is aware that there are regulations that can allow them to require a secondary egress but that he feels what they have required is adequate. She also suggested that they remove condition 20.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-05-0a as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to remove condition 20. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Whisper Ridge subject to 19 amended conditions. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONDITIONS

1. As authorized in FPUD-05-09, the internal subdivision road system shall consist of a 50-foot right-of-way, 20-foot paved driving surface, two 55-foot radius cul-de-sacs, and be designed and certified by a licensed, professional engineer. [Section 3.9, Flathead County Subdivision Regulations]
2. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), Flathead County Subdivision Regulations]
3. Road identification signs and stop signs shall be installed at all intersections. [Section 3.9(I)(8), FCSR]
4. The applicant shall meet the requirements of the Montana Department of Transportation for review of access onto MT Highway 35, conducting a Traffic Impact Study and hydraulics site detail. Proof of compliance shall include a completed, signed approach permit. [Section 3.8(A), FCSR]
5. Lot owners within the subdivision shall participate in a Road User's Agreement or Property Owners Association for the internal subdivision road, requiring each property owner to bear his or her pro-rata share for maintenance of the private road. [Section 3.9(J)(3), FCSR]
6. The subdivider shall dedicate a 15-foot bicycle/pedestrian easement along the property boundaries on Sunset Drive and near MT Highway 35 at the northern boundary of the property. [Section 3.18, FCSR]
7. All driveways shall meet the standards outlined in Section 3.9, Table 2 of the Flathead County Subdivision Regulations. [Section 3.9, FCSR]
8. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
9. The applicant shall submit a "will-serve" letter from Bigfork Water and Sewer referencing its capacity to serve 59 residential units in this location. [Sections 3.14, 3.15, FCSR]
10. All water, septic, and storm water drainage systems will be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [3.14(A) and 3.15(A), FCSR]
11. The applicant shall comply with reasonable fire suppression and access requirements of the Bigfork Fire District. A letter from the fire chief stating that an agreement has been made and acknowledging compliance with Section 3.8 D to adequately address public health, safety and welfare will be submitted with the application for Final Plat. [Section 3.20, FCSR]
12. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
13. The applicant will provide and maintain a natural vegetative buffer to screen the development from the highway corridor. [3.2, FCSR]
14. The applicant shall furnish proof of a common mail delivery location approved by the local postmaster. [Section 3.22, FCSR]

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15. The following statements shall be placed on the face of the final plat applicable to all lots:
- a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities shall be placed underground.
 - c. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - d. The property owners association or road users agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
 - e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - f. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
 - g. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
 - h. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
 - i. Dogs must be kept under owner control at all times.
 - ii. Residents must use bear-proof garbage containers.
 - iii. Remove obvious sources of food.
 - iv. Compost piles are prohibited unless secured by electrical fencing.
 - v. Pets should be fed indoors or food dishes brought in at night.
 - vi. Place bird feeders out of the reach of deer and other big game.
 - i.

Waiver of Protest
Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
16. The subdivider will place a permanent deed restriction on all areas defined as Open Space on the preliminary plat application, preventing further subdivision and for preservation as undeveloped land. [Section 3.19 B(1)(f)]
17. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
18. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
19. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

PRELIMINARY PLAT: HASKILL MOUNTAIN RANCH

11:12:16 AM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, BJ Grieve, Rick A Mathies, Mary Ellen Turmell, Greg Carter, John Turmell, Jeff Raper, Bill McIntyre, Dan L Moore, Valerie Kurtzhaltz, Jeff Hutton, Alice Cabell, Colleen Wade, Don McBurney, Diana Sande, Scott Hollinger, Erica Wirtala, Sandy Sheret, Elsa Putzier, Debbie Holt, Kip Drobish, Ardis Larsen

Holland reviewed the application submitted by Haskill Mountain Ranch, Inc with Technical Assistance from Sands Surveying, Carver Engineering, Envirotech Consulting, and PBS&J, preliminary plat approval of Haskill Mountain Ranch subdivision. This is a major subdivision that will create 74 single-family residential lots on approximately 530 acres at the southern end of Ashley Lake. The property is unzoned.

On June 28, 2006 the Flathead County Planning Board made a motion to approve which failed on a 0-8 vote. The board voted to amend Conditions 2,4,15 and 17 and add Conditions 22 and 23. a motion to deny passed on a 8-0 vote. The board cited concerns regarding density, wildlife impacts, emergency egress, the rural, remote nature of the subject property, and steep unbuildable sites on Lots 9 and 10. The number of lots under 20 acres in size was also cited as something for consideration, a policy 4.7 of the Master Plan recommends that development of all non-riparian big game winter ranges should not exceed a maximum density of one unit per 20 acres. Twenty-seven lots are less than 20 acres in size.

In regards to the comments made about this possible being a phased plan Kirsten Holland stated that she has been given no indication that this is part of a phased plan. She stated that when this applicant first came in it was a larger portion of property and then the applicant submitted a new application with less land.

The applicant stated that they did not have any plans for the rest of the property and decided that they wanted a different plan for the land and that is why they changed the original application.

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Discussion was held relative to the emergency egress through the forest service road. Erica Wirtala stated that the forest service road is always open to the public so of course it could be used for emergency exit and that there are breakaway gates at this access point.

Discussion was held relative to the concern by Fish, Wildlife and Parks.

The applicant stated that they have had five meetings with Fish, Wildlife and Parks and have agreed to every request made by them. He stated that there was no concern with the density.

Commissioner Brenneman stated that upon speaking with the Forest Service it was concluded that the Forest Service would not guarantee that this road would be available for use forever.

Discussion was held relative to conditions 12 and 13. Bus service is not available in that area but a bus stop is still being requested for future use. There is no mail service available in that area so compliance with condition 12 would require a letter from the postmaster stating that there is no mail service and therefore no mailbox facility would be needed.

Condition 14 was discussed stating that it would be difficult to find a contract hauler to go to that area.

Commissioner Hall asked if staff was satisfied with Envirotech's report. Kirsten Holland indicated that Glen Gray felt there was adequate water in the area.

Commissioner Brenneman stated that in that general area in the past they have required some sort of proof that there is enough water in the area so as not to affect the already existing wells.

Commissioner Brenneman stated that he is extremely hesitant to go against the planning boards recommendation of denial but the information from the planning staff does not give a good reason for denial. He also stated that he needed something from the planning board stating how they would change the findings to support their denial.

Commissioner Hall stated that he would also have trouble finding reason for denial that are concrete enough to stand up in court. He then questioned condition 2 that required the internal roads to be paved. He stated that he felt dust mitigation would be sufficient.

Commissioner Watne stated that he was very concerned about the open range and wanted a condition that the developer would fence the development along with cattle guards on the roads. He also stated that he felt, in regards to sending it back to the planning board, that the planning board is already over worked.

Commissioner Brenneman stated that would not be a reason to not send it back to the planning board.

Erica Wirtala stated that this was originally submitted as a very large development and then the developer and the applicant decided to just concentrate on this proposal and that it is her understanding that there may be one purchaser that might be willing to buy the entire remainder and leave it as is. She stated that she is not aware of plans for further development. She then stated that they were caught in the middle of having large lots and has a cluster subdivision. She also stated that they never rushed this project and worked on it for well over a year before submitting it. She stated that the concern by Fish, Wildlife and Parks is that the people are aware of the problem with Whitetail deer. She invited the former landowner to speak on how the property came to be available for subdivision and that they did not purposefully take this out of public domain for this project.

The applicant stated that there is already a fence between this property and the open range property.

Erica Wirtala stated that they had proposed a tanker recharge unit and after speaking with the surrounding neighbors it has become clear that the Creek may not be able to sustain the water they need so they could use a well instead. She also stated that she felt there would be no problem getting a contract hauler to come up at least twice a month. She stated that both Haskell Pass and Ashley south got unanimous approval and she was therefore surprised with this unanimous denial due to the similar nature of the projects. She then pointed out that she felt that Haskell Pass and Ashley South were required one hundred fifty foot setbacks from the creek and now the requirement for this one is 300 foot setbacks. She asked for a rewording of condition 2 and 15. Asking that the word paved be removed from condition 2 and

Commissioner Watne stated that his main concern is the fencing and open range.

Commissioner Brenneman stated that his concerns included water issues in the area.

Ken Kalvig suggested that this board address the concerns through additional conditions to the approval and provide the applicant with the opportunity to try to satisfy those conditions without having to go back to the planning board.

Commissioner Hall stated that he felt that they had mitigated most of the concerns but there are enough issues to warrant sending it back to the planning board.

Commissioner Brenneman made a **motion** to return this to the planning board. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. **Opposed** - Watne. Motion carried by quorum.

2:00 p.m. AOA Board meeting at the Kalispell Senior Center
4:00 p.m. Long Range Planning Task Force at the Earl Bennett Building
7:30 p.m. Fair Board meeting at the Fair Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 11, 2006.

FRIDAY, AUGUST 11, 2006

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

No meeting scheduled

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 14, 2006.