
MONDAY, AUGUST 11, 2008

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

8:00 a.m. Weed & Parks Board meeting @ Weed & Parks Office
8:30 a.m. Commissioner Brenneman: Mosquito Board meeting @ Earl Bennett Building

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 12, 2008.

TUESDAY, AUGUST 12, 2008

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

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

Jim Clark, 128 Hill Dale Road spoke in regards to his frustration with the new county website.

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

QUARTERLY JUVENILE DETENTION FACILITY TOUR

[9:30:54 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

AUTHORIZE ZONING ADMINISTRATOR TO ISSUE ADMINISTRATIVE CONDITIONAL USE PERMIT/ DANCING FOX CONDOS AKA TIMBER BAY TOWNHOMES

[10:00:28 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Tom Windham, Bryan Long, Paul McElroy, Debbi Waldenberg, Clerk Kile

Harris explained the Board of Adjustments issued a conditional use permit for an 8-plex condominium unit in the Bigfork area on February 6, 2007, and since that time a couple of administrative extensions have been granted. He then said the developers have begun to build townhomes instead and are not using the footprint that was approved in the CUP. Harris then stated that since they are not using the approved footprint that they felt it would be best to seek approval for the Zoning Administrator to grant an Administrative Permit allowing for the changes that are currently being built.

General discussion was held relative to impacts, parking and fire access.

Commissioner Brenneman made a **motion** to authorize the Planning & Zoning Administrator to issue an Administrative Conditional Use Permit. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: BUS/ EAGLE TRANSIT

[10:10:51 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to authorize the publication of Call for Bids for an Eagle Transit Bus and authorized the Chairman to sign. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for the purchase of (1) one 23-passenger bus.

The specifications for the 23-passenger bus to be purchased may be obtained from Eagle Transit.

Each bidder must deposit with his bid, a bid security in the amount of ten percent (10%) of the bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase of a 23-passenger bus. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States, a cashier's check, certified check, bank money order, or bank draft issued by a Montana bank, or bid bond executed by a surety corporation authorized to do business in Montana.

The bidder shall include with the bid a contract form to be executed by the parties. Flathead County reserves the right to negotiate the terms of said proposed contract (excluding prices contained therein) and to consider the terms of said proposed contract, including warranty provisions, in determining the award of bid.

No bidder may withdraw a bid after the actual date of the opening thereof.

All sealed bids, plainly marked "**Eagle Transit Bus**" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before 5:00 o'clock p.m., on August 29, 2008. Bids will be opened and read at 9:45 o'clock a.m., on September 2, 2008, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Flathead County reserves the right to accept or reject any bid and to waive any irregularities which are deemed to be in the best interest of the County.

The award of bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the Flathead County Clerk and Recorder.

Dated this 12th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Dale W. Lauman PT
Gary D. Hall, Chairman

By/s/Diana Kile
Diana Kile, Deputy

Publish August 16 and August 23, 2008.

MEETING W/ JEFF HARRIS/ PLANNING & ZONING OFFICE RE: PLANNING BOARD

[10:16:23 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Planning & Zoning Director Jeff Harris, Clerk Kile

Harris reported the Planning Board held their annual retreat at which time they discussed their desire to be more involved with developing the needed tools to create more predictability in land use decision making. Their proposal is to create two planning board committees to assist with planning activities that would involve inviting members of the community to participate in specialty areas. Harris then said the committee's would assist staff in work on the Existing Land Use Map, Gravel Resources Map, Public Facilities Map, Future Land Use Map, Development Predictability Map, Overall Development Plan Standards, Update Zoning Regulations and Whitefish Interlocal Area.

Commissioner Lauman and Commissioner Brenneman both spoke in support of the Planning Boards desire.

MONTHLY MEETING W/ OES AND FIRE SERVICE AREA MANAGER

[10:30:28 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Interim OES Director Cindy Mullaney, Fire Service Area Manager Lincoln Chute, Clerk Kile

Chute reported the Deep Draw Fire has three type 6 teams on the fire and has grown to nearly 1,000 acres. He then noted several lightning fires have been started and caught except one above Nyack Flats that they will let burn. Discussion was then held relative to implementing Stage 1 restrictions in Flathead County. Also reported was between 1200 – 1500 additional homes have been identified to include into the Fire Service Area.

Mullaney reported the public review period for Flathead County's Pre-Disaster Mitigation Plan has passed and a resolution to finalize it will be forthcoming. Discussion was held relative to the need to appoint a Public Information Officer for Flathead County. She then noted Flathead County is on the list for an audit of their ODP funds.

Commissioner Brenneman made a **motion** to approve the EMPG Award Letter and authorized the Chairman to sign. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the Blacktail Award Letter with the changes from 79 to 29 and authorized the Chairman to sign. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SOUTH KALISPELL RURAL FIRE DEPARTMENT ANNEXATION/ HABERKORN

[11:08:46 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to authorize publication of the Notice of Public Hearing for annexation of Haberkorn property into the South Kalispell Rural Fire District and authorized the Chairman to sign. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 7-33-2126(3), M.C.A., that it will hold a public hearing to consider a petition to withdraw territory from the Smith Valley Fire District and annex it to the South Kalispell Rural Fire District, said territory to be withdrawn and annexed, described on the attached Exhibit A, is located in Section 6, Township 27 North, Range 21 West, Flathead County, Montana, and is located at 45 Overlook Point, Kalispell.

The Board of Commissioners has received a petition in writing by the owners of 100% of the privately owned lands of the area to be withdrawn and annexed, who constitute a majority of the taxpaying freeholders within that area, according to the last-completed assessment roll, asking that such area be transferred to and included in the South Kalispell Rural Fire District.

The public hearing will be held on the 27th day of **August, 2008**, at **10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed transfer and will consider whether protests by owners of 40% or more of the real property in either district and owners of property representing 40% or more of the taxable value in either district, were received.

DATED this 12th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Dale W. Lauman PT
Gary D. Hall, Chairman

ATTEST:

Paula Robinson, Clerk

By/s/Diana Kile

Diana Kile, Deputy

Publish on August 16 and August 23, 2008.

Exhibit A

Those portions of the Southeast ¼ of the Northwest ¼ and the Southwest ¼ of the Northeast ¼ of Section 6, Township 27 North, Range 21 West, Flathead County, Montana, described more particularly as follows:

Beginning at the Southwest corner of the Southeast ¼ of the Southeast ¼ of the Northwest ¼; Thence along the West line of the Southeast ¼ of the Southeast ¼ of the Northwest ¼ North 00°05'17" East 537.59 feet; Thence North 89°49'10" East 168.00 feet; Thence South 72°35'28" East 74.05 feet to the beginning of a 71.87 foot radius curve to the left; Thence Easterly along the curve thru a central angle of 65°12'43" 81.80 feet; Thence North 42°11'42" East 198.32 feet to the North line of the Southeast ¼ of the Southeast ¼ of the Northwest ¼; Thence along the North line of the Southeast ¼ of the Southeast ¼ of the Northwest ¼ and its Easterly projection North 88°16'25" East 298.27 feet the Westerly line of Foy's Canyon Road; Thence along the Westerly line of the road the following courses: South 18°00'04" East 110.54 feet to a point on a 1171.45 foot radius curve concave Northeasterly having a radial bearing of North 72°25'36" East; Thence Southeasterly along the curve thru a central angle of 06°01'02" 123.03 feet to the beginning of a 471.19 foot radius compound curve to the left; Thence Southeasterly along the curve thru a central angle of 15°29'21" 127.38 feet; Thence South 39°04'47" East 137.25 feet to the beginning of a 1179.22 foot radius curve to the right; Thence Southeasterly along the curve thru a central angle of 09°27'17" 194.59 feet; Thence South 29°37'30" East 81.02 feet to the South line of the Southwest ¼ of the Southwest ¼ of the Northeast ¼; Thence leaving the Westerly line of the road, along the South line of the North ½ of Section 6 South 88°40'30" West 515.45 feet; Thence North 27°55'37" West 264.73 feet; Thence North 05°36'25" West 181.01 feet; Thence North 09°32'03" West 199.70 feet; Thence South 42°11'42" West 146.99 feet to the beginning of a 101.87 foot radius curve to the right; Thence Westerly along the curve thru a central angle of 65°12'43" 115.95 feet; Thence North 72°35'28" West 69.41 feet; Thence South 89°49'10" West 58.46 feet; Thence South 13°35'00" East 47.96 feet; Thence South 41°43'05" East 602.07 feet to the South line of the Northwest ¼; Thence along the South line South 88°40'30" West 517.87 feet to the Point of Beginning containing 10.331 acres of land.

Subject to and together with private road and utility easements.

Subject to easements of record excepting parcel 272106-XXX-3E which is already in the South Kalispell Rural Fire District.

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT.

[11:10:51 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to approve the print bid from Insty Prints for \$259.82 for 500 business cards and prescription books. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the print bid from American Printing for \$210.08 for letterhead paper. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the print bid from Thomas Printing for \$161.00 for post cards. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF HR TRANSMITTAL: OA III/ OFFICE OF EMERGENCY SERVICES

[11:16:05 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to approve the HR Transmittal for an OA III for OES and authorized the Chairman to sign. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: ARMENTROUT

[11:19:32 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Planner George Smith, Clerk Kile

Commissioner Brenneman made a **motion** to approve the permit issued to Armentrout and authorized the Chairman to sign. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: DAVENPORT & GOETZ

[11:20:48 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Planner George Smith, Clerk Kile

Commissioner Brenneman made a **motion** to approve Lakeshore Permit FLP 08-82-2. Commissioner Lauman PT **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

MEETING W/ ROLEEN ANDERSON RE: ZONING VIOLATION

[11:45:48 AM](#)

Members present:

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman PT

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Planning & Zoning Director B J Grieve, Planner George Smith, Deputy County Attorney Tara Fugina, Health Dept Director Joe Russell, Environmental Health Kate Cassidy, Mel Sheeran, Roleen Anderson, Clerk Kile

Mel Sheeran, P. O. Box 399, Kila explained he is the representative for Karl and Roleen Anderson who are feeling harassed over a matter. He then presented an outline of the events that led up to septic and zoning violations they have received. Sheeran referred to the West Valley ordinances that say a home based business can be operated anywhere in the district for any profession, as long as they live on the site and function the business from the site.

General discussion was held relative to the violation and letters sent from the County Attorneys office.

Mel Sheeran stated that he would like explained to him what violation his client is under in relation to the West Valley ordinances in relation to their business.

Commissioner Brenneman explained that in order for them to make an explanation to him for the request on the agenda today regarding a zoning violation; they need information that they presently don't have. He then added if they have the authority after looking at the information they would then re-schedule a meeting.

Tara Fugina stated for the record the only notice the County Departments had of the meeting today was from County Attorney Jonathan Smith who saw it on the agenda and notified her; she was not contacted by anyone else.

10:00 a.m. Commissioner Hall: RC&D meeting @ Earl Bennett Building
1:00 p.m. 911 meeting @ Justice Center

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 13, 2008.

WEDNESDAY, AUGUST 13, 2008

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

11:00 a.m. County Attorney meeting @ Co. Atty's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 14, 2008.

THURSDAY, AUGUST 14, 2008

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

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

George Culpepper commented that as a citizen of the county he is concerned about the proposed conservation bond. He then added he has spoken to Democrats and Republicans alike with many feeling that this isn't the right thing for the county government to be involved in; that it should remain a private matter. He supports when private companies get involved in conservations easements. The problem he has with the bond is that not all county residents will pay for it; yet they will all benefit from it. He further added he is afraid the 911 center and county tax on vehicles could fail; yet the conservation bond will pass. Culpepper stated the Northwest Montana Association of Realtors has not taken a position on the bond measure. It was then stated if you are going to have a bond for conservation easements where it is in perpetuity, then he feels there should be an avenue to where you have purchased land that will be able to provide growth and balance. The lands in the conservation easements will not be able to be built on and will hurt the communities of Kalispell, Whitefish and Columbia Falls. He then spoke about water issues in regards to Hungry Horse Reservoir

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

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:04:08 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Planning & Zoning Director Jeff Harris, Clerk Kile

Harris reported FEMA and the state came out to check on the counties public outreach program which is tied to the community rating system for flood insurance. He then noted the rates have been lowered with the county demonstrating they have a public outreach program. Discussion also included streamlining the permit process for Floodplain / Lakeshore Construction applications and the upcoming Planning Board meetings that will involve the Planning Board Committees'.

MEETING W/ PECCIA & ASSOCIATES RE: TRANSPORTATION PLAN UPDATE

[9:30:39 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Planning & Zoning Director Jeff Harris, Public Works Director David Prunty, April Gerth, Brian Walker, Clerk Kile

Brian Walker, Project Manager for the Flathead County Transportation Study Plan presented a report to the Commission that gave an overview of work that has been done and work that is still pending. He then noted the project formally began in January 2008 and is proposed to be finalized in January/ February 2009.

April Gerth then reviewed the following technical memos:

- o Goals and Objectives Technical Memorandum: The guidance document of the transportation plan.
- o Study Area Boundary Technical Memorandum: Maps that show the basic area of the study.
- o Socioeconomic Analysis and Growth Projections Technical Memorandum: 2006 base model projections
- o Paved vs. Unpaved Roads Technical Memorandum: Rating system for roads
- o Crash Analysis Technical Memorandum: Data collection for crash analysis

BOARD APPOINTMENTS: LIBRARY AND CORAM-WEST GLACIER FIRE DISTRICT

[10:00:51 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Laura Long, Marjorie Fisher, Kala French-Longheed, Anne Shaw Moran, Robert J. Lopp, Clerk Kile

Commissioner Lauman made a **motion** to appoint James Hervol to the Coram-West Glacier Fire District. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Chairman Hall made a **motion** to appoint Christy Hatfield to the Columbia Falls Library Board 2 year unexpired term. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to appoint Connie Leistiko to the Kalispell Library Board 4 year unexpired term. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Chairman Hall made a **motion** to appoint Terry Peterson to the Whitefish Library Board 1 year unexpired term. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

BUDGET AMENDMENT: HEALTH DEPT. EMS

[10:07:21 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Finance Comptroller Joe Garza, Lora Aspenlieder, Clerk Kile

Commissioner Brenneman made a **motion** to approve Budget Amendment Resolution #2156. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

BUDGET AMENDMENT RESOLUTION NO. 2156

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2007-2008, 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 2007-2008; 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 14th day of August 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

| DATE OF ISSUE: 8/2/08 | | | | | VOUCHER #: | |
|---|-------------|------------------|---------------|----------------------------|---------------------|---------------|
| DATE OF RECORD: | | | | | Entered by: | |
| FY08 | | RES #2156 | | | | |
| Fund | Dept | ACTIVITY | OBJECT | ACCOUNT DESCRIPTION | DEBIT | CREDIT |
| 2273 | 0222 | 440110 | 212 | Small Item Equip | \$ 224.00 | |
| 2273 | 0222 | 440110 | 398 | Other Contracted Services | | \$ 9,761.00 |
| 2273 | 0222 | 311020 | | Personal Property Taxes | \$ 9,537.00 | |
| | | | | BUDGET AMENDMENT | \$ 9,761.00 | \$ 9,761.00 |
| This will adjust Special EMS Budget & close it for FY09. | | | | | | |
| We are using \$96,950.18 of Carry Over. | | | | | | |
| | | | | | Approved by: | Joe Russell |
| | | | | | Date: | 8/2/08 |

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SHUPERT & THORNBERRY ZONE CHANGE/BLANCHARD LAKE ZONING DISTRICT

10:08:30 AM

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Erica Wirtala, Clerk Kile

Commissioner Lauman made a **motion** to authorize publication of the Notice of Public Hearing and authorized the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Joseph & Raymond Shupert and Ronald & Esther Thornberry, to change the zoning designation in a portion of the Blanchard Lake Zoning District from AG-40 (Agricultural) to SAG-10 (Suburban Agricultural).

The boundaries of the areas proposed to be changed from the AG-40 classification to the SAG-10 classifications are set forth on Exhibit "A" hereto located west of Whitefish, Montana on Twin Bridges Road north and east of the intersection of Lodgepole Road and Twin Bridges Road.

The proposed change would generally change the character of the zoning regulations applicable to the property from a district intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions and to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development, to a district intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, and providing for estate type residential development. The AG-40 classification has a minimum lot size of 40 acres; a change to SAG-10 would result in a minimum lot size of 10 acres.

The regulations defining the AG-40 and SAG-10 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: http://flathead.mt.gov/downloads/documents/document_228_1213654574.pdf Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **2nd day of September, 2008, at 11:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the proposed amendment to Blanchard Lake Zoning District.

DATED this 14th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on August 19 and August 26, 2008.

EXHIBIT "A"

Tract 1: A tract of land, situated, lying, and being in the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of Section 5; in the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section 6 and in the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section 7, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana. (Shown as Tract 1 of Certificate of Survey No. 17774)

Tract 2: A tract of land, situated, lying, and being in the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of Section 5; in the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section 6 and in the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section 7, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana. (Shown as Tract 2 of Certificate of Survey No. 17774)

Tract 3: A tract of land, situated, lying, and being in the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of Section 5, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana. (Shown as Tract 1 of Certificate of Survey No. 17800)

Tract 4: A tract of land, situated, lying, and being in the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section 8, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana. (Shown as Tract 1 of Certificate of Survey No. 1455)

Tract 5: A tract of land, situated, lying, and being in the North Half of the Northwest Quarter (N ½ NW ¼) of Section 8, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana. (Shown as Tract 1 of Certificate of Survey No. 1455)

FINAL PLAT: MARVIN'S GARDENS, AMENDED PLAT OF LOT 1

[10:21:52 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Planner Alex Hogle, Planner Allison Mouch, Erica Wirtala, Clerk Kile

Hogle presented final plat FFP 08-29 of Marvin's Gardens, Amended Plat of Lot 1; an application submitted by Kerry and Maria Marvin with technical assistance from Sands Surveying. Marvin's Gardens is a subdivision creating 1 residential lot located on the northeast corner of Farm to Market Road and West Reserve Drive intersection. Preliminary plat approval was granted on May 15, 2006, subject to 13 conditions. All conditions have been met and staff recommends approval.

Hogle noted a correction needed to be made on the Staff Report that corrected the parent tract from 1A to 1B.

Commissioner Lauman made a **motion** to approve final plat of Marvin's Gardens, Amended Plat of Lot 1 with corrected Staff Report. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

FINAL PLAT: RIVER RAPIDS, LOT 7A

[10:30:32 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Planner Allison Mouch, Planner Alex Hogle, Joe Kauffman, Clerk Kile

Mouch presented final plat FFP 08-31, Amended Plat of Lot 7A, River Rapids Subdivision; an application submitted by Tom Windham of TLW Properties, LLC, with technical assistance from Big Sky Surveying. This is a two lot subdivision located at the corner of Osborn Avenue and River Street in Bigfork. Preliminary plat approval was granted on February 26, 2008, subject to 18 conditions. All conditions have been met and staff recommends approval.

Commissioner Brenneman made a **motion** to approve final plat of River Rapids, Lot 7A. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CONSIDERATION OF COVENANTS, CONDITIONS & RESTRICTIONS WAIVER PAGE: ROLLING MEADOWS

[10:50:54 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Clerk Kile

Chairman Hall noted this waiver waives the requirement of approval of the Board of Commission contained in Article VII the Declaration of Covenants, Conditions and Restrictions of Rolling Meadows.

Commissioner Brenneman made a **motion** to approve the changes to the Covenants, Conditions & Restrictions for Rolling Meadows. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CONSIDERATION OF HR TRANSMITTALS: EMS COORDINATOR AND HEALTH PROMOTION SPECIALIST/ HEALTH DEPT.

[10:52:56 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Health Department Director Joe Russell, Clerk Kile

Commissioner Lauman made a **motion** to approve the HR Transmittal for re-classification of an EMS Coordinator and authorized the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the HR Transmittal for the addition of an EMS Coordinator. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT AND AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: WHITEFISH AREA GROWTH POLICY AMENDMENT

[10:57:38 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Brenneman made a **motion** to approve Resolution #2015G and authorized the publication of the Notice of Public Hearing and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 2015 G

WHEREAS, the Board of Commissioners adopted the Flathead County Growth Policy by the adoption of Resolution No. 2015 A on March 19, 2007;

WHEREAS, after adoption of the Growth Policy the Board of Commissioners adopted Resolution No. 2027 A to expand the jurisdictional area of the Flathead County Planning Board to include the area immediately adjacent to the City of Whitefish;

WHEREAS, the Board of Commissioners requested that the Flathead County Planning Board prepare and recommend amendments to the Flathead County Growth Policy in order that that Growth policy will apply in the expanded jurisdictional area;

WHEREAS, the Flathead County Planning Board held a public hearing pursuant to the provisions of Section 76-1-602, M.C.A., considered the public comment that was received and recommended amendments to the Growth Policy in order that it will apply in the expanded portion of the jurisdictional area, by removing references within the Growth Policy to the February 1, 2005, Interlocal Agreement with the City of Whitefish; and

WHEREAS, the Board of Commissioners has determined that the proposed amendments to the Growth Policy should be formally considered for adoption by the Board of Commissioners.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, pursuant to Section 76-1-604, M.C.A., that it intends to adopt the proposed amendments to the Flathead County Growth Policy in order that that Growth Policy will apply in the expanded portion of the jurisdictional area, by removing references within the Growth Policy to the February 1, 2005, Interlocal Agreement with the City of Whitefish.

BE IT FURTHER RESOLVED that the Board of Commissioners will hold a Public Hearing on the **15th day of September, 2008 at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed amendments to the Flathead Count Growth Policy. The Board will consider whether to make any revisions and whether to pass a final resolution adopting the proposed amendments to the Flathead County Growth Policy after that date.

Dated this 14th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
FLATHEAD COUNTY GROWTH POLICY

The Board of Commissioners of Flathead County, Montana, hereby gives notice that, pursuant to Section 76-1-604, M.C.A., it passed a Resolution of Intention (Resolution No. 2015G) on August 14, 2008, to consider amendments to the Flathead County Growth Policy as recommended by the Flathead County Planning Board.

The proposed amendments would establish jurisdiction over all lands outside the City of Whitefish and remove references within the Growth Policy to the February 1, 2005, Interlocal Agreement with the City of Whitefish. Documents related to the proposed amendment to the Flathead County Growth Policy are available for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana.

The Board of Commissioners will hold a public hearing to allow public comment on the amendments proposed by the Flathead County Planning Board. The public hearing will be held on the **15th day of September, 2008 at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

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

DATED this 14th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on August 19, August 26 and September 9, 2008 in the Daily Inter Lake
Publish on August 21, August 28 and September 11, 2008 in the Whitefish Pilot

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CUFFE ZONE CHANGE/ S.E. RURAL WHITEFISH ZONING DISTRICT

[10:09:33 AM](#) & [11:01:23 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Erica Wirtala, Clerk Kile

Commissioner Brenneman made a **motion** to authorize publication of the Notice of Public Hearing and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

The above motion was ratified at [11:01:23 AM](#)

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Lanette & Mitchell Cuffe to change the zoning designation in a portion of the S.E. Rural Whitefish Zoning District from AG-20 (Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-20 to SAG-5, that area being described as the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of Section 10, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana. (Shown as Parcel A of Certificate of Survey No. 13440).

The proposed change would generally change the character of the zoning regulations applicable to the property from regulations intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to regulations intended to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development. The AG-20 classification has a minimum lot size of 20 acres; a change to SAG-5 would result in a minimum lot size of 5 acres.

The regulations defining the AG-20 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: http://flathead.mt.gov/planning_zoning/downloads.php. Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **3rd day of September, 2008, at 9:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the S.E. Rural Whitefish Zoning District.

DATED this 14th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on August 19 and August 26, 2008.

CONSIDERATION OF ADOPTION OF RESOLUTION: PLACE TEN MILLION DOLLAR LAND & WATER CONSERVATION BOND ON BALLOT

[11:01:34 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Deputy County Attorney Jonathan Smith, Marilyn Wood, Clerk Kile

Commissioner Brenneman made a **motion** to adopt Resolution #2157. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Flathead County, Montana (the "County"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SUBMITTING TO THE QUALIFIED ELECTORS OF FLATHEAD COUNTY, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN THE AMOUNT OF UP TO TEN MILLION AND NO/100 DOLLARS (\$10,000,000.00) FOR THE PURPOSE OF PRESERVING OPEN-SPACE LANDS IN THE COUNTY, INCLUDING WORKING LANDS AND LAND FOR PROTECTING CLEAN WATER AND RECREATIONAL ACCESS, BY PROVIDING FUNDS TO ACQUIRE INTERESTS OR RIGHTS IN PROPERTY FROM WILLING PROPERTY OWNERS AND TO PAY COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS, FOR ANY ONE OR MORE OF THE FOLLOWING REASONS: PROTECTING CLEAN WATER IN STREAMS, RIVERS, AND LAKES; PRESERVING TRADITIONAL RECREATIONAL ACCESS; CONSERVING WORKING FARM, FOREST, AND RANCH LANDS; EXPANDING OR ESTABLISHING RURAL PARKS OR RECREATIONAL AREAS; AND CONSERVING HABITAT FOR WILDLIFE, AND, IF THE BONDS ARE AUTHORIZED AT THE ELECTION, CREATING A CITIZENS ADVISORY COMMITTEE CHARGED WITH MAKING RECOMMENDATIONS ON THE EXPENDITURE OF BOND FUNDS TO THE BOARD OF COUNTY COMMISSIONERS, SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of County Commissioners of the County at a regular meeting on August 14, 2008, and that the meeting was duly held by the Board of County Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote _____ being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: Chairman Hall, Commissioner Brenneman and Commissioner Lauman; Voted against the same: _____ abstained from voting thereon: _____; or were absent.

WITNESS my hand officially this 14th day of August, 2008.

By/s/ Diana Kile, Deputy/ Clerk
Paula Robinson,

Clerk & Recorder Flathead County, Montana

RESOLUTION NO. 2157

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SUBMITTING TO THE QUALIFIED ELECTORS OF FLATHEAD COUNTY, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN THE AMOUNT OF UP TO TEN MILLION AND NO/100 DOLLARS (\$10,000,000.00) FOR THE PURPOSE OF PRESERVING OPEN-SPACE LANDS IN THE COUNTY, INCLUDING WORKING LANDS AND LAND FOR PROTECTING CLEAN WATER AND RECREATIONAL ACCESS, BY PROVIDING FUNDS TO ACQUIRE INTERESTS OR RIGHTS IN PROPERTY FROM WILLING PROPERTY OWNERS AND TO PAY COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS, FOR ANY ONE OR MORE OF THE FOLLOWING REASONS: PROTECTING CLEAN WATER IN STREAMS, RIVERS, AND LAKES; PRESERVING TRADITIONAL RECREATIONAL ACCESS; CONSERVING WORKING FARM, FOREST, AND RANCH LANDS; EXPANDING OR ESTABLISHING RURAL PARKS OR RECREATIONAL AREAS; AND CONSERVING HABITAT FOR WILDLIFE, AND, IF THE BONDS ARE AUTHORIZED AT THE ELECTION, CREATING A CITIZENS ADVISORY COMMITTEE CHARGED WITH MAKING RECOMMENDATIONS ON THE EXPENDITURE OF BOND FUNDS TO THE BOARD OF COUNTY COMMISSIONERS, SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN

RECITALS

WHEREAS, a county as a public body is authorized pursuant to Section 76-6-109, M.C.A., to issue and sell general obligation bonds in the manner and within the limitations prescribed by applicable laws of Montana for the purpose of acquiring open-space land and other property consistent with the provisions of Title 76, Chapter 6, Part 1, M.C.A. (the "Act");

WHEREAS, Section 76-6-104, M.C.A., defines open-space land as any land that is provided or preserved for: park and recreational purposes; conservation of land or other natural resources; historic or scenic purposes; or assisting in the shaping of the character, direction, and timing of community development;

WHEREAS, a county is authorized pursuant to Section 7-7-2203, M.C.A., to issue general obligation bonds pledging the general credit of the county for that purpose upon approval of the electorate of the county, provided that such indebtedness and all other indebtedness of the county does not exceed 2.50% of the total assessed value of taxable property within the county, as ascertained by the last assessment for state and county taxes;

WHEREAS, a board of county commissioners is authorized pursuant to Section 7-7- 2223, M.C.A., to call a bond election by adopting a resolution to that effect;

WHEREAS, the Flathead Land Trust (the "Flathead Land Trust") was formed for the purpose of the conservation of open space land in Flathead County, Montana (the "County");

WHEREAS, the Land Use Committee of the Long Range Planning Task Force (the "Land Use Committee") was formed for the purpose of making recommendations to the Board of County Commissioners (the "Board") of the County on land use issues;

WHEREAS, the Land Use Committee strongly recommended that the Board place the bond on the November ballot in a letter dated July 17, 2008;

WHEREAS, the County Parks, Weed and Recreation Board (the "PWR Board") was formed for the purpose of making recommendations to the Board on issues related to county parks;

WHEREAS, the PWR Board passed a motion July 14, 2008 in support of a land conservation bond on the November ballot;

WHEREAS, the Flathead Land Trust, the Land Use Committee, and the PWR Board have requested the Board to support the preservation of open lands by seeking voter approval of general obligation bonds in an amount of up to \$10,000,000, for the purpose of preserving open-space lands in the County, including working lands and land for protecting clean water and recreational access, by providing funds to acquire interests or rights in property from willing property owners and to pay costs associated with the sale and issuance of bonds, for any one or more of the following reasons: protecting clean water in streams, rivers, and lakes; preserving traditional recreational access; conserving working farm, forest, and ranch lands; expanding or establishing rural parks or recreational areas; and conserving habitat for wildlife, and, if the bonds are authorized at the election, by creating a citizens advisory committee charged with making recommendations on the expenditure of bond funds to the Board of County Commissioners;

WHEREAS, the Board has determined that the issuance of general obligation bonds in the amount of \$10,000,000 will not cause the County to exceed its indebtedness limitation, which as currently calculated is \$165,550,278.50 (2.5% X \$6,622,011,142);

WHEREAS, the Board has determined there should be submitted to the electors of the County qualified to vote at bond elections the questions of whether the Board shall be authorized to issue and sell general obligation bonds of the County in an amount not to exceed \$10,000,000, for the purpose of preserving open-space lands in the County, including working lands and land for protecting clean water and recreational access, by providing funds to acquire interests or rights in property from willing property owners and to pay costs associated with the sale and issuance of bonds, for any one or more of the following reasons: protecting clean water in streams, rivers, and lakes; preserving traditional recreational access; conserving working farm, forest, and ranch lands; expanding or establishing rural parks or recreational areas; and conserving habitat for wildlife, and, if the bonds are authorized at the election, by creating a citizens advisory committee charged with making recommendations on the expenditure of bond funds to the Board;

WHEREAS, it is the judgment and determination of the Board that such bonds will be payable during a term not to exceed twenty (20) years and shall be redeemable on any interest payment date after one-half of the term for which they are issued.

NOW, THEREFORE, BE IT RESOLVED By the Board of the County as follows:

1. Calling of the Election. The Board of the County hereby calls and directs a special County election to be held on November 4, 2008, in conjunction with the general election, for the purpose of voting on the following question:

Shall the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County") be authorized to issue and sell general obligation bonds of the County, in one or more series in the aggregate amount of up to Ten Million and No/100 Dollars (\$10,000,000.00), bearing interest at rates to be determined by the Board at a competitive sale, payable

semiannually during a term not to exceed twenty (20) years and redeemable on any date after one-half of their term, for the purpose of preserving open-space lands in the County, including working lands and land for protecting clean water and recreational access, by providing funds to acquire interests or rights in property from willing property owners and to pay costs associated with the sale and issuance of bonds, for any one or more of the following reasons: protecting clean water in streams, rivers, and lakes; preserving traditional recreational access; conserving working farm, forest, and ranch lands; expanding or establishing rural parks or recreational areas; and conserving habitat for wildlife?

If the election on the bonds should pass, the County shall create a citizens advisory committee charged with making recommendations on the expenditure of bond funds to the Board.

2. Conduct of Election. All qualified electors of the County shall be entitled to vote at the bond election. The Flathead County Election Administrator is hereby requested and authorized to give proper notice of the close of registration and thereafter prepare printed lists of the electors in the County entitled to vote in the election in the County and to conduct the election in the form and manner prescribed by law. The Election Administrator shall prepare the ballot and arrange for the printing of the ballot.

3. Notice of Election. The Election Administrator is hereby authorized and requested to cause notice of the call and holding of the election to be given by publishing notice at least once a week for the three consecutive weeks before the election in The Daily Inter Lake, a newspaper of general circulation in the County. The notice of election as published shall read substantially as follows:

NOTICE OF FLATHEAD COUNTY
OPEN-SPACE LANDS: WORKING LANDS AND LAND FOR WATER AND ACCESS
BOND ELECTION
Flathead County, Montana
November 4, 2008

NOTICE IS HEREBY GIVEN by the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County"), that pursuant to a certain resolution duly adopted at a regular meeting of the Board on August 14, 2008, a special election of the registered voters of the County will be held on November 4, 2008, in conjunction with the general election, for the purpose of voting on the following question:

Shall the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County") be authorized to issue and sell general obligation bonds of the County, in one or more series in the aggregate amount of up to Ten Million and No/100 Dollars (\$10,000,000.00), bearing interest at rates to be determined by the Board at a competitive sale, payable semiannually during a term not to exceed twenty (20) years and redeemable on any date after one-half of their term, for the purpose of preserving open-space lands in the County, including working lands and land for protecting clean water and recreational access, by providing funds to acquire interests or rights in property from willing property owners and to pay costs associated with the sale and issuance of bonds, for any one or more of the following reasons: protecting clean water in streams, rivers, and lakes; preserving traditional recreational access; conserving working farm, forest, and ranch lands; expanding or establishing rural parks or recreational areas; and conserving habitat for wildlife?

If the election on the bonds should pass, the County shall create a citizens advisory committee charged with making recommendations on the expenditure of bond funds to the Board.

The estimated annual tax upon the issuance of the full \$10,000,000 in bonds, assuming a 5.00% interest rate per annum on the bonds for 20 years and based on the current assessed value of property in the County that would be subject to taxation to pay the debt service on the bonds, is estimated to be \$9.15 for a home with an assessed value of \$100,000 and \$18.30 for a home with an assessed value of \$200,000.

The polling places for the election shall be the normal polling places for County residents during the general election and polls shall be open between the hours of 7:00 a.m. and 8:00 p.m.

Absentee ballots may be obtained at the office of the Flathead County Election Administrator at 800 South Main Street, Kalispell, Montana, from October 6, 2008 until 12:00 noon, November 3, 2008.

County Clerk and Recorder

Publish: September 18, 2008, September 25, 2008, and October 2, 2008

4. Ballots. The Election Administrator is hereby requested to prepare suitable ballots for use at the election at the polling places, together with the precinct lists.

5. Form of Ballot. The ballot shall be printed in substantially the following form:

OFFICIAL BALLOT
FLATHEAD COUNTY, MONTANA
OPEN-SPACE LANDS: WORKING LANDS AND LAND FOR WATER AND ACCESS
BOND ELECTION
NOVEMBER 4, 2008

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue, make an X or similar mark in the vacant square before the words "BONDS--NO."

Shall the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County") be authorized to issue and sell general obligation bonds of the County, in one or more series in the aggregate amount of up to Ten Million and No/100 Dollars (\$10,000,000.00), bearing interest at rates to be determined by the Board at a competitive sale, payable semiannually during a term not to exceed twenty (20) years and redeemable on any date after one-half of their term, for the purpose of preserving open-space lands in the County, including working lands and land for protecting clean water and

recreational access, by providing funds to acquire interests or rights in property from willing property owners and to pay costs associated with the sale and issuance of bonds, for any one or more of the following reasons: protecting clean water in streams, rivers, and lakes; preserving traditional recreational access; conserving working farm, forest, and ranch lands; expanding or establishing rural parks or recreational areas; and conserving habitat for wildlife?

If the election on the bonds should pass, the County shall create a citizens advisory committee charged with making recommendations on the expenditure of bond funds to the Board.

The estimated annual tax upon the issuance of the full \$10,000,000 in bonds, assuming a 5.00% interest rate per annum on the bonds for 20 years and based on the current assessed value of property in the County that would be subject to taxation to pay the debt service on the bonds, is estimated to be \$9.15 for a home with an assessed value of \$100,000 and \$18.30 for a home with an assessed value of \$200,000.

_____ BONDS — YES

_____ BONDS — NO

6. Copy of Resolution. A copy of this resolution will be provided to the Election Administrator as soon as possible after its adoption and approval in order to inform him/her of the details of the election and the pertinent requests and authorizations as to the conduct of the election.

7. Land and Water Bond Acquisition Account; Use of Bond Proceeds. If bonds are issued for the purpose set forth in this resolution, the County will deposit the proceeds of such bonds, exclusive of accrued interest and underwriter's compensation, in the Land and Water Bond Acquisition Account, with such proceeds used for the authorized purposes, consistent with the requirements in Section 8 hereof, as may be further augmented by a subsequent resolution or ordinance of the Board.

8. Expenditure of Funds in Land and Water Bond Acquisition Account. With respect to the expenditure of funds in the Land and Water Bond Acquisition Account, the Board hereby agrees to take into account the recommendations of the citizens advisory committee created by the County in connection with the bonds after public comment prior to expending funds from the Land and Water Bond Acquisition Account.

9. Reimbursement Expenditures.

(a) The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the County for project expenditures paid by the County prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the County adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for a project within the scope of this resolution have been paid by the County before the date 60 days before the date of adoption of this resolution.

(c) The County reasonably expects to reimburse the expenditures made for costs of such a project out of the proceeds of bonds in an estimated maximum aggregate principal amount of up to \$10,000,000 after the date of payment of all or a portion of the costs of such a project. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

(d) As of the date hereof, there are no County funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to such a project, other than pursuant to the issuance of the bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the County's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

(e) The County's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the bonds to reimburse the source of temporary financing used by the County to make prior payment of the costs of the project. Each allocation shall be evidenced by an entry on the official books and records of the County maintained for the bonds or the project and shall specifically identify the actual original expenditure being reimbursed.

PASSED AND ADOPTED by the Board of County Commissioners of Flathead County, Montana, this 14th day of August, 2008.

BOARD OF COUNTY COMMISSIONERS

Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk and Recorder

By/s/Diana Kile
Diana Kile, Deputy

FINAL PLAT: SOLBERG ACRES, BLOCK 9, LOT 1

[11:15:53 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Planner Allison Mouch, Planner Alex Hogle, Bob Morton, Brian Wood, Clerk Kile

Mouch presented final plat FFP 08-38, Solberg Acres Re-Subdivision of Lot 9, Block 1; an application submitted by Robert Morton with technical assistance from Cache Creek Consulting and Goacher & Associates Surveying. This is a two lot subdivision located between Pheasant Drive and Helena Flats Road. Preliminary plat approval was granted on July 10, 2008, subject to 15 conditions. All conditions have been met and staff recommends approval.

Commissioner Lauman made a **motion** to approve the SIA for Solberg Acres, Block 9, Lot 1. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to approve final plat of Solberg Acres, Block 9, Lot 1. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

12:00 p.m. Bigfork Steering Committee Public Forum @ Bethany Lutheran
12:00 p.m. Commissioner Brenneman: Rotary @ Hilton Garden Inn
2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Sr. Center
7:00 p.m. Road Advisory Committee meeting @ Solid Waste District Conference Room
7:00 p.m. Fair Board meeting @ Fair Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 15, 2008.

FRIDAY, AUGUST 15, 2008

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

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 18, 2008.
