
MONDAY, SEPTEMBER 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.

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

Denise Smith, spoke on behalf of FBIA that she stated is in the strong opinion the Whitefish doughnut area needs to come back under Flathead County control and encouraged the Commission to adopt the text amendments that were passed through the Planning Board in July. She then noted it would allow the citizens an opportunity to vote for those individuals that represent them and have the ability to pass ordinances onto them. Smith also spoke in support of the transition meetings that have been held and stated she hoped they would continue with them and to do so in a manner that will insure the Whitefish Doughnut citizens are taken care of.

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

[8:59:32 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Atkinson reported nothing new is happening in acquiring a new AOA site. He then said the bus operations in Glacier Park are finished for the year with fewer visitors and less rides given than the previous year. Atkinson then reported on RSVP services and senior citizen services that continue to increase.

Discussion was also held relative to possible cost savings within AOA with a COSTCO membership.

DOCUMENT FOR SIGNATURE: SMPM MEMORANDUM OF UNDERSTANDING/ AOA

[9:12:52 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Commissioner Lauman made a **motion** to approve the document for signature and authorized the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: SERVICE PROVIDER AGREEMENT/ KALISPELL SR. CITIZEN CENTER, WHITEFISH GOLDEN AGERS, IMMANUEL LUTHERAN HOME AND NORTH VALLEY SR. CITIZEN CENTER/ AOA

[9:14:40 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Commissioner Brenneman made a **motion** to approve the documents for signature and authorized the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

PUBLIC HEARING: WHITEFISH INTERLOCAL/ MASTER PLAN AMENDMENT

[9:30:57 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Planner Andrew Hagemeyer, Deputy County Attorney Jonathan Smith, Frank Sweeney, Dick Zoellner, Don Anderson, Bill Rice, David Taylor, Bill Baum, Narda Wilson, Paul Bloomquist, Mayre Flowers, Rebecca Norton, George Culpepper, Mary Person, Clerk Kile

Grieve reviewed the proposed timeline for the amendment to the Flathead County Growth Policy to establish jurisdiction over all lands outside the City of Whitefish and to remove references within the Growth Policy to the February 1, 2005 Inter-local Agreement with the City of Whitefish. On March 13, 2008 Flathead County Commissioners passed Resolution #1783B which rescinded consent to the 2005 Inter-local Agreement with the City of Whitefish. Resolution #2027A which established Planning Board jurisdiction over this area was passed on July 10, 2008, and 6 days later on July 16, 2008 the Flathead County Planning

Board adopted a resolution recommending changes to the Flathead County Growth Policy to the Commission. A Resolution of Intent was passed on August 14, 2008, which set today's public hearing giving the public opportunity to comment on changes to the Growth Policy, in which staff recommends 30 days be taken to consider the comments; approximately around October 14 a final resolution can be passed. He then presented written comments received at the Planning and Zoning Office prior to the public hearing held which are all in favor of maintaining Whitefish's 2007 Growth Policy and not amending the Flathead County Growth Policy to have jurisdiction over the area.

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition of the master plan amendment.

Frank Sweeney, 350 Lost Coon Trail, a resident of the doughnut area asked that they maintain and use the 2007 Growth Policy that was two years in the making with solicited comments from all over the jurisdictional area that Whitefish is managing, including the doughnut area; it was unanimously recommended by the City County Planning Board to the City Council that it be adopted as such. It was also suggested that they maintain and use the existing City County Planning Board to manage the area with any development done in the area having to be managed through the City of Whitefish's Sewer District with the connection between the doughnut area and the City of Whitefish still being maintained. Sweeney then stated he and his neighbors would much prefer to use the City County Planning Board as their conduit to either this board or the City of Whitefish to manage development and make recommendations.

Dick Zoellner, 1365 Voorman Road stated that he attended most of the growth policy meetings in regards to critical areas and said he feels if the county takes over jurisdiction that he has had very little input with what has gone on with the county and he feels his rights have been taken away. In 1979 the City of Whitefish went out one mile in their jurisdiction and took him in and since that time he has had no right to be on City Council or vote for them for almost 30 years along with other citizens that are within the one mile radius within the City of Whitefish. Zoellner then added that anyone in the county could have come to the meetings and thinks it was a very fair process and for the county to come in now is totally wrong; the people of Whitefish have spoken.

Rebecca Norton, 530 Scott Avenue stated she is on the Whitefish Board of Adjustments and has learned most of what she knows by going to meetings. She then said she is deeply offended that they are at this point in this process with Whitefish turning into a high end resort community that doesn't always reflect what the rest of the county is going through, which is the intention of those that run Whitefish. Norton spoke about stories she hears from citizens in regards to development that shouldn't be permitted. Also added was she considers this an act of violence that they had a due process within their city for the people that actually live in the city that showed up for these meetings every evening to give input to what they wanted to create within the community they live in; the city is going to grow to those boundaries and for you to never deal with this until the critical areas came up seems means spirited. She then asked that Whitefish be allowed to keep the Growth Policy that everyone in the City of Whitefish had an opportunity to contribute too, and if they do take on the critical areas ordinance to remember that it is about water quality and not about property values.

Narda Wilson, spoke on behalf of property owners on the corner of Dillon and Conn Road and Hwy 40. She then stated that a packet of information was submitted earlier to them that she hoped they had a chance to look at. Wilson then said as you are aware when the city took over the extra territorial planning and zoning jurisdiction they aggressively zoned the unzoned areas within that jurisdiction. The properties were unzoned prior to Whitefish taking over the jurisdiction. In 2005 when jurisdiction was taken over there were a number of commercial uses on the property and in accordance with the 1996 Future Land Use Map for Whitefish the properties were zoned agricultural and country/ residential that placed them in a status of operating non-conforming uses effective January 2006. The former Planning Director told the property owners at that time that this was considered interim zoning until such time that the Growth Policy was updated and adopted. Over the last three years the property owners actively participated in the Growth Policy update process and were successful in getting the property designated on the Future Land Use Map with a new land use designation of business service center, which is intended to be a service orientated non-retail use. It was recognized at that time there was not a zoning district within the Whitefish zoning jurisdiction regulations that represented the new land use designation. After the Growth Policy was adopted last fall they then engaged in a process with the City of Whitefish to create a business service district zoning that would be applied to the properties that took seven months; during that period of time is when the county decided to withdraw from the Inter-local Agreement throwing the process into a tail spin. Wilson then stated she is asking for three things today:

1. Acknowledge the efforts made by the Dillon and Conn Road/ Hwy 40 property owners in their work to designate their 31 acres with something other than agricultural on the Whitefish Future Land Use Map.
2. Adopt the attached findings of fact as an addendum to Staff Report FPMA 08-22
3. Amend the 1996 Whitefish Future Land Use Map recommended to be adopted by the Board of Commissioners and to become part of the Flathead County Growth Policy and designate the 31 acres on the west side of Dillon and Conn Road/ Hwy 40 as light industrial.

Wilson then added that one of the primary reasons the county withdrew from the Inter-local Agreement was that there was a perception on the part of the county that by going from the cities jurisdiction to the counties that there would be a relief from a regulatory burden with a potential loss of property values and rights of parties that live within the extra territorial jurisdiction. After conversations with the Planning Office they are basically back to square one where they were three years ago. With a Growth Policy amendment needed in order to get the property designated something other than agricultural, which she feels is a regulatory burden on the part of the property owners. She then added that she would hope the Commission would continue to try to represent the property owner's interest and citizen's interest within the jurisdictional area and consider amending the 1996 Future Land Use Map to designate the 31 acres as light industrial.

Don Anderson, property owner on Dillon Road and Hwy 40 stated they have been through all the public process that has gotten them to where they are presently at in Whitefish. He then added if the Commission would recognize that you would find that all of the community shares the decision with what has already been said in keeping them as a business service center or a light industrial for the area.

Paul Bloomquist, 3949 Hwy 40 West, spoke about the work he has done on his property in landscaping for making the community entrance nice looking. He then said the property was unzoned when they started to build and was told later that it was agricultural land; with the minimum for agricultural land 15 acres and his property is 12 acres, which makes no sense that he is even designated agricultural. Bloomquist then added make us something that really fits with what they really are and call it what it is.

Bill Rice, property owner on Dillon Road commented that he feels it would be a shame to not use the Whitefish Growth Policy that so many people put time and effort into. He then added that he also would hate to see the process throw their 31 acres back to where they were three years ago.

Mayre Flowers, Citizens for a Better Flathead reviewed public comments submitted to the Planning Board that included concern about the public process this is undergoing in which she said state law is clear for resolving and changing joint jurisdictional areas (MCA 76-2-203). She then strongly encouraged them to go back to the public process laid out in state law and conduct a much more extensive process in the community that mirrors and honors the extensive work that went into both the Whitefish Growth Policy update and the Critical Areas Ordinance; with Whitefish demonstrating a responsible attitude towards listening to the public and working to continue to refine both the documents. It was then noted the minutes from the public hearing she felt did not reflect the intent of the extensive public comment. Flowers asked that the decision before them today be tabled until an extensive public process has been conducted.

Mary Person, 325 Blanchard Lake Drive commented there has been significant public comment presented to encourage the city and the county to continue joint planning and to keep the Whitefish Growth Policy in place; to revert to the outdated 1996 Master Plan and Map will make rational planning decisions almost impossible. The 2007 Growth Policy addresses planning in the doughnut area in great detail. The document is a broad body of public policy that was founded on a community vision and addresses growth and development issues both in the city and the doughnut and how growth should relate to natural resources, economic development, land use, community facilities, housing and transportation. There is no doubt they need to find a solution to representation in the doughnut area, but after 40 years of collaborative planning between the city and the county they need to keep working together to find solutions. The Growth Policy update was an enormous public process that drove the direction of their updated Growth Policy and should not be ignored, unless the county intends to duplicate the public involvement that produced the Whitefish Growth Policy the county should incorporate the Whitefish Growth Policy into the 2007 County Growth Policy to cover the disputed area. She then urged that action be delayed until solutions could be found to continue the democratic process with the City of Whitefish that benefits the community as a whole and balances private and community needs.

Reggie McMyrtle, 2475 Hwy 93 West said the Whitefish documents designated them as WCR where 74% of the properties do not meet the designation. He then urged the county to allow everyone in the designated area to have equal access to the development of their property that their neighbors have.

George Culpepper, Northwest Montana Association of Realtors stated the association has been involved with this issue since day one and it has been suggested on many occasions that the City of Whitefish has listened and considered all public viewpoints; he begs to differ. The association has been involved and following back not one suggestion they referenced was ever taken into consideration. Not everyone in the public has had their say in the development of what happened in the two mile doughnut. If everyone had their say then we wouldn't be discussing this today because those that live in the doughnut would have their say on the City Council and as it stands now there is no say. They also understand there has been a lot of work in the 2007 Master Plan for the City of Whitefish, which he believes there could be some things taken out and incorporated into the future planning of the two mile doughnut. Culpepper stated he felt they wouldn't be here today if the Critical Areas Ordinance was not adopted as it was. He then said accusations have flown accusing their association and the FBIA and others in creating hostility between the citizens of Whitefish and the residents of the two mile doughnut. The Critical Areas Ordinance created it when it put restrictions on the two mile doughnut; realistically if the Critical Areas Ordinance was not in place then those who live in the two mile doughnut would be able to still approach the City of Whitefish and we wouldn't be here. The City of Whitefish has worked with residents he agrees with, but more importantly they have worked with the city residents not those that live in the two mile doughnut.

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

Chairman Hall noted the public comments received would be taken under consideration and October 15, 2008 action will be taken

Commissioner Lauman made a **motion** to take the public comment under advisement and schedule a meeting October 15, 2008. Commissioner Brenneman **seconded** the motion.

Commissioner Brenneman then asked Chairman Hall for clarification in regards to what his plan was in how he felt the course of action taken would work with the obvious examples from citizens working with the City of Whitefish having gone through the process and now the county is taking it over; we obviously have to follow our laws about how we re-zone property and adopt growth polices. He then added it makes no sense to him and in order to proceed he needs to know what the plan was.

Chairman Hall said you have been part of this process from the beginning after hearing about my level of frustration when I tried to work with the City Council and Critical Area Ordinance Group expressing frustration in how the citizens living in the doughnut were being effected, with no consideration given even as an elected official as a representative to them. He then added the issue brought up on Coon Road and Hwy 40 is why I got involved in the beginning with the process being run by a certain element of folks that took the comments that fit their plan of operation and were not considerate of those living in the county whose property values and life long dreams of what they wanted to do with their property were being effected severely. His plan from the very beginning was they needed to go back to the way business was done before. Hall then noted meetings have been held with the Whitefish Transition Team that has been discussing how to make the transition workable for the county and Whitefish residents so the county residents would have representation. He further added that he admitted publically that he made a mistake in his desire to have cooperative community planning with the city in that they tried it, and it did not work and now they are taking back their legal and constitutional right to govern which they can do.

Commissioner Brenneman stated that he made it clear from the very beginning before any course of action was taken that they shared mutual concerns about things the City of Whitefish had adopted, but prior to action being taken he had said there was action in place that would address the issues. He then asked about a meeting that was attended by Chairman Hall where attorneys were present if there were issues being raised by individuals that are driving this that are not out in the public.

Chairman Hall said the meeting he attended where attorneys were present were not land use attorneys, but citizens that lived in the Whitefish doughnut that are concerned about what has happened and the direction they are going.

Aye - Hall, Brenneman and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: MOU TEAMSTER'S / ROAD DEPT.

[11:35:53 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

No action taken.

CONSIDERATION OF HR TRANSMITTALS: 911 MSAG & DATABASE SPECIALIST/ GIS AND OA III/ FAIRGROUNDS

[11:36:04 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, GIS Director Mindy Cochran, Clerk Kile

Commissioner Brenneman made a **motion** to approve the job re-classification for GIS. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to approve the job re-classification for an OA III at the Fairgrounds. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CONSIDERATION OF PRINTING BIDS: TREASURER'S OFFICE

[11:38:55 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the print bid from Master's Touch for the Treasurer's Office for #10 standard window envelopes, #9 regular reply envelopes and 8 ½ x 14 laser statements printed for \$9,649.00. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: PAYROLL AUTHORIZATION FORM/ OES

[11:39:55 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve the payroll authorization form. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

PRELIMINARY PLAT: BEAR SPRING ESTATES

[11:45:49 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planner Dianna Brodie, Eric Mulcahy, Julie Constenius, Clerk Kile

Brodie entered into record and reviewed Staff Report FSR 08-10; a 5 lot minor subdivision on 239.944 acres proposed by JR Plantation Properties with technical assistance from Sands Surveying for Bear Spring Estates Subdivision. The property is located north of McGregor Lake between Lost Prairie Road and Upper Lost Prairie Road. Lot sizes range from 33 to 59 acres with a 2,380 foot long internal subdivision road, which has a midpoint cul-de-sac and ends in a cul-de-sac located on adjacent property also owned by the applicant.

Commissioner Brenneman made a **motion** to adopt findings of fact for Staff Report FSR 08-10. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Mulcahy stated he has spoken to the owner regarding the additional 1,000 feet of paving off site in exchange for not paving the internal subdivision road which the applicant agreed would be okay.

Discussion was then held relative to additional off site paving.

Commissioner Lauman made a **motion** to approve preliminary plat of Bear Spring Estates Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

STANDARD CONDITIONS

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.17(iv), Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit to Lost Prairie Road from the Flathead County Road Department indicating the approach has been built and received final inspection and final approval. [Section 4.7.17, FCSR]
3. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures. [Section 4.7.14, FCSR]
4. The applicant shall comply with reasonable fire suppression and access requirements of the Flathead County Office of Emergency Services. A letter from that office stating that the plat meets the requirements of the Flathead County Fire Service area shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
5. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.26, FCSR]
6. All internal subdivision roads shall be certified by a licensed engineer and constructed in accordance with the Flathead County Minimum Standards for Design and Construction for rural local gravel roads. [Section 4.7.17, FCSR]
7. With the application for final plat, the applicant shall provide a Road Users' Agreement which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.16(e), 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. [Section 4.7.24, FCSR]
9. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, FCSR]
10. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
11. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.27.c, FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.24, FCSR]
 - c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.23, FCSR]
 - d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.26, FCSR]
 - e. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
 - f.

Waiver of Protest
Participation in Special Improvement District
[per County Resolution 503-M]

_____ (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.
12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
13. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.27 (for major subdivisions) or Section 4.2.19 (for minor subdivisions), FCSR]
14. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.4.22 (for major subdivisions) or Section 4.2.15 (for minor subdivisions), FCSR]

15. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. [Section 4.4.20 (for major subdivisions) or Section 4.2.13 (for minor subdivisions), FCSR]

PROJECT-SPECIFIC CONDITIONS

16. With the application for final plat, the applicant shall provide a Dust Abatement Plan to be recorded with the plat for the internal subdivision road. This plan shall require each property owner to contribute their pro-rata share for the cost of meeting the abatement measures indicated in such a plan. This Dust Abatement Plan shall remain in force until such time as the roadway is paved.
17. A 10 foot bike/pedestrian easement shall be shown on Lot 4 along Upper Lost Prairie Road.
18. The following additional statements shall be placed on the face of the final plat:
 - g. This subdivision is located in an agricultural/silvicultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm/log on adjoining properties will not be restricted as a result of the development or occupancy of this subdivision.
 - h. 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.
 - i. Lot owners are alerted to the presence of potentially dangerous wildlife in the area and are reminded that **feeding big game is illegal**. Lot owners 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 such things as bear proofing, pet control, and removing food sources.
 - j. Only Class A and Class B fire-rated roofing materials are allowed.
19. The following statement shall be shown plainly on the face of the plat:

"No further subdivision of lots shall occur until zoning is in place and the zoning allows such subdivision."
20. A stream buffer of 25 feet shall be placed on either side of the stream corridor and shall be shown as "No Build Zone."
21. The applicant shall pave .51 miles of Lost Prairie road and with an additional length of paving to be negotiated as mitigation for the variance request. If additional pavement at an amount no less than 1,000 feet is agreed to, the applicant shall have the choice of placing the entirety of the paved section adjacent to the proposed subdivision.
22. Lots 2 and 3 shall be accessed by a single stream crossing. A 310 permit shall be obtained as applicable prior to construction.
23. A mid-point turnaround shall be constructed in either a cul-de-sac or hammerhead configuration that is constructed in accordance with the Flathead County Minimum Standards for Design and Construction for rural local gravel roads.
24. A statement shall be placed on the face of the plat:

"Owners are alerted that this may be an area of big game migration and are encouraged to contact the Montana Department of Fish, Wildlife, and Parks for information on wildlife friendly fencing."

FY08-09 COMMISSIONERS BUDGET WORKSHOP AT 969 VANS AVENUE IN COLUMBIA FALLS

[1:00:55 PM](#)

Members present:

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

Others present:

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

Discussion was held relative to the 2008-2009 county wide budget.

3:00 p.m. Commissioner Brenneman: Travel to Helena

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 16, 2008.

TUESDAY, SEPTEMBER 16, 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.

**6:00 p.m. Commissioner Brenneman: Emergency Management Planning Grant meeting @ Fort Harrison, Helena
Fair Board meeting @ County Fair Kitchen**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 17, 2008.

WEDNESDAY, SEPTEMBER 17, 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, no one present to speak, Chairman Hall closed the public comment period.

PUBLIC HEARING: CUFFE ZONE CHANGE/ S.E. RURAL WHITEFISH ZONING DISTRICT

[9:01:25 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Planner Andrew Hagemeyer, Mitchell Cuffe, Lanette Cuffe, Lindsay Jordan, John Jordan, Kelly Cuffe, Clerk DeReu

Hagemeyer entered into record and reviewed Staff Report FZC 08-03; an application submitted by Mitchell and Lanette Cuffe with technical assistance from Sands Surveying to change the zoning from AG-20 to SAG-5 within the Southeast Rural Whitefish Zoning District. The applicant is proposing an amendment on a 38 acre parcel located between Columbia Falls and Hwy 93, one quarter mile north of Hwy 40, accessed via Trumble Creek Road. The Planning Board did not make a recommendation for approval or denial on this request. Hagemeyer noted he supported SAG-10 zoning.

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition of the Cuffe zone change.

Erica Wirtala, representative for the applicants stated the S.E. Rural Whitefish Zoning District was pushed through by a Whitefish attorney back in the mid 90's. She then noted the applicant signed a petition in opposition of the zoning district that was narrowly contested. It was then noted the Cuffe property is unzoned on two sides. Wirtala then stated the Planning Board adopted the Findings of Fact and then made a motion to not adopt or deny the application; they made their own ruling and said they felt it should be zoned SAG 10, which the applicants do not desire. She further reviewed the Planning Boards concerns in regards to dust and noted that Gordon Cross a Planning Board member is a property owner on Trumble Creek Road south of Hwy 40. Wirtala emphasized the whole purpose of the zone change is that they would like to give five acres to their daughter and son.

Mitchell Cuffe, 4546 Trumble Creek Road stated that the zoning change was protested by them in 1996 for this reason, and now at great expense they are trying to give properties to their children. He further added the Planning Boards recommendation for SAG 10 would leave them with loosing their agricultural status and their intent is to still farm and ranch.

Lanette Cuffe, 4546 Trumble Creek Road reiterated they do not want to subdivide their land and have no intentions of doing so. She then stated they were there for the sake of a family transfer that they would not be allowed to do with their current zoning. She further added their investment and time has been put into their property and is asking that they be allowed to zone the property SAG 5. Cuffe then spoke about dust abatement and the care they have taken in keeping it under control.

John Jordan added that as their son-in-law he would like to see the piece of land conserved so he could continue farming the property subsequent to the Cuffe's.

Kelly Cuffe stated the decision made today will impact her family. She then expressed her husbands desire to build a home on the property since a child and added her main goal in life is to give their child a childhood similar to what Matt and Lindsey were fortunate to have on the farm.

Lindsey Jordan said she grew up at 4546 Trumble Creek Road and stated she would hope to one day build a home there and retire.

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

General discussion was held relative to spot zoning and how it pertains to this request.

Chairman Hall stated he was in favor of the five acre density.

Commissioner Lauman added that he too was in support of the five acre density. He then stated that dust is a problem but doubts that two five acre lots would increase traffic that much.

Commissioner Brenneman said as a matter of looking at criteria it only meets one of the three they generally look at for spot zoning. The fact that it is on the edge of the zone makes looking at the surrounding areas more relevant.

Commissioner Brenneman made a **motion** to adopt Resolution #1201F and authorized publication of the Notice of Passage of Resolution of Intent. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 1201F

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 17th day of September that was postponed from the 3rd day of September, 2008, concerning a proposal by Lanette & Mitchell Cuffe to

change the zoning designation in a portion of the Southeast Rural Whitefish Zoning District from AG-20 (Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on August 19 and August 26, 2008;

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing; and

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Southeast Rural Whitefish Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and, in accordance with Section 76-2-205(4), M.C.A., adopts this resolution of intention to change the zoning designation in a portion of the Southeast Rural Whitefish Zoning District from AG-20 (Agricultural) to SAG-5 (Suburban Agricultural), 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).

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Southeast Rural Whitefish Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Southeast Rural Whitefish Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Southeast Rural Whitefish Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders within the Southeast Rural Whitefish Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 17th day of September, 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

ATTEST:
Paula Robinson, Clerk

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

By/s/D. DeReu
D. DeReu, Deputy

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
SOUTHEAST RURAL WHITEFISH ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 1201F) on September 17, 2008 that was postponed from September 3, 2008, to change the zoning designation in a portion of the Southeast 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 are the boundaries of 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.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Southeast Rural Whitefish Zoning District from persons owning real property within the Southeast Rural Whitefish Zoning District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 17th day of September, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

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

By/s/D. DeReu
D. DeReu, Deputy

Publish on September 22 and September 29, 2008.

DOCUMENT FOR SIGNATURE: MORRISON-MAIERLE ATTACHMENT 1/ RSID #143 (RESTHAVEN)

[9:39:25 AM](#)

Members present:

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

Others present:

Clerk DeReu

Commissioner Brenneman made a **motion** to approve the document for signature for RSID #143. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CONSIDERATION OF EXTENSION: ANDERSON PLATS

[9:37:37 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Clerk DeReu

Harris explained they were unsure as to why the extension has been requested.

Commissioner Brenneman made a **motion** to approve the extension. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

BOARD APPOINTMENT: HELENA FLATS LAND USE ADVISORY COMMITTEE

[9:40:37 AM](#)

Members present:

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

Others present:

Clerk DeReu

Commissioner Brenneman made a **motion** to appoint Linda Johnson to the Helena Flats Land Use Advisory Committee. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

PUBLIC HEARING: BUDGET FY 08-09 @ JUSTICE CENTER COMMUNITY ROOM

[9:45:25 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Paula Robinson, Joe Garza, Lora Aspenlieder, Jae Carnsew, Jay Scott, Mindy Cochran, Vicki Gallo, Mary Sevier, Cindy Dooley, Vicki Saxby, Jed Fisher, Ed Corrigan, Vicki Eggum, Paul Atkinson, Kim Crowley, Karen Marr, David Prunty, Jim Chilcote, Guy Foy, Patti Vernarsky, Joe Russell, Jim Atkinson, Mike Meehan, Pete Wingert, Karen Moore, Cindy Mullaney, Carmen O'Brien, Marcia Sheffels, Jeff Harris, Clerk Kile

Pence expressed his appreciation to Clerk and Recorder Paula Robinson, Finance Comptroller Joe Garza and Finance Technician Lora Aspenlieder for all their hard work in facilitating the budget process. He then reported the county is starting the year with a projected beginning balance of \$27.4 million, a total revenue projection of \$67.6 million, a total expenditure projection of \$69.4 million and a projected ending balance of \$26.3 million. The proposed tax levy is 145.96 mills compared to 142.39 mills last year or a 3.57 mill increase; the value of a county wide mill is now \$207,471.00. This proposed mill levy allows the county to fund the cost of living increases for personnel expenditures and all business overhead that continues to include the high price of gas, oil products and utilities as well as levying the full 2 mills allowed for emergency/disaster to pay back funds loaned for expenses for the multiple wild fires last summer (2007). The levies were increased for the maximum amount for mosquito (1 mill), EMS (1 mill), Special EMS (2 mills) and Search and Rescue (1 mill) due to health and safety needs in all of these areas. This budget represents an increase of 11.19% in actual tax dollars to be collected with the proposed levy compared to an 11.66% increase last year. Pence stated the county is looking at serious budget challenges for the next fiscal year and are taking proactive measures to try to avoid painful budgetary actions next year with reductions in services throughout organizations. He then recommended a decision not be made on the budget today so that they can continue with their efforts to make additional reductions in appropriations.

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition of the FY08-09 budget.

No one rising to speak, Chairman Hall closed the public hearing.

Commissioner Lauman commented there is always pain when you make cuts, yet it is more significant when you are in a crunch and feels we are moving in the right direction in addressing the issue this year.

Chairman Hall thanked everyone for their outstanding work on the budget and stated it has been a joy to see what a good budget they have and how well it is laid out.

Commissioner Lauman made a **motion** to continue the budget meetings until September 30, 2008 to then adopt the budget. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

PUBLIC HEARING: PERMISSIVE MEDICAL LEVY @ JUSTICE CENTER COMMUNITY ROOM

[9:50:37 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Paula Robinson, Joe Garza, Lora Aspenlieder, Jae Carnsew, Jay Scott, Mindy Cochran, Vicki Gallo, Mary Sevier, Cindy Dooley, Vicki Saxby, Jed Fisher, Ed Corrigan, Vicki Eggum, Paul Atkinson, Kim Crowley, Karen Marr, David Prunty, Jim Chilcote, Guy Foy, Patti Vernarsky, Joe Russell, Jim Atkinson, Mike Meehan, Pete Wingert, Karen Moore, Cindy Mullaney, Carmen O'Brien, Marcia Sheffels, Jeff Harris, Clerk Kile

Pence stated the legislature allows the permissive medical levy to cover increases in medical costs.

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition of the permissive medical levy.

No one rising to speak, Chairman Hall closed the public hearing.

Commissioner Brenneman made a **motion** to continue the permissive medical levy to Septembers 30, 2008. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: GRANT DEED/ TRACT 7HA GOV'T LOT 3, 25-31-22

[11:00:59 AM](#)

Members present:

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

Others present:

Debbie Boreson, Clerk DeReu

Boreson explained all the easements are in place for the piece of property auctioned off in Whitefish for \$9,000.00. The grant deed will assure no one is landlocked on the property.

Commissioner Lauman made a **motion** to approve the grant deed. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

11:00 a.m. County Attorney meeting @ Co. Atty's Office
12:00 p.m. Commissioner Brenneman: Safe Kids-Safe Communities meeting @ The Summit
6:30 p.m. Water Rights Public Forum @ FVCC Arts & Technology Bldg.

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

THURSDAY, SEPTEMBER 18, 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, no one present to speak, Chairman Hall closed the public comment period.

FINAL PLAT: QUAIL RIDGE, PHASE V

[9:00:21 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Allison Mouch, Planner Bailey Iott, Erica Wirtala, Clerk Kile

Mouch reviewed the final plat request submitted for Quail Ridge, Phase V and entered into record FFP 08-43; an application submitted by Roger Fricke of Granite Holding, LLC, with technical assistance from Sands Surveying. Preliminary plat approval was granted on June 24, 2002, subject to 12 conditions. Phase I received final plat approval in March of 2003, Phase II

received final plat approval in September of 2003, Phase III received final plat approval in June 2005 and Phase IV received final plat approval on August 28, 2006. Mouch noted that condition 5 has not been met and staff recommends denial of final plat on Quail Ridge, Phase V.

Condition 5 states: Road right-of-ways shall be dedicated on the final plat as being open to public use.

Mouch then noted the initial response received from Sands Surveying is that the requirement no longer needed to be met based on a lawsuit. She then stated after further investigation with the County Attorney the lawsuit does not apply for public road dedication; Phase 1, Phase III and Phase IV all have the public road dedication on the face of the final plat. Phase V does not show the utility easement or the public road dedication.

Wirtala stated there are no utilities and there is no road on the plat.

General discussion was held relative to subsequent phases.

Commissioner Lauman made a **motion** to delay final plat of Quail Ridge, Phase V until 10:15 today. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. **Opposed** – Brenneman. Motion carried by quorum.

FINAL PLAT: BIG TREE VISTA SUBDIVISION

[9:21:05 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Bailey Iott, Planner Dianna Broadie, Clerk Kile

Iott reviewed the final plat request submitted for Big Tree Vista Subdivision and entered into record FFP 08-44; an application submitted by Doug Knutson with technical assistance from Sands Surveying for a 5 lot residential subdivision located east of Hwy 206 on the south side of Elk Park Road. Preliminary plat approval was granted on December 19, 2005, subject to 13 conditions. All conditions have been met and staff recommends approval.

Commissioner Brenneman made a **motion** to approve final plat of Big Tree Vista Subdivision. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

FINAL PLAT: BABY BUCK MEADOWS

[9:24:34 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Bailey Iott, Olaf Ervine, Terry Johnston, Marie Johnston, Clerk Kile

Iott reviewed the final plat request submitted for Baby Buck Meadows and entered into record FFP 08-42; an application submitted by Terry and Marie Johnston with technical assistance from Montana Mapping for a 2 lot residential subdivision located off Lost Prairie Road at the end of Hidden Prairie Road. Preliminary plat approval was granted on October 11, 2007, subject to 19 conditions. It was noted for the record the staff report noted the subdivision as Baby Buck Meadows; however, it was approved during preliminary plat as Baby Buck Estates.

Commissioner Lauman made a **motion** to approve final plat of Baby Buck Meadows. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

FINAL PLAT: WEST VALLEY VIEWS, LOT 1

[9:27:07 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Olaf Ervin, Clerk Kile

Broadie reviewed the final plat request submitted for West Valley Views, Lot 1 and entered into record FFP 08-39; an application submitted by Roy L. Curry Family Trust with technical assistance from Montana Mapping for a 2 lot residential subdivision located on the west side of West Valley View Drive approximately halfway between Three Mile Drive and Farm to Market Road. Preliminary plat approval was granted on September 16, 2004, subject to 9 conditions. All conditions have been met and staff recommends approval.

Commissioner Brenneman made a **motion** to approve final plat of West Valley Views, Lot 1. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

BI-MONTHLY MEETING W/ JOE RUSSELL, HEALTH DEPT.

[9:39:22 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman
Others present:
Assistant Mike Pence, Health Director Joe Russell, Clerk Kile

Russell reported on the progress of the construction of the 3rd floor of the Earl Bennett Building and noted that it would be ready for occupancy the first of April 2009. Discussion was then held relative to funding the completion of the floor, elevator changes and the HVAC system. Also noted were concerns by citizens opposed to septic waste being applied to soil.

CONTINUATION OF BOARD APPOINTMENT: LAKESIDE COMMUNITY COUNCIL

[9:35:04 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman
Others present:
Planning & Zoning Director Jeff Harris, Planning & Zoning Administrator Mary Sevier, Clerk Kile

Commissioner Lauman noted for a number of years the Lakeside community elected the members of Lakeside Community Council; when no ones runs it then becomes the responsibility of the Commission to fill the vacancy. He then stated he was concerned with several members resigning and challenges the community this coming May to elect members to the council and not leave it to the Commission to make the decision for the community.

Commissioner Lauman made a **motion** to appoint Rex Boller and Brent Hall to the Lakeside Community Council. Chairman Hall **seconded** the motion.

Commissioner Brenneman stated he agrees the members need to be elected.

Aye - Hall and Lauman. **Opposed** - Brenneman. Motion carried by quorum.

PUBLIC HEARING: LEVY TAXES/ RSID #143 (RESTHAVEN), #144 (LODGEPOLE) AND #145 (SNOWGHOST)

[10:00:29 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman
Others present:
Assistant Mike Pence, Deputy County Attorney Peter Steele, Debbie Boreson, Andy Zimet, Louise Morrow, Connie Kao, Glen Kao, Clerk Kile

Pence explained the RSID's are neighborhood projects that were initiated by the neighbors with all property owners having been notified of the project. He then noted protest periods were held with neither of the 3 RSID's having enough protests to warrant not moving forward. Pence then stated bonds have been sold and contracts have been signed with the hearing this morning being a technical procedure for tax levy purposes in following state law.

Chairman Hall opened the public hearing to anyone wishing to speak in favor or opposition of levying taxes on RSID #143, #144 and #145.

Glen Kao, 870 Lodgepole Drive questioned the amount on the bid for RSID #144. He then said the bid was let on August 4, 2008 and asked when construction would start.

Mike Pence then replied the total project cost was \$430,820.00 and stated within the next couple of weeks construction should start.

Glen Kao then asked if he could pay off the lump sum without interest.

Mike Pence stated that he could.

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

Commissioner Lauman made a **motion** to adopt Resolution #2031F as presented for RSID #143. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CERTIFICATE AS TO RESOLUTION

I, the undersigned, being the duly qualified and acting recording officer of the County of Flathead, Montana (the "County"), hereby certify that the attached resolution is a true copy of Resolution No. 2031F, entitled: "RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 143; FINAL LEVY OF SPECIAL ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN LOCAL IMPROVEMENTS" (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 meeting on September 18, 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 & Commissioner Lauman ; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 18th day of September, 2008.



Paula Robinson
Flathead County Clerk and Recorder

By/s/Diana Kile
Deputy

RESOLUTION NO. 2031 F

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 143; FINAL LEVY OF SPECIAL ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN LOCAL IMPROVEMENTS

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

Section 1. The District; the Improvements. The County has created a Rural Special improvement district (the "District") pursuant to under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended (the "Act"), denominated Rural Special Improvement District No. 143 (the "District"), and undertaken certain local improvements (the "Improvements") to benefit property located therein. The Improvements have been or, by the conclusion of the current construction season, will be substantially completed and the total costs of the Improvements to be paid with proceeds of the Bonds are estimated to be \$344,000, including all incidental costs.

Section 2. The Bonds. The County has pursuant to the Act issued its rural special improvement district bonds drawn on the District, denominated "Rural Special Improvement District No. 143 Bonds," in the original aggregate principal amount of \$344,000 (the "Bonds"), to finance costs, including incidental costs, of the Improvements. The Bonds are payable primarily from special assessments to be levied against property in the District.

Section 3. Method of Assessment. (a) Pursuant to Resolution No. 2031, adopted by this Board on March 28, 2007, and which constitutes the resolution of intention to create the District, this Board determined to levy special assessments to pay the costs of the Improvements on the basis or bases therein provided as authorized by the Act.

(b) This Board hereby ratifies and confirms that the assessment of costs of the specific Improvements against the properties benefitted thereby as prescribed by the resolution of intention are equitable and in proportion to and not exceeding the special benefits derived from the respective Improvements by the lots, tracts and parcels to be assessed therefor within the District, and the special assessments levied by this resolution are in accordance with the methods and do not exceed the amounts prescribed by the resolution of intention.

Section 4. Public Hearing; Objections. This Board, on August 28, 2008, adopted Resolution No. 2031 E, pursuant to which this Board declared its intention to levy and assess the special assessments in the District. Notice of passage of the resolution was duly published and mailed in all respects in accordance with law, and on September 18, 2008, this Board conducted a public hearing on the levying and assessment of the special assessments.

This Board has considered the objections, if any, submitted to the proposed assessments and other comments made at the public hearing. This Board has determined not to modify any of the special assessments appearing in the proposed assessment roll attached as Exhibit A to such resolution.

Section 5. Final Levy of Assessments. The special assessments for the costs of the Improvements shall be levied and assessed against properties in the District in accordance with the method of assessments referred to in Section 3. Such assessments shall be payable over a term not exceeding 15 years, each in substantially equal semiannual payments of principal and interest. Property owners shall have the right to prepay the special assessments as provided by law.

The special assessments shall bear interest from August 28, 2008, until paid at an annual rate equal to the Interest Rate (as hereinafter defined), as such may change from time to time, plus penalties and interest for delinquent installments as provided by law. As used herein, "Interest Rate" means, as of the date of determination, the sum of (i) the average interest rate payable on the Bonds then outstanding, plus (ii) one-half of one percent (0.50%) per annum. The Interest Rate shall be determined in August of each fiscal year so long as any Bonds are outstanding and shall apply to the outstanding installments of the special assessments not delinquent. If no Bonds are outstanding, but special assessments remain unpaid and are not delinquent, the Interest Rate shall be equal to the Interest Rate as most recently determined. The initial Interest Rate for the fiscal year ending June 30, 2009, shall be 4.605 % per annum.

The special assessments shall be levied against the lots, tracts and parcels in the respective amounts listed on Exhibit A to this resolution (which is hereby incorporated herein and made a part hereof). Exhibit A contains a description of each lot, tract or parcel of land to be assessed, the name of the owner, if known, the total amount of the special assessment levied against each lot, tract or parcel, the amount of each partial payment of the special assessment, and the day when each such partial payment shall become delinquent.

Section 6. Certification of Assessments. A copy of this resolution, including Exhibit A hereto, certified by the County Clerk and Recorder shall be delivered to the County Treasurer within two days after the adoption hereof.

Section 7. Further Actions. Officers of the County are further authorized and directed to take all actions as may be required by law to assure that the special assessments levied by this resolution are duly certified, assessed and collected in accordance with law.

ADOPTED by the Board of County Commissioners of the County of Flathead, Montana, this 18th day of September, 2008.

BOARD OF COUNTY COMMISSIONERS

Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile

By/s/Dale W. Lauman

Diana Kile, Deputy

Dale W. Lauman, Member

Exhibit A Resthaven Drive, RSID 143			Total Assessment	30-Nov-08 Payment*	31-May-09 Payment*
Subdivision Name	Tract or Lot				
REST HAVEN --DEED EXH 273	10	Armstrong, David D.	\$4,000.00	\$219.36	\$219.35
REST HAVEN VIEW LOTS	10A	Babiak Living Trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN	21	Babiak Living Trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1	14-TRA	Babiak Living Trust, Trousdale, David & Jeannine	\$4,000.00	\$219.36	\$219.35
REST HAVEN	1N130	Brammer, Peggy	\$4,000.00	\$219.36	\$219.35
REST HAVEN	26	Brinkerhoff, Phyllis P	\$4,000.00	\$219.36	\$219.35
REST HAVEN	7	Briester, Matthew J & Tara L	\$4,000.00	\$219.36	\$219.35
REST HAVEN	36	Bronken, Peter T. and Barbara H.	\$4,000.00	\$219.36	\$219.35
REST HAVEN --DEED EXH 273	2	Bruzek, William P & Judith A	\$4,000.00	\$219.36	\$219.35
TRACT	2G	Buckland Family Trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN	23	Buckland Family Trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN	41	Clark Family Trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN	42	Clark Family Trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN	43	Clark Family Trust	\$4,000.00	\$219.36	\$219.35
TRACT	2JA	Collins, Anne I.	\$4,000.00	\$219.36	\$219.35
REST HAVEN --DEED EXH 273	6	Cravath, David L	\$4,000.00	\$219.36	\$219.35
REST HAVEN --DEED EXH 273	8	Cravath, David L & Kelly L	\$4,000.00	\$219.36	\$219.35
REST HAVEN L 16 AMD	16	Cravath, John L	\$4,000.00	\$219.36	\$219.35
REST HAVEN	31	Craven Trust, Dean Murry & Sheri Lorraine	\$4,000.00	\$219.36	\$219.35
REST HAVEN	30	Craven Trust, Murray Dean, Sheri Lorraine	\$4,000.00	\$219.36	\$219.35
REST HAVEN	44	CW Holdings LLC	\$4,000.00	\$219.36	\$219.35
REST HAVEN	32	Donahue, Thomas E & Jacqueline M	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1 AMD PT 3&L4-13 B2	1	Ellingson, George F & Betty A	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1 AMD PT 3&L4-13 B2	2	Ellingson, George F & Betty A	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1 AMD PT 3&L4-13 B2	3	Ellingson, George F & Betty A	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1 AMD PT 3&L4-13 B2	4	Ellingson, George F & Betty A	\$4,000.00	\$219.36	\$219.35
REST HAVEN PT L15&16 AMD	2	Ellingson, George F. and Betty A.	\$4,000.00	\$219.36	\$219.35
REST HAVEN MEADOWS	2A	Fielding Family Trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN MEADOWS	2B	Fielding Family Trust	\$4,000.00	\$219.36	\$219.35
TRACT	2H	Greene, Candace L., Johnson, Paul L.	\$4,000.00	\$219.36	\$219.35
TRACT	2HA	Guercio, Kevin P. & Heidi L.	\$4,000.00	\$219.36	\$219.35
REST HAVEN	49	Halluk, Kent T & Spencer B & Menard, Thomas D & Donna	\$4,000.00	\$219.36	\$219.35
REST HAVEN	48	Harris Revocable Trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN	25	Harwood, Rollin F. and Carole J.	\$4,000.00	\$219.36	\$219.35
REST HAVEN	37	Hauf, Ronald Chrustler AKA Ronald C	\$4,000.00	\$219.36	\$219.35
REST HAVEN	5	Haugen, Linda L & Luckett Lake Property Trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN	4	Haugen, Linda L (FKA Linda L. Luckett)	\$4,000.00	\$219.36	\$219.35
REST HAVEN --DEED EXH 273	9	Hill, James D.	\$4,000.00	\$219.36	\$219.35
REST HAVEN	46	Hitland, Kaare M & Ruth Trustees for Kaare M. Hitland	\$4,000.00	\$219.36	\$219.35
REST HAVEN	47	Hitland, Kaare M & Ruth Trustees for Kaare M. Hitland	\$4,000.00	\$219.36	\$219.35
REST HAVEN --DEED EXH 273	3	Houda, Duoglas H & Shelley L	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1 AMD L6&7 BLK 1	6A	Howard Family Trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1	8EXTRA-BLK1	Howard Streich Living Trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN	40	Hulick Property Trust, Carl W Hulick separate property trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN	39N2	Hulick Property Trust, Carl W Hulick separate property trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN	8	Hupp Living Trust, William & Elizabeth	\$4,000.00	\$219.36	\$219.35
TRACT	2HB	Hurtgen, Catherine P.	\$4,000.00	\$219.36	\$219.35
REST HAVEN	33	Johnson, Cathy & James W.	\$4,000.00	\$219.36	\$219.35
REST HAVEN	28	Johnson, Connie & Losleben, George A	\$4,000.00	\$219.36	\$219.35
REST HAVEN	6	Johnson, Dennis H. and Frankie A.	\$4,000.00	\$219.36	\$219.35
REST HAVEN --DEED EXH 273	4	Lawson, Ernest & Chandler, Donald William	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1 AMD L6&7 BLK 1	7A	Mack, Lisa	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1	4-BLK1	MacKenzie, Donald & Vinje, Dayna	\$4,000.00	\$219.36	\$219.35
REST HAVEN	2	Mc Mullen, David M & Jones, Jennifer V.	\$4,000.00	\$219.36	\$219.35
REST HAVEN	3	Mc Mullen, David M & Jones, Jennifer V.	\$4,000.00	\$219.36	\$219.35
REST HAVEN	20	McDonald, Marolyn Saunders	\$4,000.00	\$219.36	\$219.35
REST HAVEN	9	McKitrick, Duncan G. & Linda I.	\$4,000.00	\$219.36	\$219.35
REST HAVEN	10PT	McKitrick, Duncan G. & Linda I.	\$4,000.00	\$219.36	\$219.35
REST HAVEN	34	Michael & Sandra Sullivan Living Trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1	8A-BLK1	Militer, Stuart P	\$4,000.00	\$219.36	\$219.35
REST HAVEN	29	Monaghan Prof. Corp, Dr. & Monaghan, Karen & Anthony	\$4,000.00	\$219.36	\$219.35
REST HAVEN --DEED EXH 273	7	Morrison, Jr., Frank B & Sharon M	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1 AMD L 1,2&3 BLK 1	3	Morton, Michael & Wanda	\$4,000.00	\$219.36	\$219.35
REST HAVEN	19	Norwest Capital Mgmt & Trust Co.	\$4,000.00	\$219.36	\$219.35
REST HAVEN	50	Olafson, Edna H & Scott, Laurie Jean & Randall	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1 AMD L 1,2&3 BLK 1	1	Olson Family Trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN	45	Pfrimmer, Bruce N & Carolyn	\$4,000.00	\$219.36	\$219.35
REST HAVEN	38	Phillips Revocable Trust, Lyle W & Judy Phillips	\$4,000.00	\$219.36	\$219.35
REST HAVEN	39S2	Phillips Revocable Trust, Lyle W & Judy Phillips	\$4,000.00	\$219.36	\$219.35
REST HAVEN	27	Rowles Montana LLC	\$4,000.00	\$219.36	\$219.35
REST HAVEN	35	Russell-Shaw, Marie & Shaw, Michael K	\$4,000.00	\$219.36	\$219.35
REST HAVEN	17	Sanderson, Geoff M	\$4,000.00	\$219.36	\$219.35
REST HAVEN --DEED EXH 273	1	Schoepp, Dennis H & Kenria M	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1 AMD L2&3 BLK 2	3A	Setters, Debbie J.	\$4,000.00	\$219.36	\$219.35
REST HAVEN	18	Shellerud, Gary and Deborah	\$4,000.00	\$219.36	\$219.35
TRACT	2DA	Smith, David L., Wood, Gregory T., Youtzy, Robert W.	\$4,000.00	\$219.36	\$219.35
REST HAVEN	22	Stanley, Irene D	\$4,000.00	\$219.36	\$219.35
REST HAVEN --DEED EXH 273	5	Stumptown Land Hldgs LLC	\$4,000.00	\$219.36	\$219.35

REST HAVEN ADD 1 AMD L 1,2&3 BLK 1	2	Stumptown Land Hldgs LLC	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1	1-BLK2	Sunshine, Stephanie	\$4,000.00	\$219.36	\$219.35
REST HAVEN PT L15&16 AMD	1	Triangle Rentals Inc.	\$4,000.00	\$219.36	\$219.35
REST HAVEN VIEW LOTS	5A	Trousdale, David & Jeannine	\$4,000.00	\$219.36	\$219.35
TRACT	2F	Volkman Family Limited Partnership	\$4,000.00	\$219.36	\$219.35
REST HAVEN	24	Volkman Family Limited Partnership	\$4,000.00	\$219.36	\$219.35
REST HAVEN --DEED EXH 273	11	Whistler Revocable Family Trust	\$4,000.00	\$219.36	\$219.35
REST HAVEN ADD 1	5-BLK1	Whittman, Randy, Laurie & Mark	\$4,000.00	\$219.36	\$219.35
			\$344,000.00	\$18,864.96	\$18,864.10

Payments will be due on November 30, 2008 and May 31, 2009, and each November 30 and May 31 through November 30, 2022 and May 31, 2023. Payments will become delinquent, if not paid, on December 1 and June 1 of each year.

* In each fiscal year, the then outstanding principal amount of assessment will be reamortized in equal semi-annual installments over the term of the assessments at an interest rate equal to the average interest on the outstanding bonds plus one half of one percent per annum.

Commissioner Brenneman made a **motion** to adopt Resolution #2113F as presented for RSID #144. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CERTIFICATE AS TO RESOLUTION

I, the undersigned, being the duly qualified and acting recording officer of the County of Flathead, Montana (the "County"), hereby certify that the attached resolution is a true copy of Resolution No. 2113F, entitled: "RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 144; FINAL LEVY OF SPECIAL ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN LOCAL IMPROVEMENTS" (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 meeting on September 18, 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 & Commissioner Lauman ; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 18th day of September, 2008.



Paula Robinson
Flathead County Clerk and Recorder

By/s/Diana Kile
Deputy

RESOLUTION NO. 2113 F

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 144; FINAL LEVY OF SPECIAL ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN LOCAL IMPROVEMENTS

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

Section 1. The District; the Improvements. The County has created a Rural Special improvement district (the "District") pursuant to under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended (the "Act"), denominated Rural Special Improvement District No. 144 (the "District"), and undertaken certain local improvements (the "Improvements") to benefit property located therein. The Improvements have been or, by the conclusion of the current construction season, will be substantially completed and the total costs of the Improvements to be paid with proceeds of the Bonds are estimated to be \$430,820, including all incidental costs.

Section 2. The Bonds. The County has pursuant to the Act issued its rural special improvement district bonds drawn on the District, denominated "Rural Special Improvement District No. 144 Bonds," in the original aggregate principal amount of \$430,820 (the "Bonds"), to finance costs, including incidental costs, of the Improvements. The Bonds are payable primarily from special assessments to be levied against property in the District.

Section 3. Method of Assessment. (a) Pursuant to Resolution No. 2113, adopted by this Board on December 4, 2007, and which constitutes the resolution of intention to create the District, this Board determined to levy special assessments to pay the costs of the Improvements on the basis or bases therein provided as authorized by the Act.

(b) This Board hereby ratifies and confirms that the assessment of costs of the specific Improvements against the properties benefitted thereby as prescribed by the resolution of intention are equitable and in proportion to and not exceeding the special benefits derived from the respective Improvements by the lots, tracts and parcels to be assessed therefor within the District, and the special assessments levied by this resolution are in accordance with the methods and do not exceed the amounts prescribed by the resolution of intention.

Section 4. Public Hearing; Objections. This Board, on August 28, 2008, adopted Resolution No. 2113 E, pursuant to which this Board declared its intention to levy and assess the special assessments in the District. Notice of passage of the resolution was duly published and mailed in all respects in accordance with law, and on September 18, 2008, this Board conducted a public hearing on the levying and assessment of the special assessments.

This Board has considered the objections, if any, submitted to the proposed assessments and other comments made at the public hearing. This Board has determined not to modify any of the special assessments appearing in the proposed assessment roll attached as Exhibit A to such resolution.

Section 5. Final Levy of Assessments. The special assessments for the costs of the Improvements shall be levied and assessed against properties in the District in accordance with the method of assessments referred to in Section 3. Such assessments shall be payable over a term not exceeding 15 years, each in substantially equal semiannual payments of principal and interest. Property owners shall have the right to prepay the special assessments as provided by law.

The special assessments shall bear interest from August 28, 2008, until paid at an annual rate equal to the Interest Rate (as hereinafter defined), as such may change from time to time, plus penalties and interest for delinquent installments as provided by law. As used herein, "Interest Rate" means, as of the date of determination, the sum of (i) the average interest rate payable on the Bonds then outstanding, plus (ii) one-half of one percent (0.50%) per annum. The Interest Rate shall be determined in August of each fiscal year so long as any Bonds are outstanding and shall apply to the outstanding installments of the special assessments not delinquent. If no Bonds are outstanding, but special assessments remain unpaid and are not delinquent, the Interest Rate shall be equal to the Interest Rate as most recently determined. The initial Interest Rate for the fiscal year ending June 30, 2009, shall be 4.605 % per annum.

The special assessments shall be levied against the lots, tracts and parcels in the respective amounts listed on Exhibit A to this resolution (which is hereby incorporated herein and made a part hereof). Exhibit A contains a description of each lot, tract or parcel of land to be assessed, the name of the owner, if known, the total amount of the special assessment levied against each lot, tract or parcel, the amount of each partial payment of the special assessment, and the day when each such partial payment shall become delinquent.

Section 6. Certification of Assessments. A copy of this resolution, including Exhibit A hereto, certified by the County Clerk and Recorder shall be delivered to the County Treasurer within two days after the adoption hereof.

Section 7. Further Actions. Officers of the County are further authorized and directed to take all actions as may be required by law to assure that the special assessments levied by this resolution are duly certified, assessed and collected in accordance with law.

ADOPTED by the Board of County Commissioners of the County of Flathead, Montana, this 18th day of September, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

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

Exhibit A Lodgepole Drive RSID 144				
Parcel	Owner	Total Assessment	30-Nov-08 Payment*	31-May-09 Payment*
BGS Lot 1	Tracy A. Gardner	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 2	Tracy A. Gardner	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 3	Estate of Charlotte E. Nelson Testamentary Trust	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 4	Estate of Charlotte E. Nelson Testamentary Trust	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 5	Charles C. & Tammy T. West	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 6	William R. & Jeanne M. Hendrickson	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 7, pt of Lot 8	Neidra M. Newberry Revocable Trust	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 9	Matt E. & Dori (Doris) Pelto Family Trust	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 10	Leland Alvin Keller and Lyndal Rae Sundt	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 11 pt	John and Sandra Swartzenberger	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 11 pt	John and Sandra Swartzenberger	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 12	John and Sandra Swartzenberger	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 13	Annette E. Bain (now Wilson)	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 14	Annette E. Bain (now Wilson)	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 15	Terrane E. Meeks	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 16	Dennis & Kristen L. Heck	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 17	Davar M. & Vicky L. Gardner	\$ 6,154.57	\$ 337.50	\$337.49
BGS Park	Flathead County	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 18	Richard L. Marler & Cynthia Ann McGee	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 19	Kissinger, Sheryl	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 20	Norman C & Jolene T. Bjelland	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 21	Robert E. (Buck) & Marlene F. Foster	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 22	Jerry R. Johnston	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 23	Jerry R. Johnston	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 24	Gilbert Koch Jr. & Julie A. Koch and Brett D & Susan B. Swimley	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 25	Son See Ree MPG Gardner	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 26	Son See Ree MPG Gardner	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 27	Byron & Lydia Freel	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 28	John E. & Berthille Swedberg	\$ 6,154.57	\$ 337.50	\$337.49
BGS Lot 29	John E. & Berthille Swedberg	\$ 6,154.57	\$ 337.50	\$337.49

BGS Lot 30	Richard M. & Rita A. Rasmussen	\$ 6,154.57	\$ 337.50	\$337.49
2EA	Symington, Steve	\$ 6,154.57	\$ 337.50	\$337.49
2E	Timothy M. & Amy Lea Skiftun	\$ 6,154.57	\$ 337.50	\$337.49
2P	Mychal Lahey	\$ 6,154.57	\$ 337.50	\$337.49
2U	Martin K. & Tausha K. Crevier	\$ 6,154.57	\$ 337.50	\$337.49
2-2	Martin K. & Tausha K. Crevier	\$ 6,154.57	\$ 337.50	\$337.49
2	Raymond D. & Lois M. Martin Revocable Living Trust	\$ 6,154.57	\$ 337.50	\$337.49
2-6	David L. & Sally A. Prichard	\$ 6,154.57	\$ 337.50	\$337.49
2S & 2I	Luann R. Moriarty	\$ 6,154.57	\$ 337.50	\$337.49
2T	James S. & Jane E. Wheeler	\$ 6,154.57	\$ 337.50	\$337.49
2R	Todd Lodgepole Lodge LLC	\$ 6,154.57	\$ 337.50	\$337.49
2H	Alan Don and Louise P. Hines	\$ 6,154.57	\$ 337.50	\$337.49
2J	Kenneth L. & Debra Horinek	\$ 6,154.57	\$ 337.50	\$337.49
2L & 2MA	Leroy & Marolyn M. McLeod	\$ 6,154.57	\$ 337.50	\$337.49
2M	William Muller	\$ 6,154.57	\$ 337.50	\$337.49
2Q	William Muller	\$ 6,154.57	\$ 337.50	\$337.49
2N	Michael R. & Chrystal L. Higgins	\$ 6,154.57	\$ 337.50	\$337.49
2V	Clothier Family Trust, Dale K. & Bonnie Renee Clothier	\$ 6,154.57	\$ 337.50	\$337.49
2Z	Andrew S. Bricker and Karen L. Savage	\$ 6,154.57	\$ 337.50	\$337.49
2W	Robert B. & Kathleen W. Cotner	\$ 6,154.57	\$ 337.50	\$337.49
2Y	Ward C. & Michelle Koester	\$ 6,154.57	\$ 337.50	\$337.49
2X	Robin Barnhart and Brooke Cates	\$ 6,154.57	\$ 337.50	\$337.49
2-5	Edward M. & Nancy Jo Cravalho	\$ 6,154.57	\$ 337.50	\$337.49
2-7	Wilma J. Leatzow	\$ 6,154.57	\$ 337.50	\$337.49
2-7A	Jerry Mahugh	\$ 6,154.57	\$ 337.50	\$337.49
2-3C	Geary L. Ryan	\$ 6,154.57	\$ 337.50	\$337.49
B19-3	Leland & Sharon Bowman	\$ 6,154.57	\$ 337.50	\$337.49
B19-4	Leland & Sharon Bowman	\$ 6,154.57	\$ 337.50	\$337.49
B19-2	Robert E. & Carla J. Machado	\$ 6,154.57	\$ 337.50	\$337.49
1	Robert A. Brennen	\$ 6,154.57	\$ 337.50	\$337.49
B19-1	Beate E. & Robert J. Olivas	\$ 6,154.57	\$ 337.50	\$337.49
2-3B	Patti J. Brunger and Paul D. & Jacalyn A. Elsbury	\$ 6,154.57	\$ 337.50	\$337.49
2-3A	Glen S. & Connie D. Kao	\$ 6,154.57	\$ 337.50	\$337.49
2-D	Rene-Myron B. Gardner and Son See Ree MPG Gardner	\$ 6,154.57	\$ 337.50	\$337.49
2-F	Louise I. Morrow	\$ 6,154.57	\$ 337.50	\$337.49
2-4A	Lynn Lund	\$ 6,154.57	\$ 337.50	\$337.49
2-4	Norman C. & Jolene T. Bjelland	\$ 6,154.57	\$ 337.50	\$337.49
BGS Park	Flathead County	\$ 6,154.57	\$ 337.50	\$337.49
2C	Richard Kent & Nancy L. Ewing	\$ 6,154.57	\$ 337.50	\$337.49
2CA	Clinton J. Haugen	\$ 6,154.57	\$ 337.50	\$337.49
		\$430,820	\$ 23,625.00	\$23,624.30

Payments will be due on November 30, 2008 and May 31, 2009, and each November 30 and May 31 through November 30, 2022 and May 31, 2023. Payments will become delinquent, if not paid, on December 1 and June 1 of each year.

* In each fiscal year, the then outstanding principal amount of assessment will be reamortized in equal semi-annual installments over the term of the assessments at an interest rate equal to the average interest on the outstanding bonds plus one half of one percent per annum.

Commissioner Brenneman made a **motion** to adopt Resolution #2112F as presented for RSID #145. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CERTIFICATE AS TO RESOLUTION

I, the undersigned, being the duly qualified and acting recording officer of the County of Flathead, Montana (the "County"), hereby certify that the attached resolution is a true copy of Resolution No. 2112F, entitled: "RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 145; FINAL LEVY OF SPECIAL ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN LOCAL IMPROVEMENTS" (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 meeting on September 18, 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 & Commissioner Lauman ; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 18th day of September, 2008.



Paula Robinson
Flathead County Clerk and Recorder

By/s/Diana Kile
Deputy

RESOLUTION NO. 2112 F

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 145; FINAL LEVY OF SPECIAL ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN LOCAL IMPROVEMENTS

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

Section 1. The District; the Improvements. The County has created a Rural Special improvement district (the "District") pursuant to under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended (the "Act"), denominated Rural Special Improvement District No. 145 (the "District"), and undertaken certain local improvements (the "Improvements") to benefit property located therein. The Improvements have been or, by the conclusion of the current construction season, will be substantially completed and the total costs of the Improvements to be paid with proceeds of the Bonds are estimated to be \$274,000, including all incidental costs.

Section 2. The Bonds. The County has pursuant to the Act issued its rural special improvement district bonds drawn on the District, denominated "Rural Special Improvement District No. 145 Bonds," in the original aggregate principal amount of \$274,000 (the "Bonds"), to finance costs, including incidental costs, of the Improvements. The Bonds are payable primarily from special assessments to be levied against property in the District.

Section 3. Method of Assessment. (a) Pursuant to Resolution No. 2112 A, adopted by this Board on April 2, 2008, which constitutes the resolution creating the District upon a petition of 100% of the owners of property within the District, this Board determined to levy special assessments to pay the costs of the Improvements on the basis therein provided as authorized by the Act.

(b) This Board hereby ratifies and confirms that the assessment of costs of the specific Improvements against the properties benefitted thereby as prescribed by the resolution are equitable and in proportion to and not exceeding the special benefits derived from the respective Improvements by the lots, tracts and parcels to be assessed therefor within the District, and the special assessments levied by this resolution are in accordance with the methods and do not exceed the amounts prescribed by the resolution.

Section 4. Public Hearing; Objections. This Board, on August 28, 2008, adopted Resolution No. 2112 E, pursuant to which this Board declared its intention to levy and assess the special assessments in the District. Notice of passage of the resolution was duly published and mailed in all respects in accordance with law, and on September 18, 2008, this Board conducted a public hearing on the levying and assessment of the special assessments.

This Board has considered the objections, if any, submitted to the proposed assessments and other comments made at the public hearing. This Board has determined not to modify any of the special assessments appearing in the proposed assessment roll attached as Exhibit A to such resolution.

Section 5. Final Levy of Assessments. The special assessments for the costs of the Improvements shall be levied and assessed against properties in the District in accordance with the method of assessments referred to in Section 3. Such assessments shall be payable over a term not exceeding 20 years, each in substantially equal semiannual payments of principal and interest. Property owners shall have the right to prepay the special assessments as provided by law.

The special assessments shall bear interest from August 28, 2008, until paid at an annual rate equal to the Interest Rate (as hereinafter defined), as such may change from time to time, plus penalties and interest for delinquent installments as provided by law. As used herein, "Interest Rate" means, as of the date of determination, the sum of (i) the average interest rate payable on the Bonds then outstanding, plus (ii) one-half of one percent (0.50%) per annum. The Interest Rate shall be determined in August of each fiscal year so long as any Bonds are outstanding and shall apply to the outstanding installments of the special assessments not delinquent. If no Bonds are outstanding, but special assessments remain unpaid and are not delinquent, the Interest Rate shall be equal to the Interest Rate as most recently determined. The initial Interest Rate for the fiscal year ending June 30, 2009, shall be 4.705 % per annum.

The special assessments shall be levied against the lots, tracts and parcels in the respective amounts listed on Exhibit A to this resolution (which is hereby incorporated herein and made a part hereof). Exhibit A contains a description of each lot, tract or parcel of land to be assessed, the name of the owner, if known, the total amount of the special assessment levied against each lot, tract or parcel, the amount of each partial payment of the special assessment, and the day when each such partial payment shall become delinquent.

Section 6. Certification of Assessments. A copy of this resolution, including Exhibit A hereto, certified by the County Clerk and Recorder shall be delivered to the County Treasurer within two days after the adoption hereof.

Section 7. Further Actions. Officers of the County are further authorized and directed to take all actions as may be required by law to assure that the special assessments levied by this resolution are duly certified, assessed and collected in accordance with law.

ADOPTED by the Board of County Commissioners of the County of Flathead, Montana, this 18th day of September, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

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

Exhibit A				
Snowghost Drive, RSID 145				
Lot, Tract or Parcel	Owner	Total Assessment	30-Nov-08 Payment*	31-May-09 Payment*
in Section 17, Tn 31 N, R 21 W.				
		\$ 34,250.00	\$ 1,617.95	\$ 1,617.95
7AD	Michael Christopher & Judy K. Cooper	\$ 34,250.00	\$ 1,617.95	\$ 1,617.95
7A	Robert Galbraith	\$ 34,250.00	\$ 1,617.95	\$ 1,617.95
7	Ted R. Kreitzman MD Pension Plan	\$ 34,250.00	\$ 1,617.95	\$ 1,617.95
7AAC	Andrew Zimet and Linda Farmer	\$ 34,250.00	\$ 1,617.95	\$ 1,617.95
7AAA	Phillip & Adriene Cardan Revocable Trust	\$ 34,250.00	\$ 1,617.95	\$ 1,617.95
7AAAA, 4AB, 7AAE	Andrew & Stacy Matulionis	\$ 34,250.00	\$ 1,617.95	\$ 1,617.95
4AA, 7AAD, 7AAAC	Alex R. & Rachel A. Vandervoort	\$ 34,250.00	\$ 1,617.95	\$ 1,617.95
4A, 7AA	Ian & Catherine Todd	\$ 34,250.00	\$ 1,617.95	\$ 1,617.95
		\$ 274,000.00		

Payments will be due on November 30, 2008 and May 31, 2009, and each November 30 and May 31 through November 30, 2027 and May 31, 2028. Payments will become delinquent, if not paid, on December 1 and June 1 of each year.

* In each fiscal year, the then outstanding principal amount of assessment will be reamortized in equal semi-annual installments over the term of the assessments at an interest rate equal to the average interest on the outstanding bonds plus one half of one percent per annum.

CONTINUATION OF FINAL PLAT: QUAIL RIDGE, PHASE V

[10:18:46 AM](#)

Members present:

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

Others present:

Deputy County Attorney Peter Steele, Planning & Zoning Director Jeff Harris, Planner Allison Mouch, Tom Sands, Clerk DeReu

Tom Sands stated he received a message from the Planning & Zoning Office telling him there was not a problem with the language on the road; it has already been dedicated on Phases I-IV. He then added the road and open space have already been dedicated.

Chairman Hall read the proposed language that states: (f) The road right-of-way shown hereon has been dedicated for public use. (g) Open space as shown on previous phases shall be used exclusively for open space which includes an agricultural/horticultural/silvicultural uses, or recreational uses.

Commissioner Lauman made a **motion** to approve final plat of Quail Ridge, Phase V. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Jeff Harris stated for the record that he spoke with Eric Mulcahy who explained the situation to him and after looking at the application he saw the sentence added.

DOCUMENTS FOR SIGNATURE: DEQ AGREEMENT #209013, DPHHS #09-07-5-210008-0 & DPHHS #09-07-6-11-018-0

[10:25:46 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk DeReu

Commissioner Lauman made a **motion** to approve DPHHS #09-07-5-210008-0 and authorized the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve DPHHS #09-07-6-11-018-0 and authorized the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CONSIDERATION OF PRINTING BIDS: GRANT WRITER AND ELECTION DEPT.

[10:26:46 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk DeReu

Commissioner Brenneman made a **motion** to approve the print bid from Kalispell Copy Center for 3 panel boards on foam core board and 300 two sided color copies for \$352.50. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to approve the print bid from North Star Printing for 10,000 voter registration cards and 10,000 return envelopes for \$775.00. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to approve the print bid from Thomas Printing for 40 County Poll Books and 12 City Poll Books for \$2,680.00. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

WORK SESSION W/ ROAD ADVISORY COMMITTEE @ EARL BENNETT BLDG. (TILL 1:00)

[10:35:46 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Public Works Director David Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Patti Vernarsky, Charles Lapp, Mike Schlegel, Karl Schrade, David Hilde, Dan Siderius, Russell Walter, Steven Radosevich, Pat Arnone, Wayne Smith, Markson Yde, Jean Hook, Glen Hook, Richard McAdams, Joan McAdams, Paul Abel, Randy Gembala, Greg Dodd, Bill Beck, Verdell Jackson, Tom Gorton, Noel Gorton, Whitey Boughton, Clerk Kile

A report was submitted to the commission from the Flathead County Road Advisory Committee which included a brief preliminary report and summary of the committees' activities along with recommendations.

Pence reported the committee has spent 42.5 hours to date in meetings they have held in regards to looking at the operations of the Road Department.

Karl Schrade commented that he feels more money needs to go towards improving and re-constructing gravel roads and less spent on overlays.

The following report was reviewed:

Gravel Road

- Utilizing FHA & SD LTAP Gravel Road Maintenance Manual
- Re-evaluating how the gravel maintenance monies are being spent to become more cost effective in fixing the gravel roads and possibly paving them
- Implementing gravel road specifications
- Utilizing MTPWSS for gravel specs
 - 3" minus
 - 1 ½" crush
 - ¾" crush (2 different specs, 1 for gravel roads w/ plasticity index, 1 for under pavement w/o PI)
- Committing budget funds to the gravel road maintenance budget and follow priority list to rebuild existing gravel
- A pilot project of double chip seal over gravel
- Consider a pilot project to privatize portions of road maintenance on gravel roads
- Prioritization of gravel road improvements with available funds; i.e. stabilization, rebuilding, dust abatement, double chip, millings, paving, etc.

Dust Abatement

- Amend Resolution #1374 for enforcement of commercial vehicles – possibly fine contractor/ trucking company or stop project
- Better coordination with private contractors when magnesium chloride is applied

- Increase water availability throughout county through private parties and to acquire additional water rights
- Using the right material for each job (black oil, magnesium chloride, lignon, etc.)
- Using road stabilizer where necessary on hills and corners that have a tendency to washboard
- Evaluate usage of approved stabilizers as a dust palliative on gravel roads
- Commit a minimum of \$100,000/ yr to a cost sharing dust palliative program based on availability of funds

Paved Roads

- Implementing a paving and overlay prioritization program
- Consider a pilot project to privatize portions of road maintenance on paved roads
- Continue to work with neighborhood groups to form rural special improvement districts for paving roads

Quality Control Program

- Operator and foreman surveys roads randomly and work together to assure quality control
- Establish operating procedures and performance evaluations
- Training for grader operators to maintain roads
 - Aggregate Road Surfacing Manual (Steve Monlux, Retired Forest Service Engineer)
Accomplished 5/5/08
- Best Management Practices (BMP) training

Internal Auditing System

- Committee, staff and engineering consultants evaluate gravel and paved roads randomly
 - Conduct road inventory survey of gravel and paved road system (PASER or other program) to prioritize 5 year work plan utilizing 3rd party oversight and review
- Third Party review of proposed summer work plan (overlay, chipping and gravel road rebuilds) to independently provide recommendations on work plan
- Using outside sources for annual road evaluations, i.e. retired Forest Service Engineer or engineer consultants
- Assign personnel for quality assurance of maintenance and projects being performed
- More training for the foreman on evaluating roads for prioritization of projects
- Adopt Section 1 – Routine Maintenance and Rehabilitation from the SDLTAP “Gravel Roads Maintenance and Design Manual”
 - Potentially adopt more sections from SDLTAP

Budget

- Cost system allocations for each cost center
 - Administration
 - Asphalt Maintenance
 - Bridge Department
 - Chip Sealing
 - Gravel Maintenance
 - Leave Time/ Misc
 - New Paving
 - Right-of-Way
 - Traffic Control/ Safety/ Signage
 - Vehicle Maintenance
 - Winter Maintenance
- Working within current budget constraints
- Equipment fleet needs and funding
- Finding new funding options
 - Due to the concern of the loss of federal funds
 - Extra expenditures for historic right-of-way purchases

Pit Operations – Gravel Crushing & Asphalt Plant

- Continue to obtain bids from crushing contractors
- Temporarily shut down current crusher plant for one year
 - Investigate/ implement use of rental crushing plant to compare expenses
- Utilize existing asphalt plant for useful life while tracking unit costs to ensure cost effectiveness
- Conduct inventory of gravel in county pits for future usage

Road Standards Book Revision

- Develop committee of engineers, developers, staff and public
 - Possible items for new committee to review
 - Amend/ revise Road Standards Book
 - Cross sections, tables, definitions, etc.
 - Revise and define transportation study’s functional classifications
 - Arterial, collector, urban, rural, local, etc.
 - Determine truck damage, frequency and bonding on county roads

Legislative Issues

- Impact fees
- Mill levy
- State lands
- Equalization
- Conduct meetings with legislators

General discussion was held relative to work on Holt Stage, amending Resolution #1374, cost share dust palliative program, magnesium chloride, road overlays, employee training, road reference manual recommendations, tracking job costs, county budget, loss of federal funds, purchase of historic right-of-ways , gravel crushing operations, revising the road standards book and the need for more funding for the Road Department.

Verdell Jackson said that MonTRUST sues over school trust grounds. He then said there are 5.8 million acres of school trust grounds where they make \$50 - \$60 million a year, which is a pittance compared to how much goes into schools; \$1.3 billion a year. The school trust ground they want to be paid for he questioned if the county has been given the option to lease the land that the county shouldn't have to buy it. The other thing you can do is propose a trade. He then said as a legislator he has not been given by the Commission or anyone a charge to carry a bill. He further added if they are going to carry a bill they need something palatable to all 56 counties; possibly a bill for dust abatement with the bill having a priority for serious health hazards. He then noted we have 425 school districts in the state that we spend way to much money on administration costs for; with 23 of them in Flathead County when we should have one. Jackson then reviewed the requirements of getting a bill drafted.

General discussion was held relative to ways other states are paving their roads and ways to write a bill for dust abatement.

Verdell Jackson then said that the roads that are being repaired are being brought up to county standards which are much more expensive than an overlay. He then asked if in certain situation if the county could not go all the way with the spec and just say we will do this much and not bring the road all the way up to specs.

Bill Beck stated he sits on the House of Representatives Appropriations Committee and knows where all the money is going and said the important thing in getting money is dependent on how well the bill is constructed and what support is brought with it for testimony. He then commended the Commission for putting together a Road Advisory Committee to deal with concerns from the public. Beck then said the Dept of Health and Human Services and Schools consume 90% of the appropriations, so what is left you have to do a good job at competing for.

Charles Lapp then asked the Commission what was expected from them.

Commissioner Brenneman said that he hoped they would continue as an on going review committee for what the Road Department is doing.

Mike Pence then said that a lot of what has been recommended by them they are moving forward with already.

Dave Prunty stated that his hope today was to get Commissioner input and their view of what they were looking for.

Commissioner Lauman said that the original intent of the committee was to be an advisory committee. He then added they have come up with great ideas and would like to meet quarterly or semi-annually to bring recommendations forth.

Markson Yde spoke about Verdell Jacksons approach to legislations help with dust abatement. He then said miners in Butte now suffer from silicosis from the lack of dust control. Yde stated if you would get statistics from the Department of Environmental Quality for the Butte area as to what dust does to lungs you would have leverage to help receive funds.

Randy Gamballa a resident on Manning Road in Lower Valley commented that everyone should be paying for maintenance on all roads; that he personally would not want to have to pay for an RSID. He then asked the Road Department what the cost for a double chip seal compared to mag-chloride was and what the cost was to continue blading the roads. Also asked was who decides which roads need overlayed. Gamballa then stated that he feels all the roads that are getting re-built should be put out for bid. He further added that he feels there should be a county fuel tax so everyone driving on the roads can pay for them.

Noel Gorton, 578 Creston Road asked when \$100,000 was earmarked for cost sharing with taxpayers. She then asked if water re-activates mag-chloride. Also added was the taxpayers paid for Peccia to go out with the Road Department and help them determine which roads needed overlayed; they gave a recommendation and the county overlayed some of the roads they were told did not need it this year. Gorton further asked if the Health Department could respond to dust issues outside city limits, questioned traffic counts on Chinchilla Road, questioned the seminar county employees would be attending, questioned why employees are not responsive to the knowledge of department supervisors and asked why a contractor was paid to put down mag-chloride that the county owned.

Tom Gorton, 578 Creston Road questioned the work done on Holt Road and said when Mennonite Church Road is graded the gravel ends up back in the ditch because of the crown on the road. He then said he sees an awful lot of waste and things not being done right in the county.

Greg Dodd a resident from McMannamy Draw spoke about his concern in regards to traffic counts on roads. He then said he has two doctors written statements that state they believe his daughter was admitted to the hospital for two days because of the dust clouds raised when their road was graded. Dodd then added if you need someone to testify for a dust abatement bill that he would talk to his wife in regards to testimony.

Randy Gamballa further added 15 years ago South Ferndale Drive was chip sealed with crushed gravel all the way out to the highway and up around Kootenai Lodge which works excellent in Lake County.

2:00 p.m. Commissioner Brenneman: Health Board meeting @ Earl Bennett Bldg.
3:00 p.m. Whitefish County Doughnut Transition Team meeting @ Commissioners' Meeting Room
6:00 p.m. Commissioner Brenneman: "Break the Silence-Save a Life" Suicide Prevention meeting @ Glacier High School Performance Hall

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 19, 2008.

FRIDAY, SEPTEMBER 19, 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 September 22, 2008.
