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## MONDAY, JANUARY 5, 2009

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

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

George Culpepper, 70 West Cottonwood Drive spoke about his concern with the Sheriff Department issuing an emergency travel only warning on January 2, 2009, yet the Flathead County Offices were open and conducted business as usual. He then spoke about an incident with a County Road Department loader damaging trees and mail boxes in front of his property.

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

### **REORGANIZATION OF BOARD OF COMMISSIONERS**

[9:00:27 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to appoint Dale Lauman as Chairman of the Board of Commissioners for 2009. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

### **APPOINT COMMISSIONERS TO VARIOUS BOARDS**

[9:01:21 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Chairman Lauman: AOA, Audit Committee, Child Development Center Board, Compensation Board, Flathead County Solid Waste Board, Health Board Review Committee, Impact Fee Advisory Board, RSVP Advisory Board, Road Naming and Addressing Committee and Western Montana Regional Mental Health Board.

Commissioner Brenneman: 911 Board, Compensation Board, DUI Task Force, Flathead Basin Commission, Flathead City County Health Board, Flathead County Chemical Dependency Clinic, Interoperability Montana Project Director, Local Emergency Planning Committee, Mosquito Board, Northern Tier Interoperability Commission and Youth Service Network.

Commissioner Dupont: Compensation Board, Flathead County Building Committee, Flathead on the Move, Montana Coalition of Forest Counties, Pre-Release Center, Port Authority Board, Transportation Advisory Board, Technical Advisory Committee, Western Montana Regional Juvenile Detention Board.

Commissioner Brenneman made a **motion** to approve the various board appointments as discussed; with continued discussion pending in regards to the appointment to RC&D. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

### **PUBLIC HEARING: ANNEXATION TO SMITH VALLEY FIRE DISTRICT/ CANYON CREEK**

[9:30:45 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Eric Mulcahy, Clerk Kile

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

Eric Mulcahy explained that a condition of approval for Canyon Creek Ranch was that it be annexed into the Smith Valley Fire District. He stated it is approximately 360 acres in size with lot sizes ranging from 20 to 60 acres in size and was approved last fall by the commission.

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

Commissioner Brenneman made a **motion** to adopt Resolution 2182A. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

MONDAY, JANUARY 5, 2009  
(Continued)

RESOLUTION NO. 2182A

WHEREAS, a petition was received from 100 % of the owners of property that is currently in the Flathead County Fire Service Area, to be annexed into the Smith Valley Rural Fire District;

WHEREAS, the Board of Trustees of the Smith Valley Rural Fire District approved the proposed annexation;

WHEREAS, the Board of Commissioners, pursuant to the provisions of Section 7-33-2125(1)(b), M.C.A., passed a resolution of intent (Resolution No. 2182, dated December 18, 2008) to grant that petition and to transfer the property into the Smith Valley Rural Fire District, and set a public hearing on the proposal for January 5, 2009;

WHEREAS, the Board of Commissioners published notice of the public hearing to be held to allow the public an opportunity to be heard regarding the proposed annexation, and to consider whether a protest petition signed by a majority of the landowners of the area proposed for annexation would be received; and

WHEREAS, the Board of Commissioners conducted said public hearing on January 5, 2009, and did not receive a protest petition signed by a majority of the landowners of the area proposed for annexation.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, Montana, that the property, described as Lots 1 through 11 of Canyon Creek Ranch Subdivision located in the Section 21, Township 27 North, Range 23 West, P.M.M., Flathead County, Montana, is hereby annexed into the Smith Valley Rural Fire District.

BE IT FURTHER RESOLVED, by the Board of Commissioners that the boundaries of the Flathead County Fire Service Area are hereby amended by transferring the property described as Lots 1 through 11 of Canyon Creek Ranch Subdivision located in the Section 21, Township 27 North, Range 23 West, P.M.M., Flathead County, Montana into the Smith Valley Rural Fire District.

Dated this 5<sup>th</sup> day of January, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ANNEXATION TO SOUTH KALISPELL FIRE DISTRICT/  
BORDEN**

9:45:30 AM

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Clerk Kile

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 7-33-2126(3), M.C.A., that it will hold a public hearing to consider a petition to withdraw territory from the Somers Fire District and annex it to the South Kalispell Rural Fire District, said territory being described as Parcel B of Certificate of Survey 15663 in the Northwest ¼ of the Southwest ¼ of Section 4, and Government Lot 3 of Section 5, Township 27 North, Range 21 West, Flathead County, Montana, Records of Flathead County, Montana; located at 148 Shelter View, Kalispell.

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

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The public hearing will be held on the 20<sup>th</sup> day of **January, 2009**, at **10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed transfer and will consider whether protests by owners of 40% or more of the real property in either district and owners of property representing 40% or more of the taxable value in either district, were received.

DATED this 5<sup>th</sup> day of January, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish on January 8 and January 15, 2009.

**CONSIDERATION OF CORRECTED RESOLUTION: FISH HATCHERY ZONING DISTRICT**

[9:46:47 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Clerk Kile

Smith explained Resolution 2169A contained a typographical error referring to the Old Hwy 93 Zoning District.

Commissioner Brenneman made a **motion** to adopt corrected resolution 2169B. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 2169B

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 30th day of October, 2008, concerning a proposal to create a zoning district to be known as the Fish Hatchery Zoning District;

WHEREAS, the Board of Commissioners did hear public comment on the proposed creation of the Fish Hatchery Zoning District at that hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed creation of the zoning district;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 2169) on October 30, 2008, to create the Fish Hatchery Zoning District, published notice of passage of that Resolution and passed Resolution No. 2169A creating the Fish Hatchery Zoning District as an R-1 (Suburban Residential) District; and

WHEREAS, Resolution No. 2169A contains a typographical error referring to the Old Highway 93 Zoning District and the R-2 zoning classification.

NOW, THEREFORE, BE IT RESOLVED, effective nunc pro tunc on December 18, 2008, the Flathead County Zoning Regulations, shall apply in the Fish Hatchery Zoning District and the zoning designation on the property within the Fish Hatchery Zoning District shall be R-2 (One Family Limited Residential), as defined in the Flathead County Zoning Regulations, on file in the Flathead County Clerk and Recorder's Office and in the Flathead County Planning and Zoning Office.

DATED this 5<sup>th</sup> day of January, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

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(Continued)

**CONSIDERATION OF CORRECTED RESOLUTION: NO. 1663D/ PLANNING & ZONING OFFICE FEES**

9:47:54 AM

Members present:

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

Others present:

- Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Deputy County Attorney Jonathan Smith, Clerk Kile

Smith explained the resolution was incorrectly numbered as well as the fee schedule had a typographical error.

Commissioner Brenneman made a **motion** to adopt resolution 1663D. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 1663 D

**WHEREAS**, the fees charged by the Flathead County Planning and Zoning Office were increased by the adoption of Resolution No. 1663 B on October 2, 2008;

**WHEREAS**, Resolution No. 1663 B was the second resolution so numbered and should have been numbered Resolution No. 1663 C; and

**WHEREAS**, the fee schedule attached to Resolution No. 1663 B adopted on October 2, 2008, contains typographical errors.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, effective nunc pro tunc on October 2, 2008, Resolution No. 1663 B as adopted on October 2, 2008, is hereby renumbered 1663 C.

**BE IT FURTHER RESOLVED** that the attached fee schedule shall replace the schedule set forth on renumbered Resolution No. 1663 C, and shall be effective as of October 2, 2008.

Dated this 5<sup>th</sup> day of January, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

ATTEST:  
Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

FLATHEAD COUNTY PLANNING & ZONING OFFICE FEE SCHEDULE	
<b>Preliminary Plat Review :</b>	
<u>Major Subdivisions:</u>	
- Base Fee	\$1,050
- First 20 Lots	\$112/lot
- Additional Lots above 20	\$56/lot
<u>Minor Subdivision (5 or less lots)</u>	\$560 + \$112/lot
<u>Subsequent Minor Subdivision</u>	\$1050 + \$112/lot
<u>Commercial Subdivisions:</u>	\$1400 + \$280/lot
<u>Condominiums:</u>	
-6 or more units	\$1050 + \$112/unit
-5 or fewer units	\$560 + \$112/unit
<u>Mobile Home Parks &amp; Campgrounds:</u>	
- 6 or more spaces	\$1050 + \$112/space
- 5 or fewer spaces	\$560 + \$112/space
<u>Subdivision Variance:</u>	\$280
<u>Amended Preliminary Plat (Reconfigured)</u>	\$420 + \$56/lot
<u>Revised Preliminary Plat:</u> Mobile Home Parks, Campgrounds & Condos:	\$560 + \$70/unit or space
<b>Final Plat Review:</b>	
<u>Minor Sub (5 or less lots)</u>	\$560 + \$56/lot
<u>Major Sub (6+ lots)</u>	\$840 + \$56/lot
<u>Subdivision w/waiver of preliminary plat</u>	\$840 + \$112/lot
<u>Subsequent Minor Subdivision</u>	\$840 + \$56/lot
<u>Subdivision Improvements Agreement</u>	\$140
<b>Master Plan Map Amendment:</b> Amendment to Plan:	\$2800 + \$28/acre (\$15,000 cap)
<b>Lakeshore Construction Permit:</b>	
<u>Administrative Permit:</u>	\$140
<u>Standard Permit:</u>	
- Base fee of one activity:	\$350
- Each additional activity:	\$140
<u>Lakeshore Variance:</u>	
- Minor <sup>1</sup>	\$490
- Major <sup>2</sup>	\$1,400
<u>"After-the-fact" Permit:</u>	4 x normal fee
<u>Notes:</u>	
1. Minor variance due to unique & undue hardships with no reasonable alternative having no adverse impact to lake/lakeshore.	
2. Major variance, which deviates substantially from construction requirements, creating a major environmental impact and requiring an E.I.S.	
3. Add \$75/hour MEPA professional services review.	

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<b>Floodplain :</b>	
Single Dock/Agricultural structures:	\$350
Small Scale <sup>1</sup>	\$630
Large Scale <sup>2</sup>	\$1,050
Extension	\$140
"After-the-fact" Permit	4 x normal fee
Letter of Map Amendment (LOMA)	\$140
Letter of Map Revision (LOMR)	\$140
Floodplain Appeals/Variations	\$560
Notes:	
1. Small scale project having less than 15,000 cu.ft. of fill, rip-rap, or minor stream crossing, public/private campgrounds, domestic wells, etc.	
2. Large scale project using more than 15,000 cu.ft. of fill, bridges, levees, commercial floodproofing, channelization, dam, water diversions, etc.	

<b>FLATHEAD COUNTY PLANNING &amp; ZONING OFFICE FEE SCHEDULE</b>	
<u>Type of Application</u>	<u>Fee</u>
<b>Zoning :</b>	
<u>Zone Change:</u>	
-Base Fee	\$840
-First 80 acres add	\$35/acre
-Next 81+ acres add	\$28/acre
<u>Amendment to Zoning Text:</u>	\$700
<u>PUD Zoning Review:</u>	
-Residential	\$980 + \$28/acre
-Commercial	\$1260 + \$28/acre
-Mixed use	\$1330 + \$28/acre
<u>Variance:</u>	
-Residential ( <i>single family</i> )	\$420
-Other than single family	\$700
-Commercial/Industrial	\$700
<u>Conditional Use Permit (<i>residential</i>):</u>	
-Single-family ( <i>10 fewer trip/day</i> )	\$350
-Other than single family	\$560 + \$28/unit
<u>Conditional Use Permit (<i>non-residential</i>):</u>	
-Churches, schools, public/quasi-public uses	\$560
-Commercial/Industrial	\$700 + \$28/unit
<u>Administrative Conditional Use Permit:</u>	
-Residential	\$140
-Commercial/Industrial	\$280
<u>Zoning Appeals:</u>	\$350
<u>Written Zoning Determination:</u>	\$35
<b>Billboard Permits:</b>	
<u>Maintenance/Remodeling:</u>	\$70
<u>Relocation:</u>	\$280
<b>CALURS:</b>	
<u>Amendment:</u>	\$630
<u>Variance:</u>	\$420
<u>Appeal:</u>	\$350
<u>Minor Land Use Review:</u>	
-Residential	\$210
-Commercial	\$280
<u>Major Land Use Review:</u>	
-Small scale (produces 50 or fewer ADT)	\$420
-Large Scale (produces 51 or more ADT)	
-Single structure	\$560
-Multiple structures/units or uses	\$630
<b>Miscellaneous :</b>	
Per address charge to cover public hearing notice mailing costs to adjoining landowners	\$6

**DOCUMENT FOR SIGNATURE: GOING-TO-THE-SUN ROAD TRANSIT SYSTEM MODIFICATION NO. 6/ EAGLE TRANSIT**

[9:49:57 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Commissioner Dupont made a **motion** to authorize Commissioner Brenneman to sign the Going-to-the-Sun Road Transit System Modification No. 6. Commissioner Brenneman **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

MONDAY, JANUARY 5, 2009  
(Continued)

**CONSIDERATION OF HR TRANSMITTAL: OA II/ RECORDS PRESERVATION**

[10:00:07 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Records Preservation Manager Jan Hardesty, Clerk Kile

Hardesty explained the Records Preservation Department is fee based off of what comes in as fees at the Clerk & Records Office. She then said they are asking at this point to not exercise their option of adding an additional ¼ FTE, but to keep the position at a ¾ FTE and to look at this again in the next fiscal year and see if the fees would warrant putting on a ¼ FTE again.

**CONSIDERATION OF PRINTING BIDS: HEALTH DEPARTMENT, SUPERINTENDENT OF SCHOOLS AND GIS**

[10:00:30 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve the print bid from Insty Prints for two sets of 500 business cards for the Health Department for \$49.90. Commissioner Brenneman **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the print bid from American Printing for 50 patient short form books for the Health Department for \$279.75. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the print bid from North Star Printing for prescription books and WIC flowsheets for the Health Department for \$230.00. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the print bid from The Towne Printer for 1000 #10 window envelopes for the GIS Department for \$59.73. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Dupont made a **motion** to approve the print bid from Insty Prints for 500 business cards for the County Superintendent of Schools for \$36.45. Commissioner Brenneman **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the print bid from North Star Printing for 1500 #10 envelopes for the County Superintendent of Schools for \$85.00. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Dupont made a **motion** to approve the print bid from Trippet's Printing for 1000 return address mailing labels and 500 gold seals for the County Superintendent of Schools for \$146.00. Commissioner Brenneman **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

**PRELIMINARY PLAT: ASPEN SQUARE, AMENDED PLAT OF LOT 1**

[10:15:27 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Rick Walker, Narda Wilson, Debbie Shoemaker, Dawn Marquardt, Clerk Kile

Broadie entered into record Staff Report FPP 08-24; an application submitted by L & R Plaza, LLC with technical assistance from Narda Wilson and Marquardt Surveying for preliminary plat approval of Aspen Square, Amended Plat of Lot 1, a subsequent minor subdivision that would create two commercial lots on 3.06 acres located in Evergreen at the southeast corner of LaSalle Road and East Reserve Drive.

Commissioner Brenneman made a **motion** to adopt findings of fact and Staff Report FPP 08-24. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

Narda Wilson representing the applicant noted the transmittal to the commission did not reflect the Planning Boards recommendation to grant a variance to the 3 to 1 length to width ratio for proposed Lot 1B and also a motion to grant a variance. Also stated was the applicant wanted condition 16 amended to state: The applicant shall provide a shared access and maintenance agreement for Lot 1B through Lot 1A as depicted on the preliminary plat. The developer reserves the right to grant additional access from Lot 1A to Lot 1B.

Rick Walker then spoke about the access and said the language approved is extremely arbitrary.

General discussion was held relative to condition 16 in regards to legal access.

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**(Continued)**

Commissioner Brenneman explained that all they are required to do is provide legal access to the lot and if the developer builds something there that causes a problem for him or future buyers that is his problem.

Discussion was then held relative to a letter from the Evergreen Fire Chief that came after the Planning Board meeting that was presented.

Condition 16 will be changed to state: The applicant shall provide a shared access and maintenance agreement that assures that Lot 1A and Lot 1B have access through the shared access depicted on the plat.

Discussion was held relative to granting a variance

Commissioner Brenneman made a **motion** to approve preliminary plat of Aspen Square, Amended Plat of Lot 1 with condition 16 as proposed and discussed and elimination of condition 17 and condition 18 with the substitution of condition 17 being that the variances requested are approved. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

**A. 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 two completed approach permits from the Flathead County Road Department or the Montana Department of Transportation onto Highway 2 and East Reserve Drive 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 applicable fire district. A letter from the fire chief stating that the plat meets the requirements of the fire district 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. With the application for final plat, the applicant shall provide an Access Agreement which requires each property owner to bear his or her pro-rata share for maintenance of the share access within the subdivision. [Section 4.7.16(e), FCSR]
7. 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]
8. 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]
9. 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]
10. 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.
11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]

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**(Continued)**

12. 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]
13. 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]
14. 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]

**B. Project-Specific Conditions**

15. The applicant shall provide a shared access and maintenance agreement that assures that Lot 1B has access through the same access sites as Lot 1A.
16. A variance shall be granted for relief to Section 4.7.7(c) and a variance shall be granted for relief to Section 4.4.7(i) FCSR.

**PRELIMINARY PLAT: LITTLE BEAR RUN**

10:31:20 AM

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Allison Mouch, Debbie Shoemaker, Dawn Marquardt, Narda Wilson, Clerk Kile

Mouch entered into record Staff Report FPP 08-22; an application submitted by Maureen Baer with technical assistance from Narda Wilson, Marquardt Surveying and Enviro-Tech for preliminary plat approval of Little Bear Run, a subsequent minor subdivision that would create two residential lots on 7.95 acres located west of Kalispell at the intersection of Colton's Court and Judd's Way. The proposed lots would be 4.37 acres and 3.58 acres and would utilize individual well and septic services. The Summary of Findings were reviewed with concerns that included Lunch Box Springs Road, legal access off of Colton's Court and topography.

Narda Wilson representing the applicant spoke about the following conditions:

Condition 2: The applicant shall show proof of a completed approach permit for Judd's Way onto Von Der Heide Lane from Flathead County Road Department or MDOT indicating the approach has been built and received final inspection and approval.

Wilson stated this was done with Bear Run Estates and no improvements should be required to the approach with minimal impact with the creation of one additional lot.

Condition 3 that states: A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures.

Wilson stated this condition is already addressed under condition 12 (e).

Condition 6 that states: 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.

Wilson stated the existing roads were accepted by Flathead County with the platting of Bear Run Estates in April of 2004, so what would the certification have to say with no new roads being constructed.

Condition 14 that states: Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a MDEQ Permit for Stormwater Discharges Associates with Construction Activity (General Permit) shall be obtained and provided to the Flathead County Planning & Zoning Office prior to any site disturbance or construction.

Wilson stated they are only adding a single family residence with a driveway and that DEQ said they won't issue them a letter that says they don't need a permit for this.

Condition 21 that states: The 60 foot road and utility easement located along the south boundary of the subject property shall be designated an extension of Colton's Court and provides access to proposed Lot 2. The portion of the road extending from the cul-de-sac to the driveway providing access to Lot 2 will be required improved to county standards for a rural gravel road according to the Flathead County Road and Bridge Departments "Minimum Standards for Design and Construction."

Wilson stated this condition should be deleted.

Condition 23 that states: The applicant shall complete a boundary line adjustment to remove the portion of Lunch Box Springs Road from the southeast corner of the subject property and bring the proposed subdivision into compliance with the Flathead County Subdivision Regulations.



**MONDAY, JANUARY 5, 2009**  
**(Continued)**

Wilson asked that it be deleted.

Condition 24 that states: Judd's Way and Colton's Court shall be improved to county standards for a rural gravel road according to Flathead County Road and Bridge Departments "Minimum Standards for Design and Construction," requiring a gravel travel surface width of a minimum of 24 feet.

Wilson stated that 4 ½ years ago the road was constructed according to the county standards in place at the time and asked that the condition be deleted.

Condition 26 (ii) that states: Landowners are notified that this subdivision has been reviewed and approved for single family residential use.

Wilson stated some provision should be made for home based businesses.

Commissioner Brenneman made a **motion** to Staff Report FPP 08-22 with findings as amended by the Planning Board. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman stated this whole area has been developed in a way that displays how not to do development, and now we have lots lines and roads going every which way and are put into a position of having to play catch up without placing unreasonable restrictions on the people developing now. He then asked if legal access to Lunch Box Springs Road existed.

Dawn Marquardt stated the owner could gate the road at the highway and no one else would have the right to use the road; no easement whatsoever exists on Lunch Box Springs Road.

General discussion was held relative to road easements and access.

Commissioner Brenneman stated that he felt condition 21 was erroneous in requesting a 60 foot right-of-way be improved as a driveway for Lot 2, condition 24 will be deleted, condition 26 with the area being unzoned there is no need to change the condition, and condition 23 will be changed to state: The applicant shall complete a boundary line adjustment to remove the portion of Lunch Box Springs Road from the southeast corner of the subject property, block Lunch Box Springs Road or define an easement across the southeast portion of Lot 2 to bring the proposed subdivision into compliance with the Flathead County Subdivision Regulations.

Commissioner Brenneman made a **motion** to approve preliminary plat of Little Bear Run with amended conditions. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. 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 for Judd's Way onto Von Der Heide Lane from the Flathead County Road Department or the Montana Department of Transportation 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 applicable fire district. A letter from the fire chief stating that the plat meets the requirements of the fire district 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. [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 developer shall contact the Superintendent of Schools and, if required, provide and improve a location for the safe loading and unloading of students. [Section 4.7.30, FCSR]

**MONDAY, JANUARY 5, 2009**  
**(Continued)**

12. 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.
13. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
14. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
15. 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, FCSR]
16. 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, FCSR]
17. 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**

18. The applicant shall pave a minimum of 74 feet of Von Der Heide Lane to meet the requirement set forth in Section 4.7.18 of the Flathead County Subdivision Regulations.
19. Road signs identifying the location of Colton's Court and Judd's Way shall be in place prior to final plat approval.
20. The driveway and proposed building site for Lot 1 shall be designated and shown on the plat or supporting documentation and the proposed driveway shall be reviewed and receive written approval from the Smith Valley Fire Marshall prior to final plat.
21. The applicant shall complete a Boundary Line Adjustment to remove the portion of Lunch Box Springs Road from the southeast corner of the subject property, or block Lunch Box Springs Road or dedicate an easement for the road across the southeast corner of the subject property to bring the proposed subdivision into compliance with the Flathead County Subdivision Regulations.
22. The following statement(s) shall be placed on the face of the final plat, applicable to all lots:
- a. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.28, FCSR]
  - b. Defensible Space Standards shall be incorporated around all primary structures. [Section 4.7.28, FCSR]
23. The following statement(s) shall be placed on the face of the final plat, applicable to all lots:
- i. Lot 1 may be subject to steep terrain and unstable soils.
  - ii. Landowners are notified that this subdivision has been reviewed and approved for single family residential use. Any changes that materially alter any portion of the approved subdivision plat, its land divisions or improvements, or that will modify the approved use of land within the subdivision, must be made by filing an amended plat showing all alterations, per the Flathead County Development Code. [Section 4.2.18/4.4.26, FCSR]
  - iii. Lot owners are alerted to the presence of potentially dangerous wildlife in the area and are reminded that **feeding big game is illegal**.
  - iv. 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.

MONDAY, JANUARY 5, 2009  
(Continued)

**MEETING W/ CINDY HOUK RE: SALE OF PROPERTY**

[11:21:53 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Cindy Houk, Clerk Kile

Houk explained a small section of land at the end of her property is owned by the county which the neighbors would like to purpose to extend each of their lots. She noted the property is landlocked.

Peter Steele stated that he and Dave Prunty and Guy Foy have looked at the 30' wide by 160' long section that was taken on a tax deed. A verbal commitment was made by the commission to pursue an appraisal on the property.

**BI-MONTHLY MEETING W/ DAVE PRUNTY & GUY FOY, ROAD DEPT.**

[11:29:26 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Operations Manager Road & Bridge Dept Guy Foy,  
Clerk Kile

Prunty reported the Road Department crew has been out working the last 13 of 14 days and took Christmas Day off. He then stated their response times in the farther outlying areas are longer. Prunty explained they budgeted \$245 thou for the snow season and spent \$88 thou in December, which does not include manpower costs. Discussion also included dead end roads and the excessive amount of time it takes to plow them, citizens pushing snow onto county right-of-ways, rebuilding a portion of McMannamy Draw and the new dust cost share program.

**DOCUMENT FOR SIGNATURE: OWNER-ENGINEER AGREEMENT AMENDMENT NO. 2/ CRESTON & MENNONITE PAVING PROJECT**

[11:52:50 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Operations Manager Road & Bridge Dept Guy Foy,  
Clerk Kile

Pence explained the engineering fees are usually in the range of 10% of the cost of paving. He then reported Mennonite Church Road is 1.96 miles long and Creston Hatchery Road is 1.5 miles in length with the original estimate for paving over one million. Pence noted that part of the dust plan with DEQ is to initiate RSID projects.

Discussion was held relative to determining what portion the county would pay for.

Commissioner Brenneman made a **motion** to approve the document for signature. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #09-07-4-51-010-0**

[12:04:05 PM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Dupont made a **motion** to approve DPHHS Contract #09-07-4-51-010-0. Commissioner Brenneman **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

MONDAY, JANUARY 5, 2009  
(Continued)

**DOCUMENT FOR SIGNATURE: ALLEGIANCE ADMINISTRATIVE SERVICES AGREEMENT**

[12:00:29 PM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve the document for signature for administrative services with Allegiance and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

**8:00 a.m. Weed & Parks Board meeting @ Weed & Parks Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 6, 2009.

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**TUESDAY, JANUARY 6, 2009**

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

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

**QUARTERLY MEETING W/ MARCIA SHEFFELS, SUPT OF SCHOOLS**

[9:01:59 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Supt of Schools Marcia Sheffels, Clerk Kile

Sheffels thanked the Road Department for working with the Superintendent of Schools in regards to problems with winter roads and helping to prepare staff in preparation for winter conditions. She then summarized the quarterly review of the office performance measures for the School Superintendents administrative duties that are performed within mandated time frames. Sheffels noted one of the most important reports done is the Annual Data Collection report done for school accreditation purposes. The Flathead County Statistical Report of Schools 2008 that is available on the website was also reviewed which shows a population loss in all schools except for Kalispell that is growing. She noted several phone calls were received in regards to property tax bills with 56% of property tax bills going towards education.

**CONTINUATION OF PRELIMINARY PLAT: MARCO HEIGHTS 2**

[9:29:21 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner Allison Mouch, Marc Leichti, Ardis Larsen, Clerk Kile

Mouch reviewed the history of Marco Heights 2 and the reason the plat is being reviewed again, which is due to access concerns onto Highway 93. When the variance request was reviewed the planning staff recommended a denial based on non compliance with both the growth policy and the subdivision regulations. Mouch stated there was a possible alternative which was an access along the west lot line of the property where there is an existing easement that extends along the whole western boundary. She then stated that Leichti presented some issues with the terrain on the western side of the back lot that may also present a topographic constraint which may be an issue for the applicant.

Discussion was held in regards to possible solutions such as extending the road to Lot 1 through the parking area across Lot 2 so there would be access off of Dear Creek to both of the lots.

Mouch then discussed the reasons the variance request did not comply and also stated the variance did meet the 5 criteria particularly for public health and safety reasons. The reasoning behind limiting access onto the Hwy 93 was because it would create multiple uncontrolled accesses onto a state highway which then creates a health and safety issue.

Discussion continued regarding sight distances, limitations, and uncontrolled access onto the highway.

Mouch further discussed the variance and compliancy with the neighborhood plan and growth policy. The proposed finding 21 states the variances meet all 5 of the criteria and are compliant with the Flathead County subdivision regulations also included is the proposed condition 25, which addresses the granting of an easement to Lot 1 across Lot 2. She further reported proposed condition 26 would keep the traffic from ever entering onto Hwy 93 using that access. Planning staff is requesting the existing access onto Highway 93 be abandoned and the access would be off of Dear Creek Road.

TUESDAY, JANUARY 6, 2009  
(Continued)

Marc Leichti said they would install the cul-de-sac once the property is developed and that they would have to live with condition 26.

Commissioner Brenneman asked how one would demonstrate that an approach has been abandoned.

Harris said with a request thru MDOT and then MDOT will reply with a letter and or an email stating the approach has been abandoned.

Commissioner Brenneman made a **motion** to delete Finding of Fact 16 that was previously approved and to replace with the proposed Finding of Fact 21. Commissioner Lauman **seconded** the motion. **Aye** – Lauman, Brenneman, and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve Marco Heights 2 with conditions 25 and 26 as added. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**MONTHLY MEETING W/ RAEANN CAMPBELL, HR**

[10:00:09 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk Kile

Campbell reported the personnel transactions for the month of December 2008.

Commissioner Dupont made a **motion** to approve the personnel transactions for the month of December 2008 and authorized the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Raeann reported nine incidences for the month of December with four of them in the Road Department possibly due to weather conditions. She also stated there was one lost time accident at Solid Waste lasting one day and one lost time accident in the Road Department lasting a week with both employees back to work now. Raeann stated the trust fund balance is at 2.8 million for our health insurance which is up \$700,000.00 in claims from one year ago. She then reported she made a trip to Helena in December where the new FMLA Policy was discussed. Also noted were negotiations with Solid Waste and the Road and Bridge Department are continuing with a possible vote coming soon. She stated sample paychecks outlining variations with central pension and overtime hours were provided for comparisons. Raeann also commented that they began negotiations with the 911 Department and that they will be kicking off the wellness program in January by educating employees in buying down there deductible that will be increased on July 1, 2009.

**QUARTERLY MEETING W/ BIGFORK STORMWATER ADVISORY COMMITTEE**

[10:31:55 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Sue Hanson, Mike Koopal, Kirby Campbell, Russ Kinzer, Larry VanRinsum, Public Works Director Dave Prunty, Operations Manager Road & Bridge Dept Guy Foy, Clerk Kile

Hanson presented the Bigfork Stormwater Advisory Committees' quarterly report and a new brochure they prepared. She then reviewed the projects they have been involved with over the past several months with some of them being a "Living by Water" workshop, street painting, education and outreach presentations to the Bigfork Steering Committee, and a Community Foundations for a Better Bigfork presentation. Also reported was they have finished drawing all the funds against the first DEQ contract and were able to meet 100% of the \$15,000 match on the first contract with hours and contributions; with each committee member turning in time sheets for volunteer hours. She noted they hope to receive grant funds to put in another water retention area on the south side of the school property east of the administration building below the parking lot that would collect up to 90% of the stormwater that comes down off the parking lot.

A power point presentation dedicated to preserving our local water resources called "Bigfork's Dirty Little Secret" was then presented.

Mike Koopal explained a benchmark study was done for the stormwater data in which a sample analysis chart was presented that compared different parameters.

**11:15 a.m. Commissioner Brenneman: Bigfork Stormwater Advisory Committee meeting**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 7, 2009.

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### WEDNESDAY, JANUARY 7, 2009

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

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

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

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### THURSDAY, JANUARY 8, 2009

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

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

Russ Crowder, 2868 Lower Lost Prairie Road representing American Dream Montana, presented the commission with a copy of the compliant the organization submitted against the subdivision regulations.

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

#### MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:01:09 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Russ Crowder, Clerk Kile

Harris summarized the quarterly activity report for the Planning & Zoning Office which shows they are down in application fee revenues. He then noted they are making adjustments in their budget to accommodate the lack of fees and will hold off in filling the Planner II position. Discussion was held relative to violations with highway signs discrepancies. Harris then noted the Bigfork Neighborhood Plan will be coming before them soon and the Somers Neighborhood Plan is still in the works. He then explained the Planning Office is assigning planners to specific duties which include: Andrew Hagemeyer to Lakeside; Allison Mouch to Somers; and Alex Hogle & Dianna Broadie will maintain the flow of subdivisions.

Discussion was held regarding the East Evergreen Bike Path and the issue of snow being plowed onto the bike path along with the issue of the mailboxes. Harris noted the Kila Bike Path finished way under bid and under time.

#### PRELIMINARY PLAT: FOX HILL ESTATES, PHASE 3

[9:30:54 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Erica Wirtala, Terry Leighty, Mark Leighty, Sam Cordi, LeRoy Stevens, Tom Gorton, Noel Gorton, Clerk Kile

Hogle entered into record Staff Report FPP 08-21; an application submitted by TML Construction with technical assistance from Sands Surveying and Birk Engineering for preliminary plat approval of Fox Hill Estates, Phase 3. This proposal would create eight single family residential lots ranging from 1.08 acres to 1.92 acres in size from the 12.56 acre tract located approximately eight miles east of Kalispell along Mennonite Church Road. These lots were preliminarily approved within the original review of Fox Hill Estates with the preliminary plat approval expiring prior to final plat. Subdivision improvements associated with the original review of Fox Hill Estates included water and sewer infrastructure, fire suppression and building of roads. All lots would connect to the existing public water supply and wastewater treatment system owned by Fox Hill Estates Water and Sewer District. Access to all lots would be from existing internal subdivision roads which approach onto Mennonite Church Road. Hogle noted Mennonite Church Road and Creston Road currently are gravel roads. Also noted were concerns in regards to the water system.

Hogle then noted for the record that there was an error in regards to processing the posting of a physical sign on the proposed site stating there was an active proposal for a subdivision. It was also noted the proposal for this subdivision has been legally noticed as required by state law in terms of appropriate advertisement by The Daily Inter Lake and notification of landowners within 150 feet of the boundaries of the proposed subdivision.

Harris noted the timeline could be waived if the applicant chooses to waive it.

Discussion continued regarding waiving the timeline and compliance with the regulations.

Commissioner Brenneman made a **motion** to delay consideration of preliminary plat Fox Hill Estates, Phase 3 until such time that the property has been properly signed for 15 days according to regulations and a letter is received from the applicant waiving the timeline. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Brenneman. Motion carried by quorum.

THURSDAY, JANUARY 8, 2009  
(Continued)

**FINAL PLAT: HP RANCH SUBDIVISION**

[9:49:46 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

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

Broadie reviewed the application for final plat approval of HP Ranch Subdivision; an application submitted by James M. Robertson with technical assistance from Sam Cordi with Land Surveying for a subdivision creating two residential lots located on Farm to Market Road, halfway between Twin Bridges Road and Twin Lakes Road. Preliminary plat approval was granted on July 7, 2008, subject to 19 conditions which have all been met.

Commissioner Brenneman made a **motion** to approve final plat of HP Ranch Subdivision. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Brenneman. Motion carried by quorum.

**FINAL PLAT: HUBBART HAVEN**

[10:01:26 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Planner Andrew Hagemeyer, Dawn Marquardt, Debbie Shoemaker, Clerk Kile

Hagemeyer entered into record final plat FFP 08-53 Hubbart Haven; an application from WWW Venture Group, LLP with technical assistance from Marquardt and Marquardt for final plat approval of a minor subdivision creating five residential lots located off Hubbart Dam Road approximately 10 miles from its intersection with Hwy 2. Preliminary plat approval was granted on August 14, 2007, subject to 15 conditions which have been met.

Commissioner Brenneman made a **motion** to approve final plat of Hubbart Haven. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Brenneman. Motion carried by quorum.

**FINAL PLAT: ROBBIN EAST SUBDIVISION**

[10:15:04 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Planner Bailey Iott, Clerk Kile

Iott entered into record Final Plat FFP 08-55 for HP Ranch; an application from Randolph and Linda Robbin with technical assistance from Smith Surveying & Consulting for final plat approval of a subdivision creating two residential lots located west of Bigfork off Holt Drive. Preliminary plat approval was granted on June 10, 2008, subject to 13 conditions. All conditions have been met and staff recommends approval.

Commissioner Brenneman made a **motion** to approve Robbin East Subdivision. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Brenneman. Motion carried by quorum.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #472 (PORTION OF LOWER VALLEY ROAD)**

[10:45:48 AM](#)

Members present:

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

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to approve publication of the Notice of Public Hearing. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

NOTICE OF DISCONTINUANCE  
OF PUBLIC ROADWAY #472

Notice is hereby given that the Board of Viewers have reported to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

That portion of a declared county road not built lying along the southerly boundary of SE 4 NE 4 and that portion lying along the northerly boundary of the NE 4 SE 4 of Section 17, Township 27 North, Range 20 West.

THURSDAY, JANUARY 8, 2009  
(Continued)

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **January 26, 2009, at 9:30 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 8<sup>th</sup> day of January 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

PAULA ROBINSON,  
CLERK AND RECORDER

By/s/Diana Kile  
Diana Kile, Deputy

Publish on January 13 and January 20, 2009.

**AUTHORIZATION TO PUBLISH CALL FOR BIDS: GAS & DIESEL, PROPANE, TIRES, LIQUID ASPHALT AND EMULSIFIED ASPHALT**

[10:47:26 AM](#)

Members present:

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

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to approve the publication of the Call for Bids for Gas & Diesel, Propane, Tires, Liquid Asphalt and Emulsified Asphalt and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following:

GASOLINE AND DIESEL

Bidder will furnish in writing an affidavit that the bidder will be able to furnish all the materials (gasoline and diesel) that Flathead County will use in the next year, February 1, 2009 through January 31, 2010.

DIESEL - estimated usage - 325,000 gallons  
REGULAR NO LEAD - estimated usage - 100,000 gallons

Bidder must be able to deliver materials to the following delivery points on a keep full basis.

Bid prices for all materials must be listed for each delivery point listed below, on the bid form.

Delivery/Shipping will be F.O.B. to the following destinations.

Delivery Points:

Martin City	Regular No Lead Gas and Red Dyed Low Sulfur Diesel
Columbia Falls	Regular No Lead Gas and Red Dyed Low Sulfur Diesel
Busch Pit	Regular No Lead Gas and Red Dyed Low Sulfur Diesel
Bigfork - Sullivan	Red Dyed Low Sulfur Diesel
Shepherd Pit	Red Dyed Low Sulfur Diesel
County Shop, Road	Regular No Lead Gas and <b>Red Dyed Ultra Low Sulfur Diesel</b>
Mixing Plant	Red Dyed Low Sulfur Diesel Fuel
Solid Waste, Dump	Regular No Lead Gasoline and <b>Red Dyed Ultra Low Sulfur Diesel</b>

Diesel fuel to be blended a minimum of 30% in winter months, approximately from November 1 through March 31, at the discretion of the Flathead County Road Department, depending upon winter weather.

Bidder to furnish net state prices. At the time a price fluctuation occurs the term contract holding vendor shall be required to supply a written, dated notice, detailing the effect the price fluctuation will have on his "Base Price".

For fuel provided under the term contract, prices and meter readings or "stick" measurements must be on all invoices. Invoices must be signed at the delivery point or signed at the County Shop Office after each delivery.

Bidder to state brand of gasoline and/or diesel fuel being on the bid form.

Bidder to include the following taxes with their price breakdown per gallon per delivery point on the attached form:

Gasoline include state tax no federal tax  
Diesel include no state tax no federal tax

Award of bid will be made only to a single vendor who can supply both gasoline and diesel fuel. If delivery points are not kept full Flathead County reserves the right to order fuel from another supplier to maintain operations.



**THURSDAY, JANUARY 8, 2009**  
**(Continued)**

All fuels provided and delivered under the terms of this contract shall meet or exceed Federal Fuel Commodity Specifications as referenced below:

Fuel Quality Requirements:

Gasoline - All gasoline provided shall meet or exceed Federal Specifications, VV-G-1690B.

Diesel Fuel - All diesel fuels provided shall meet or exceed Federal Specifications, VV-F-800B with reference to grades DF-#1 and DF-#2.

NOTE - If quality of fuels is questioned, the County reserves the right to have fuels tested and if found unsatisfactory to refuse delivery.

Each bidder must deposit with his bid, a bid security in the amount of two-thousand dollars (\$2,000.00), to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the supply, purchase, and sale of said gasoline and diesel fuels. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order, or bank draft issued by a Montana bank; or a bid bond executed by a surety corporation authorized to do business in Montana.

The form of contract and the bid form to be signed are on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

All sealed bids must be plainly marked "**GASOLINE & DIESEL BID**" and must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, 59901, on or before 5:00 o'clock p.m. on January 23, 2009. Bids will be opened and read at 10:00 o'clock a.m. on January 26, 2009 in the Commissioners' Office in the West Annex of the Courthouse.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

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

Dated this 8<sup>th</sup> day of January, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish on January 13 and January 20, 2009.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following:

Propane Fuel

Bidder will furnish in writing an affidavit that the bidder will be able to furnish all the materials (propane) that Flathead County will use in the next year, February 1, 2009 through January 31, 2009.

PROPANE - estimated usage - 200,000 gallons

Vendor to provide the 11,000 gallon minimum porta-pac/tank, the pump and motors, all piping and pressure regulating valves and gauges and related equipment to the liquid propane manifold which will meet the burner specifications on both volume and pressure down to a temperature of 32 degrees Fahrenheit, see attached diagram with specifications. If rental agreements are applicable, pertinent information maybe listed at the appropriate space provided. This should include the delivery and removal of the tank and equipment upon job completion and or the termination of said contract, including any man-hours required for set up or removal.

Bidder will provide the equipment necessary for the hookup between the porta-pac and the liquid propane manifold. Flathead County agrees to purchase any items needed for the hookup that are specific to our particular plant.

Once the porta-pac has been moved to the site Flathead County will bear the costs of any further relocating.

Bidder must be able to deliver materials to the Old Steel Bridge Pit, 1333 Holt Stage Road, Kalispell, MT. 59901, or to another predetermined location within Flathead County, on a keep full basis. Alternate delivery locations will be given to the vendor one-week prior to the effective date of change.

Delivery/Shipping will be F.O.B. to the specified plant location.

**THURSDAY, JANUARY 8, 2009**  
**(Continued)**

Bidder to furnish propane at net state prices (laid in price, rack price). At the time a net state prices (laid in price, rack price) fluctuation occurs the term contract holding vendor shall be required to supply a written, dated notice, detailing the effect the price fluctuation will have on net state prices (laid in price, rack price) and the total cost per gallon delivered.

For fuel provided under the term contract, net state prices (laid in price, rack price), delivery prices, totals per gallon, invoice total and meter reading measurements before and after delivery must be on all invoices. Invoices must be signed at the delivery point or signed at the County Shop Office after each delivery.

Bidder to state brand of propane fuel on the bid form.

Bidder is to bid only the delivery cost per gallon over the net state prices (laid in price, rack price) on the attached bid form.

Award of bid will be made only to a single vendor who can supply propane fuel, porta-pac unit, and related items needed to hook up to the liquid propane manifold. If delivery points are not kept full Flathead County reserves the right to order fuel from another supplier to maintain operations.

All fuels provided and delivered shall meet or exceed Federal Fuel Commodity Specifications.

NOTE - If quality of fuel is questioned, the County reserves the right to have fuel tested and if found unsatisfactory to refuse delivery.

Each bidder must deposit with his bid, a bid security in the amount of two-thousand dollars (\$2,000.00), to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the supply, purchase, and sale of said propane fuels. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order, or bank draft issued by a Montana bank; or a bid bond executed by a surety corporation authorized to do business in Montana.

The form of contract and the bid form to be signed are on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

All sealed bids must be plainly marked "**PROPANE**" and must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, 59901, on or before 5:00 o'clock p.m. on January 23, 2009. Bids will be opened and read at 10:00 o'clock a.m. on January 26, 2009 in the Commissioners' Office in the West Annex of the Courthouse.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

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

Dated this 8<sup>th</sup> day of January, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish on January 13 and January 20, 2009.

**CALL FOR BIDS**

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following:

**TIRES**

Tires for Flathead County Road and Bridge Departments.

Bids for new tires, tubes, recaps, and recapping.

Bidder will deliver and pick up tires at the Flathead County Shop Compound, 1249 Willow Glen Drive, Kalispell, MT.

There may be one bid for new tires and tubes and one bid for recaps and recapping.

Bid to be "firm" throughout contract period of February 1, 2009 through January 31, 2010 or until the County Commissioners call for new bids.

Bidder to furnish Net State Prices.

**THURSDAY, JANUARY 8, 2009  
(Continued)**

**Tire Sizes: New Tires**

10R22.5 12 ply (minimum) Steer Tires  
11R22.5 16 ply (minimum) Steer Tires  
11R22.5 16 ply (minimum) Drive Traction Tires  
11R24.5 16 ply (minimum) Steer Tires  
11R24.5 16 ply (minimum) Drive Traction Tires  
1400R24 12 ply (minimum) Snow Type Non Directional Grader Tires  
20.5X25 L5 Loader Tires  
23.5X25 L5 Loader Tires  
12X16.5 10 ply Skid Steer Tires  
225/60R16 Speed Rated All Season V Rated  
225/60R16 Speed Rated Mud and Snow (pin for studs)  
235/55R17 Speed Rated All Season V Rated  
235/55R17 Speed Rated Mud and Snow (pin for studs)  
235/75R15 6 ply All Season  
235/85R16 10 ply All Season  
235/85R16 10 ply Mud and Snow (pin for studs)  
245/75R16 10 ply All Season  
245/75R16 10 ply Mud and Snow (pin for studs)  
265/70R17 10 ply All Season  
265/70R17 10 ply Mud and Snow (pin for studs)

**Tire Sizes: Recap Tires**

10R22.5 Gripper Caps  
11R22.5 Gripper Caps (Using County Casings)  
11R24.5 Gripper Caps (Using County Casings)

Any other tires needed will be purchased at Net State Prices to be determined in the best interest of Flathead County.

Bidder to attach a typed copy of the above tire sizes listing the brand, size, tread style, grade or quality, and prices for bid comparison and to be attached to the contract if awarded the bid. Bidder is requested to include a catalog of their bid products that would include photos of tires and treads.

Delivery: Pickup and/or delivery/shipping will be F.O.B. to  
the Flathead County Shop at 1249 Willow Glen Dr.  
Kalispell, MT 59901.

Each bidder must deposit with his bid, a bid security in the amount of one thousand dollars (\$1,000.000) to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the period of February 1, 2009 through January 31, 2010. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order or bank draft issued by a Montana bank, or a bid bond executed by a surety corporation authorized to do business in Montana.

The successful bidder must be able to deliver materials within ten (10) days of their being ordered by the County.

Should continued problems arise with the materials being supplied by the bidder or if the bidder cannot supply the materials needed, Flathead County reserves the right to purchase the bid items from another supplier in order to maintain operations and safety standards.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, MT.

All sealed bids must be plainly marked "**TIRES**" and must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, 59901, on or before 5:00 o'clock p.m. on January 23, 2009. Bids will be opened and read at 10:00 o'clock a.m. on January 26, 2009 in the Commissioners' Office in the West Annex of the Courthouse.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

THURSDAY, JANUARY 8, 2009  
(Continued)

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

Dated this 8<sup>th</sup> day of January, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish on January 13 and January 20, 2009.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following grades of LIQUID ASPHALT:

Estimated Usage

Emulsified Asphalt - CRS 2 -- 500 tons

Bidding is to be by the ton F.O.B. to Flathead County and the specific site, which will be disclosed at the time the order is placed. Bid price is to also include appropriate placement of materials on County site by successful bidder. Distributor to be mounted with a Bear Cat computerized spray bar with a minimum 4,000 tank or equivalent. Supplier shall have oil sample test results on hand and available upon request of Flathead County. Bidder will be responsible for proper product, temperature, consistency, and application.

All orders will be placed with the successful bidder by 4:00 p.m. on the day prior to delivery. All orders to be delivered at 7:00 a.m. the next morning. Tanks to be equipped with factory mounted visual thermometers.

Bidder will be responsible to provide County with two (2) oil samples to be taken at the point of delivery, before application begins. Oil samples will be labeled and ready to be tested. Labels and attached documentation are to include date, type of material, temperature, and any other information needed for adequate testing.

Bid to be from February 1, 2009 through January 31, 2010, or until the County Commissioners call for new bids, with the right to go to the next supplier if asphalt is not available or if the asphalt does not meet MDOT specifications from the successful bidder. Bid price is to include on site delivery within Flathead County and for materials to be placed on the road by the vendor.

Each bidder must deposit with his bid, a bid security in the amount of three-thousand dollars (\$3,000.00), to secure the bidder's express covenant that if the bidder is awarded the contract the bidder will, within ten (10) days, enter into a formal contract; or otherwise the bidder will pay to Flathead County the difference between the amount of his bid and the amount for which Flathead County contracts with another party to complete the contract; bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order or bank draft issued by a Montana bank; or a bid bond executed by a surety corporation authorized to do business in Montana.

All sealed bids must be plainly marked "**LIQUID ASPHALT BID**" and must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, 59901, on or before 5:00 o'clock p.m. on January 23, 2009. Bids will be opened and read at 10:00 o'clock a.m. on January 26, 2009 in the Commissioners' Office in the West Annex of the Courthouse.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

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

Dated this 8<sup>th</sup> day of January, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish on January 13 and January 20, 2009.

THURSDAY, JANUARY 8, 2009  
(Continued)

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following grades of LIQUID ASPHALT:

Estimated Usage

Asphalt - PG64-22 & PG58-22 -- 2,000 tons  
Asphalt - SS 1 Tack Oil -- 30 tons

The award of bid will be made to a single vendor who will supply both types of liquid asphalt. The award of bid will be made on the basis of an overall low bid determined by use of the County's estimated usage for each type of liquid asphalt and the bidders' price for each type of liquid asphalt. The estimated usage figures are to be used only for the purpose of determining an overall low bid; actual usage of each type of asphalt for 2009 asphalt season may vary from those estimates.

All pricing is to be by the ton F.O.B. to the Flathead County Asphalt Plant in Kalispell and/or to the Flathead County Shop in Kalispell.

All orders will be placed with the successful bidder by 4:00 p.m. on the day prior to delivery, at which time the contractor will be told the type of oil to deliver. All orders to be delivered at 7:00 a.m. the next morning. All trucks shall have pumps to unload in overhead tanks. Asphalt will be 290 degrees Fahrenheit at time of delivery. Emulsified asphalt will be 140 degrees Fahrenheit when delivered. Tanks to be equipped with factory mounted visual thermometers. Supplier shall have oil sample test results on hand and available upon request to Flathead County.

Bid to be from February 1, 2009 through January 31, 2010, or until the County Commissioners call for new bids, with the right to go to the next supplier if asphalt is not available or if the asphalt does not meet MDOT specifications from the successful bidder.

Each bidder must deposit with his bid, a bid security in the amount of three-thousand dollars (\$3,000.00), to secure the bidder's express covenant that if the bidder is awarded the contract the bidder will, within ten (10) days, enter into a formal contract; or otherwise the bidder will pay to Flathead County the difference between the amount of his bid and the amount for which Flathead County contracts with another party to complete the contract; bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States: a cashier's check, certified check, bank money order or bank draft issued by a Montana bank; or a bid bond executed by a surety corporation authorized to do business in Montana.

All sealed bids must be plainly marked "**LIQUID ASPHALT BID**" and must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, 59901, on or before 5:00 o'clock p.m. on January 23, 2009. Bids will be opened and read at 10:00 o'clock a.m. on January 26, 2009 in the Commissioners' Office in the West Annex of the Courthouse.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

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

Dated this 8<sup>th</sup> day of January, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish on January 13 and January 20, 2009.

**12:00 p.m. Commissioner Brenneman: Bigfork Steering Committee Public Forum @ Bethany Lutheran**  
**2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Sr. Center**  
**7:30 p.m. Fair Board meeting @ Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 9, 2009.

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**FRIDAY, JANUARY 9, 2009**

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

**7:00 a.m. Commissioner Lauman and Dupont: Pre-Release Center meeting @ Triangle Building**  
**9:00 a.m. Commissioners' Annual Workshop @ Solid Waste Conference Room (till 3)**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 12, 2009.

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