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## MONDAY, MARCH 2, 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.**

Shirley Anderson spoke in support of having a Development Predictability Map available and stated there are so many differences between different areas of the county. She then reviewed the water tables in the unique area of Helena Flats where they have no zoning. Anderson added they have owners and developers coming to them and asking for advice as to what they can do with their property. She further added that before the Planning Board and Commission can make smart decisions about development that they need to know what is available. She then asked that consideration be given to adding availability of sewer to the list of factors also.

Joseph Ruffolo asked whether the Neighborhood Plan or the County Land Use Map for Density Plan would take precedence when decisions are made.

Commissioner Brenneman explained that it is his understanding that a Neighborhood Plan is an already adopted plan for an area, and predictability mapping is a tool to give them the ability to understand what is going to be needed by developers should they decide to develop in a given or particular unzoned area.

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

### **COS REVIEW: TAYLOR**

[10:47:03 AM](#)

Members present:

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

Others present:

Planner Dianna Broadie, Rick Breckenridge, Deana Taylor, Clerk Kile

Planner Broadie reviewed the previous unanimous denial of the Taylor COS review by the Commission on November 17, 2008, at which time there were concerns in regards to inadequate access and that the division was actually benefitting the grantor, because the husband had quit claimed the property to the wife and was receiving a parcel back. Broadie then explained on February 6, 2009, the applicant attempted to resubmit the same five lots with identical configuration to the Plat Room and the COS was returned. She then explained the applicant has now moved one lot line, making parcel 1 a flag lot and resubmitted a second time. She stated that it is substantially the same proposal. The subject parcel is located between Hwy 206 and Mooring Road north of Tavern Lane. The proposal is to split a 10.8 acre parcel into the following:

Parcel 1	1.90 Acres to be retained by Deanna Taylor
Parcel 2	1.26 Acres to be transferred to James Taylor, Son
Parcel 3	1.26 Acres to be transferred to Christopher Taylor, Son
Parcel 4	1.26 Acres to be transferred to Jennifer Taylor, Daughter
Parcel 5	4.72 Acres to be transferred to Alan Taylor, Husband

Rick Breckenridge representing the applicant stated that on November 26, 2008, a letter was sent to the commission stating the history of the family transfer as presented by staff was inaccurate, and that the applicants did not understand the process or give full answers to the questions that were being asked of them; so they asked for a new hearing. He then said a letter was sent to Deputy County Attorney Peter Steele who said this was the appropriate course of action. Breckenridge then reviewed the history of the property that Al Taylor received as part of an inheritance from his father's estate in 2001. He then spoke about the easement the Taylors have acquired along the access off the highway for an additional 10 feet, so they now have a 30 foot access through there. Right now the Taylor's are going to build a home there and their daughter also wants to build a home there; they didn't want to show any favoritism to one child over another, so consequently that is why the application is in the appearance that it is. He then explained he wanted to make the distinction that at the last meeting discussion was held in regards to court orders splitting out the property originally which were counted against them, and upon settling the estate each of the older Taylor children of Arthur's received a piece of the property.

Planner Broadie said basically the report before them has the same information as before. She then said there are two things that could cause a pattern. One being a previous split from a court order; had this court order never occurred this current action by itself stands alone as a pattern and the court order wouldn't have had any bearing on it.

Commissioner Dupont questioned what exactly the issue of the pattern change is.

Planner Broadie said the main issue is the creation of 5 lots; if they had created 4 parcels and it was all transferred to the children that it would probably be more legitimate, even though it would still be a pattern and as it was pointed out previously there are other means to subdivide property.

Commissioner Brenneman stated the problem he continues to have with the review is that Resolution 509D, which is part of the Subdivision Regulations will be used as the criteria whereby we make the judgments and exemptions from subdivision review under MCA 76-3-201 and 76-3-207 that are intended to relieve a landowner from the requirements of local review when the division of land either creates no additional building sites (agricultural exemption or boundary line adjustment) or creates so few building sites that only minimal impact will likely result; and that the purpose of the exemption is not to provide a means of creating numerous building sites without subdivision review, but rather to deal with the exceptional circumstances when plenary subdivision review is unnecessary. Brenneman then stated this looks like a subdivision and stated he feels it needs to go to subdivision review or have fewer lots.

Commissioner Dupont stated that he understands if you have 3 or 4 children that it would be split more times; and it appears that is where the transfers are going to.

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**(Continued)**

Planner Broadie explained one of the transfers is going back to the husband.

Commissioner Brenneman said in the past the county has had problems when properties are split multiple times without adequate access. He then said when the COS was reviewed in November that they were told that the purpose of transferring the lot from Deana Taylor to her husband was for her to sell the lot if necessary.

Deana Taylor stated that she misunderstood; that it was parcel 1. That they would only sell it if things got really bad; that they intended to build their dream home on parcel 5. That parcels 2, 3 and 4 were for her children.

Chairman Lauman asked Deana Taylor if they had a home on either parcel.

Deana Taylor stated they did not yet; that they were planning on building this spring.

Commissioner Dupont asked Deana Taylor if she understood the confusion they had in regards to looking at the family transfer with her and her husband splitting the 2 parcels.

Rick Breckenridge then stated they would like to withdraw and resubmit the COS without Alan Taylor's name.

Commissioner Dupont made a **motion** to continue consideration of the COS that will be resubmitted. Chairman Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

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

[11:02:03 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 noted a meeting is scheduled tomorrow with them in regards to the requirement of developers rebuilding county roads to standards that are set forth in the Flathead County Subdivision Regulations. He then gave an update on the cost share program packet that is ready to be distributed with a due date of March 27.

Discussion was held relative to Resolution 1374 in regards to dust control on county roads by commercial operators. Prunty noted that the application of the resolution is unenforceable with no state law granting the county the ability to apply it.

Commissioner Brenneman suggested that something be created under the air quality side in regards to public health and safety.

Foy then reported winter operations have been going well this past month.

Discussion was then held relative to presentations made to RAC by Guy Foy and Ovila Byrd in regards to the North Fork Road and Star Meadows Road where they are requesting \$175,000 from the Forest Service to do the work from Camas Creek up to Polebridge where a 6 inch lift and ¾" crushed material will be applied. Prunty stated they are requesting the Forest Service split deployment of the material with them 50/50. He then reported the other proposed project is on Star Meadows Road for \$56,000 to finish the chipping portion.

Foy then spoke about radio upgrade work in progress and implementing load limits shortly.

**CONSIDERATION OF ADOPTION OF RESOLUTION: CORRECT NO. 2182A/ LEGAL DESCRIPTION FOR PROPERTY TRANSFER TO SMITH VALLEY FIRE DISTRICT**

[11:37:41 AM](#)

Members present:

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

Others present:

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

Smith explained the correction is to change the legal description on the property to a met and bounds.

Commissioner Brenneman made a **motion** to approve the corrected legal description with Resolution 2182B. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 2182B

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;

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**(Continued)**

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, conducted a public hearing on the proposal on January 5, 2009, did not receive a protest petition signed by a majority of the landowners of the area proposed for annexation, and passed Resolution No. 2182A, allowing for 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, to be annexed into the Smith Valley Rural Fire District; and

WHEREAS, the Canyon Creek Ranch Subdivision has not received final approval and, therefore, the description used in Resolution No. 2182A is not a valid description.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners that the boundaries of the Flathead County Fire Service Area are hereby amended by transferring the property described on Exhibit A hereto, located in Section 21, Township 27 North, Range 23 West, P.M.M., Flathead County, Montana, into the Smith Valley Rural Fire District.

Dated this 2<sup>nd</sup> day of March, 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

**CONSIDERATION OF ADOPTION OF RESOLUTION: CORRECT NO. 2169B/ TYPOGRAPHICAL ERROR ON FISH HATCHERY ZONING DISTRICT**

[11:38:25 AM](#)

Members present:

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

Others present:

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

Smith explained the previous resolution contained a typographical error referring to an incorrect zoning classification.

Commissioner Dupont made a **motion** to adopt Resolution 2169C. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 2169C

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 passed Resolution No. 2169B on January 5, 2009, to correct typographical errors; and

WHEREAS, Resolution No. 2169B contains a typographical error referring to 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-1 (Suburban 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.

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BE IT FURTHER RESOLVED that the boundaries of the Fish Hatchery Zoning District cover approximately 132.51 acres of property along the shores of Flathead Lake between Somers and Lakeside and located on the east side of Highway 93, west of Flathead Lake, between the north boundary of Tract 8D in Section 35, Township 27 North, Range 21 West, as described in Book 387, Page 443 records of Flathead County, Montana, on the north, and south to the Mission View Terrace subdivision, an unrecorded subdivision plat.

Dated this 2<sup>nd</sup> day of March, 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

**CONSIDERATION OF ADOPTION OF RESOLUTION: CORRECT NO. 956CM/ LEGAL DESCRIPTION FOR HUNTER-OGRIN ZONE CHANGE/ BIGFORK AREA ZONING DISTRICT**

[11:39:32 AM](#)

Members present:

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

Others present:

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

Smith explained an incorrect description of the property was in the resolution previously adopted.

Commissioner Brenneman made a **motion** to adopt Resolution 956CM. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 956 CP

WHEREAS, the Board of Commissioners of Flathead County, Montana, considered a proposal to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, the Board of Commissioners, after following the procedures set forth in Section 76-2-205, M.C.A., adopted a final resolution (Resolution No. 956 CM, dated December 2, 2008) changing the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, in the adoption of that Resolution an incorrect description of the property upon which the Board of Commissioners intended to change the zoning designation was used; and

WHEREAS, the Board of Commissioners wishes to correct that legal description *nunc pro tunc* in order that the records of the County show that the zoning designation is applied to the correct property.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts this Resolution amending Resolution No. 956 CM to set forth the tract on which the zoning designation was changed from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, as Tract 3A in Section 34, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana, located just west of where Highway 209 crosses the Swan River at 214 Fern Lane, Bigfork, Montana.

Dated this 2<sup>nd</sup> day of March, 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 ADOPTION OF RESOLUTION: CORRECT NO. 966U/ LEGAL DESCRIPTION FOR THORNBERRY-SHUPERT ZONE CHANGE/ BLANCHARD LAKE ZONING DISTRICT**

[11:39:51 AM](#)

Members present:

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

Others present:

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

Smith explained an incorrect description of the parcel was in the resolution previously adopted.

Commissioner Dupont made a **motion** to adopt Resolution 966W. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 966 W

WHEREAS, the Board of Commissioners of Flathead County, Montana, considered a proposal to change the zoning designation in portions of the Blanchard Lake Zoning District from AG-40 (Agricultural) to SAG-10 (Suburban Agricultural);

WHEREAS, the Board of Commissioners, after following the procedures set forth in Section 76-2-205, M.C.A., adopted a final resolution (Resolution No. 966 U, dated November 13, 2008) changing the zoning designation in portions of the Blanchard Lake Zoning District from AG-40 (Agricultural) to SAG-10 (Suburban Agricultural);

WHEREAS, in the adoption of that Resolution, the Exhibit A attached thereto contained an incorrect description of the parcels upon which the Board of Commissioners intended to change the zoning designation; and

WHEREAS, the Board of Commissioners wishes to correct that legal description *nunc pro tunc* in order that the records of the County show that the zoning designation is applied to the correct property.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts this Resolution amending Resolution No. 966 U to set forth the proper tracts, as shown on Exhibit A hereto, on which the zoning designation was changed from AG-40 (Agricultural) to SAG-10 (Suburban Agricultural) as those terms are used and defined in the Flathead County Zoning Regulations.

Dated this 2<sup>nd</sup> day of March, 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

Exhibit "A"

Tract 1: A tract of land, situated, lying and being in the SW ¼ of the SW ¼ of Section 5; in the SE ¼ of the SE ¼ of Section 6 and in the NW ¼ of the NE ¼ of Section 7, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana. (Shown as Tract 1 of COS 17774), excepting therefrom that portion located in the NW ¼ NE ¼ in Section 7, T30N, R22W, PMM.

Tract 2: A tract of land situated, lying, and being in the SW ¼ of the SW ¼ of Section 5; in the SE ¼ of the SE ¼ of Section 6 and in the NW ¼ of the NE ¼ of Section 7, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana. (Shown as tract 2 of COS 17774)

Tract 3: A tract of land, situated, lying and being in the N ½ of the SW ¼ of Section 5, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana. (Shown as Tract 1 of COS 17800)

Tract 4: A tract of land, situated, lying and being in the NW ¼ of the NW ¼ of Section 8, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana. (Shown as Tract 1 of COS 1455)

Tract 5: A tract of land, situated, lying and being in the NW ¼ of the NW ¼ Section 8, Township 30 North, Range 22 West, excepting therefrom Tract 1 of Certificate of Survey No. 1455.

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**APPOINT COUNTY COMMISSIONER TO 911 BOARD**

11:41:04 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 Chairman Lauman to the 911 Board. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**LOAD LIMITS**

11:30:15 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

Commissioner Brenneman made a **motion** to adopt Resolution 2193 regarding load limits with the actual date to be set by the Road Department. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Resolution No. 2193

WHEREAS, the Board of Commissioners of Flathead County, Montana, is responsible for the maintenance of public highways under its jurisdiction;

WHEREAS, said public highways can be seriously damaged or destroyed by deterioration, rain, snow, thawing, or other climatic conditions unless the permissible vehicle weights are reduced;

WHEREAS, the Board of Commissioners of Flathead County, Montana, has the authority under Section 61-10-128, M.C.A., to impose restrictions on the weight of vehicles traveling on public roads under its jurisdiction;

WHEREAS, the public safety requires the immediate imposition of limits on county roads as an emergency measure to prevent accidents and damage to property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Section 61-10-128, M.C.A. that the following load limits shall apply until further order of the Board.

Load limit single axle 7 tons, tandem axle 14 tons, 350 lbs. per inch width of tire, however, at no time will the weight exceed 14,000 lbs. per single axle and 28,000 lbs. per tandem axle. Speed limit as posted.

Load limit single axle 8 tons, tandem axle 16 tons, 400 lbs. per inch width of tire, however, at no time will the weight exceed 16,000 lbs. per single axle and 32,000 lbs. per tandem axle. Speed limit as posted.

The load limit on the following roads shall be 350 to 400 pounds per inch of tire width as marked as well as 35 miles per hour speed limit: (If a particular road on this list has not been marked then no load limit is imposed at this time.)

<u>350</u>	<u>400</u>	<u>pounds per inch of tire.</u>
<u>350</u>	___	4th St. NW and 4th St. NE in Columbia Falls from 4th Ave. E to 4th Ave. NW.
<u>350</u>	___	Adams Street for the entire length of the road.
<u>350</u>	___	Angel Point Road for the entire length of the road.
<u>350</u>	___	Ashley Lake Road from Highway 2 to intersection with North Ashley Lake Road
<u>350</u>	___	Antelope Trail from Highway 93 to Hodgson Road.
<u>350</u>	___	Auction Road from Highway 93 to the end of the road
<u>350</u>	___	Austin Crossroad for the entire length of the road.
<u>350</u>	___	Bald Rock Road from Rhodes Draw to Church Drive
<u>350</u>	___	Bad Rock Road for the entire length of the road
<u>350</u>	___	Batavia Lane from Highway 2 to Ashley Lake Road
<u>350</u>	___	Beaver Lake Road from Hwy 93 N. to the end of the road.
<u>350</u>	___	Belton Stage Road from Hwy 2 to Hwy 2.
<u>350</u>	___	Berne Road for the entire length of the road.
<u>350</u>	___	Best Way for the entire length of the road
<u>350</u>	___	Bierney Creek Road from Hwy 93 to the end of the road.
<u>350</u>	___	Big Horn Drive from Hwy 2 to Smith Lake Road.
<u>350</u>	___	Bigfork Stage for the entire length of the road.
<u>350</u>	___	Bills Road for the entire length of the road.
<u>350</u>	___	Birch Grove from Helena Flats to Whitefish Stage.
<u>350</u>	___	Bitterroot Drive from Highway 2 to Pleasant Valley Road
<u>350</u>	___	Blackmer Lane for the entire length of the road.
___	<u>400</u>	Blacktail Road from Highway 93 to the end of the road.
<u>350</u>	___	Blanchard Lake Road from Hwy 93 to Karrow Ave.
<u>350</u>	___	Blankenship Road for the entire length of the road.
<u>350</u>	___	Boon Road from Highway 93 to end of road
<u>350</u>	___	Bowdish Road from US 93 to the end of the road
<u>350</u>	___	Brosten Lane for the entire length of the road.
<u>350</u>	___	Browns Meadow for the entire length of the road.
<u>350</u>	___	Brunner Road from Hwy 2 to S. Hilltop.
___	<u>400</u>	Cemetery Road for the entire length of the road.
<u>350</u>	___	Chapman Hill for the entire length of the road.

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\_\_\_ 400 Church Drive for the entire length of the road.  
350 \_\_\_ Clark Drive for the entire length of the road.  
\_\_\_ 400 Columbia Falls Stage and River Road from Highway 35 to Highway 2  
350 \_\_\_ Conn Road for the entire length of the road.  
350 \_\_\_ Coram Stage for the entire length of the road.  
350 \_\_\_ Coverdell Road for the entire length of the road  
350 \_\_\_ Creston Hatchery Road from Highway 35 to Lake Blaine Road  
350 \_\_\_ Creston Road for the entire length of the road.  
350 \_\_\_ Deer Creek Road for the entire length of the road.  
350 \_\_\_ Dillon Road for the entire length of the road.  
350 \_\_\_ Dyer Road for the entire length of the road.  
350 \_\_\_ East Edgewood Drive for the entire length of the road.  
350 \_\_\_ East Evergreen Drive for the entire length of the road.  
\_\_\_ 400 East Lakeshore from Big Mountain Road to the end of the road.  
350 \_\_\_ East Reserve Drive for the entire length of the road.  
350 \_\_\_ Echo Lake Road for the entire length of the road.  
350 \_\_\_ Eckelberry Drive for the entire length of the road.  
350 \_\_\_ Egan Slough Road from Hwy 35 to the end of the road  
350 \_\_\_ Elk Park Road for the entire length of the road  
350 \_\_\_ Fairmont Road for the entire length of the road.  
350 \_\_\_ Farm Road from Lower Valley to MT HWY 82.  
\_\_\_ 400 Farm-to-Market from Hwy 93 North, to the intersection of Lodgepole Road.  
\_\_\_ 400 FAS 486 (North Fork Road) from end of the oil, north to end of road  
350 \_\_\_ Fern Lane for the entire length of the road.  
350 \_\_\_ Ferndale Drive for the entire length of the road.  
350 \_\_\_ Flathead Lodge Road for the entire length of the road.  
\_\_\_ 400 Foothill Road from Lake Blaine Road to Echo Lake Road  
350 \_\_\_ Forest Hill Road for the entire length of the road.  
350 \_\_\_ Gladys Glen Road for the entire length of the road.  
350 \_\_\_ Gopher Lane from Highway 2 to Pleasant Valley Road  
\_\_\_ 400 Good Creek Road from American Timber entrance off of Highway 93 to the end of the road  
350 \_\_\_ Grand Avenue for the entire length of the road.  
350 \_\_\_ Grayling Road from Bierney Creek Rd. to Troutbeck Rd.  
\_\_\_ 400 Halfmoon Road north of Highway 40 from Stoltz Lumber Mill entrance going north to the end of the road  
350 \_\_\_ Hanging Rock Drive from Highway 82 to Holt Drive.  
350 \_\_\_ Helena Flats from Pioneer Road to Hwy 35.  
350 \_\_\_ Hodgson Road from Hwy 93 to Hwy 2.  
350 \_\_\_ Hoffman Draw from Highway 2 to end of road  
350 \_\_\_ Hog Heaven from Highway 29 to end of road  
350 \_\_\_ Holt Drive for the entire length of the road.  
350 \_\_\_ Holt Stage for the entire length of the road.  
350 \_\_\_ Hubbart Dam Road from Highway 2 to Crossover Road  
350 \_\_\_ Idaho Hill Road for the entire length of the road  
350 \_\_\_ Jaquette Road for the entire length of the road.  
350 \_\_\_ Jellison Road from Jellison Lane north to the end of the road.  
350 \_\_\_ Jensen Road for the entire length of the road.  
350 \_\_\_ J P Road from Whitefish River to Monegan Road.  
350 \_\_\_ Karrow Ave. for the entire length of the road.  
350 \_\_\_ Kelley Road for the entire length of the road.  
350 \_\_\_ Kila Road for the entire length of the road.  
350 \_\_\_ KM Ranch Road for the entire length of the road.  
350 \_\_\_ Kuhns Road for the entire length of the road.  
350 \_\_\_ Kuzmic Lane for the entire length of the road.  
350 \_\_\_ LaBrant Road for the entire length of the road.  
\_\_\_ 400 Lake Blaine Road from Highway 35 to Foothills Road  
350 \_\_\_ Lake Five Road form Hwy 2 to the Belton Stage Road.  
350 \_\_\_ Lakeside Boulevard for the entire length of the road.  
350 \_\_\_ Lindsey Lane for the entire length of the road.  
350 \_\_\_ Lost Creek Drive for the entire length of the road.  
350 \_\_\_ Lost Prairie Road from Highway 2 to Pleasant Valley Road  
\_\_\_ 400 Lower Valley Road from Highway 93 to Highway 82  
350 \_\_\_ Lupfer Road from Highway 93 to the end of the road.  
350 \_\_\_ Lutheran Camp Road for the entire length of the road.  
350 \_\_\_ Mable Street for the entire length of the road.  
350 \_\_\_ Managhan Lane from Highway 2 to Batavia Lane  
350 \_\_\_ Many Lakes Drive for the entire length of the road.  
350 \_\_\_ Marquardt Lane from Highway 2 to Kienas Road  
350 \_\_\_ Martin Camp Road Highway 93 for the entire length of the road  
350 \_\_\_ McCaffery Road for the entire length of the road.  
350 \_\_\_ McMannamy Draw from Farm-to-Market to the end of the road  
350 \_\_\_ Meadow Lake Blvd for the entire length of the road.  
350 \_\_\_ Mennonite Church Road for the entire length of the road.  
350 \_\_\_ Middle Road for the entire length of the road.  
350 \_\_\_ Monegan Road for the entire length of the road.  
350 \_\_\_ Monte Vista Drive for the entire length of the road.  
350 \_\_\_ Montford Road for the entire length of the road.  
350 \_\_\_ Morning View Drive for the entire length of the road.  
350 \_\_\_ North Hilltop Road for the entire length of the road.  
350 \_\_\_ North Somers Road for the entire length of the road.  
350 \_\_\_ Olney Loop Road for the entire length of the road.  
350 \_\_\_ Patrick Creek Road from Foys Canyon Road to the end of the road  
350 \_\_\_ Phanco Lane for the entire length of the road.  
350 \_\_\_ Pleasant Valley Road from Highway 2 to Lost Prairie Road  
350 \_\_\_ Political Hill for the entire length of the road.  
350 \_\_\_ Rabe Road for the entire length of the road.  
350 \_\_\_ Ramsfield Road for the entire length of the road.  
350 \_\_\_ Ranch Road for the entire length of the road.  
350 \_\_\_ Reservoir Road from E. Lakeshore to the end. (Northwoods Drive)

**MONDAY, MARCH 2, 2009**  
**(Continued)**

\_\_\_\_ 400 Rhodes Draw from Farm-to-Market to the end of the road  
350 \_\_\_ River Bend Drive for the entire length of the road.  
350 \_\_\_ Riverside Road for the entire length of the road.  
\_\_\_\_ 400 Rocky Cliff Road from Highway 93 to Airport Road  
350 \_\_\_ Rogers Lake Road from Highway 2 to Sickler Creek Road  
\_\_\_\_ 400 Rogers Road for the entire length of the road.  
350 \_\_\_ Rose Crossing from Whitefish Stage to Helena Flats.  
350 \_\_\_ School Addition Road for the entire length of the road.  
350 \_\_\_ Schrade Road from Hwy 93 to Whitefish Stage Road  
350 \_\_\_ Shady Lane for the entire length of the road.  
350 \_\_\_ Sickler Creek Road from Highway 2 to Rogers Lake Road.  
350 \_\_\_ Smith Lake Road from Whalebone Drive to Kila Road  
350 \_\_\_ Snow Line Road from Highway 93 to the end of the road  
350 \_\_\_ Somers Road for the entire length of the road.  
350 \_\_\_ Somers Stage Road from Hwy 93 to the end of the road.  
350 \_\_\_ South Fork Road from US Hwy 2 to Spotted Bear Road.  
350 \_\_\_ South Hilltop Road from Talbot Road to Jellison Road.  
350 \_\_\_ South Woodland Dr. from Woodland Ave. to Kelly Road.  
350 \_\_\_ Spring Creek Drive for the entire length of the road.  
350 \_\_\_ Springcreek Road from Hwy 93 to the end of the road.  
\_\_\_\_ 400 Spotted Bear Road from Old US 2 to South Fork Road  
350 \_\_\_ Stillwater Road from Church Drive to Kalispell City Limits.  
350 \_\_\_ Stoner Creek Road for the entire length of the road.  
350 \_\_\_ Sullivan Crossroad for the entire length of the road.  
\_\_\_\_ 400 Sunset Drive for the entire length of the road.  
350 \_\_\_ Swan Hill Road for the entire length of the road.  
350 \_\_\_ Swan River Road from MT 83 to MT 209.  
350 \_\_\_ Tamarack Creek Road from Hwy 93 N. to the end of the road.  
350 \_\_\_ Tamarack Lane from 4th Ave NW to East Edgewood Drive.  
350 \_\_\_ Tavern Lane for the entire length of the road.  
350 \_\_\_ Thompson River Road from Highway 2 to County Line  
350 \_\_\_ Tetrault Road for the entire length of the road.  
350 \_\_\_ Three Mile Drive from West Springcreek to end of the road.  
350 \_\_\_ Timber Lane for the entire length of the road.  
350 \_\_\_ Trap Road for the entire length of the road.  
350 \_\_\_ Truman Creek Road for the entire length of the road.  
350 \_\_\_ Trumble Creek Road for the entire length of the road.  
350 \_\_\_ Twin Acres Drive for the entire length of the road.  
350 \_\_\_ Twin Bridges Road from Lodgepole Road to Farm-to-Market.  
350 \_\_\_ Voerman Road for the entire length of the road.  
350 \_\_\_ Vonderheide Lane for the entire length of the road.  
350 \_\_\_ Walsh Road from Hwy 2 to South Hilltop Road.  
350 \_\_\_ West Evergreen from Highway 2 to Whitefish Stage Road  
350 \_\_\_ West Springcreek from Highway 2 to Three Mile Drive  
350 \_\_\_ West Valley Drive for the entire length of the road.  
350 \_\_\_ Whalebone Drive for the entire length of the road.  
\_\_\_\_ 400 Whitefish Stage from Kalispell City Limits to Reserve  
350 \_\_\_ Wiley Dike Road for the entire length of the road.  
350 \_\_\_ Wishart Road for the entire length of the road.  
350 \_\_\_ Wolf Creek Road for the entire length of the road.  
350 \_\_\_ Yoeman Hall from Hwy 206 E. to the end of the road.

Variances may be granted by permit obtained through the County Road Department.

16<sup>th</sup>

BE IT FURTHER RESOLVED, that this resolution shall be effective the 16<sup>th</sup> day of March 2009, and shall be in effect until load limits are removed by motion of this Board.

Dated this 2<sup>nd</sup> day of March, 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

MONDAY, MARCH 2, 2009  
(Continued)

**CONSIDERATION OF DEVELOPMENT PREDICTABILITY MAP PROJECT**

[11:31:49 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, Assistant Planning & Zoning Director B J Grieve, Charles Jaquette, Randy Toavs, Frank DeKort, Jim Heim, Gina Klempel, George Culpepper, Ardis Larsen, Jeff Larsen, Shirley Anderson, Joseph Ruffolo, Clerk Kile

Commissioner Brenneman said that as he understands this it is to allow the committee to move forward with their plan of what housing densities would be desirable on unzoned Flathead County properties.

Chairman Lauman stated he would like to see a map showing where we are today in regards to our population basis and if and where services are available.

Commissioner Brenneman further said that he agreed that we need to proceed as we are charged very clearly in MCA statute 76-3-501 to avoid subdivisions that would involve unnecessary environmental degradation, and danger of injury to health and other public services that would necessitate an excessive expenditure of public funds for the supply of services. He then stated to a large degree we have been shooting in the dark in regards to what some of the effects are going to be on our services, and agreed that it would be a logical step that would give them information they could use.

Commissioner Dupont stated that he sees this as a tool for planners as well as citizens moving into the county.

Discussion was held relative to holding public meetings in order to get feedback from the plan. The feedback would then be reported to the commission sometime in May.

B J Grieve explained before public meetings would be held that sub committees would be meeting to discuss how best to prepare for meetings held with the public.

**8:00 a.m. Weed & Parks Board meeting @ Weed & Parks Office**  
**9:30 a.m. Commission to tour: Agency on Aging new location @ Gateway West Mall**  
**12:00 p.m. Commissioner Brenneman: MACo Conference Call**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 3, 2009.

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**TUESDAY, MARCH 3, 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.**

**TAKE ACTION: EASTVIEW CENTER**

[9:30:36 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Clerk Kile

Chairman Lauman read into the minutes that Eastview Center would not move into final plat stages per a letter from Larsen Engineering.

TUESDAY, MARCH 3, 2009  
(Continued)

**MEETING W/ ERIC MULCAHY/ SANDS SURVEYING RE: ROAD CONDITONS**

[9:31:11 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Operations Manager Road & Bridge Dept Guy Foy,  
Planning & Zoning Director Jeff Harris, Eric Mulcahy, Tom Sands, Alan Gilbertson, Clerk Kile

Mulcahy explained that it is his understanding that the primary purpose of the direct impact formula in the Subdivision Regulations is to essentially address gravel roads and dust in the county. He then said the condition as it is being interpreted is that it is a complete rebuild of the road; which means stripping down the road base, widening the road, re-doing drainage, culverts, adding a new base and then paving. Mulcahy stated these are county roads and what is being required is going above and beyond the intent of the regulation which was to address dust problems. He then said the developer of Canyon Creek Ranch is paving almost one mile of Rogers Lake Road which wasn't required; that they thought they were going to pave it to the existing width and fix the rotten spots in the road. He further said they weren't anticipating digging a mile of the road up. He also spoke about another subdivision where the developer voluntarily offering to pave 1.6 miles of KM Ranch Road when they would only be required to pave 2,244 feet; again they were assuming this meant they only needed to fix the rotten spots in the road. Mulcahy said if they have to completely rebuild and widen the road the developers won't offer to do more than they are required to do.

Tom Sands said this is a total change of the history of paving county roads. He then said he firmly believes that the developers will take care of the dust problems, but that it's the county responsibility to rebuild the road before it is paved by the developer, because they have to take care of the road whether its paved or not. Sands then noted the Resthaven RSID project done last summer by the county was not built to county standards and stated it seems we have a double standard going on here; if the county wants to do it then its one way, and if the developer wants to do it they have to tear it up and rebuild the county road.

Prunty commented that we have new Subdivision Regulations that the Road Department is following and from his understanding and those in the Planning Office that it is pretty explicit in the regulations that you are going to construct and rebuild the roads to County Road Departments specifications. He then said that he agreed with Mr. Sands in regards to the specs regarding 18 inches of pit run, 3 inches of crush and four 2 inch mats of paving; which is the worse case scenario. He then spoke about utilizing the material that is already on the road and having a study done to determine the design and then apply some engineering to get to a structural number that is less than the specs; yet that the engineer will still certify and say it is good enough for what it is going to be utilized for. Prunty stated he hopes some engineering can be applied so the applicant can be given the ability to not have to build the worse case scenario spec that is in the requirements.

Tom Sands said he totally understands what is being said, but that it is a double standard. He then spoke about an RSID project (Snowghost) that was paved last fall where the road wasn't rebuilt, RSID (Sandy Hill) which was paved the summer before last; another county project and the road was not paved to county standards and no studies were done on the base. Sands stated the county knows the history of roads and where bad spots are and if there are bad spots he has no problem fixing them, but to require a developer to come in a rebuild the whole road is outrageous. He further stated if the road needs to be rebuilt the county needs to rebuild it; that it shouldn't be the developers responsibility to rebuild it because it's a bad county road.

General discussion was held relative to Flathead County Subdivision Regulations and Flathead County Road Department standards.

Prunty explained that he did have concerns with the Resthaven RSID project that was done. He then stated that since he started in this position that we have specs and we are going to build to them.

Mike Pence said it is unfortunate that the design on the RSID's were done before the Subdivision Regulations were passed, but that the ones being done now on Mennonite Church Road, Jensen Road and Badrock Road will be required to be built to standards.

Tom Sands said they feel they are getting blind sighted by county requirements, as they work with a client on a project for a couple of years before it is brought before the Planning Staff. He then stated he would not bring any more projects before them offering to pave roads.

Commissioner Brenneman said the fact before them is that they accepted as a finding of fact that Rogers Lake Road is a gravel county road that is up to county standards. He then added it is certainly understandable in condition 19 that states: The applicant shall pave Rogers Lake Road starting at the northern portion of the subdivision to the last driveway on the south end of the subdivision. That the applicant has been told the road is up to county standards and here is what we are going to pave. Brenneman said had the phrase been in there, "and bring up to county standards and then pave," they might have a case where the applicant would have been aware of the full implication of what they were agreeing too. He then stated he appreciated the Road Department's efforts in building the case they did build, but doesn't agree there is anything that indicates the subdivision regulations and standards of roads apply in this case to this road. He then said it is his opinion that the applicant should work with the county and the Road Department needs to make a decision about what we can afford and what we are going to accept as being county standards on Rogers Lake Road.

Chairman Lauman said we have set up a unique situation with Rogers Lake Road that we need to go through with. He then stated he appreciated Mr. Sand's insight on the RSID projects and added that we do need to have standards that fit everyone. Lauman added that he believes that sometimes it might be better to pave less road and have a good quality road than to pave a lot of road and not have a quality road.

Harris said the issue of whether a developer paves a longer road length than the regulations require is really up to the developer.

**TUESDAY, MARCH 3, 2009**  
**(Continued)**

Prunty asked if the road isn't built to county standards if they would be following Flathead County Subdivision Regulations.

Harris said the regulations say all roads need to be built to county standards; that it is explicit in the regulations.

General discussion continued in regards to road standards.

Chairman Lauman suggested Sands Surveying and the developer work with the Road Department to find a mutual resolution.

Prunty noted that they would be happy to work with them and noted they would be outside their specifications, unless he is given the authority by the board to approve it.

Commissioner Brenneman stated that he had to with the commission adopting the findings of fact.

**MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE**

[10:01:07 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk Kile

Campbell presented the personnel transactions for the month of February 2009.

Commissioner Brenneman made a **motion** to approve the personnel transaction for February. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Brenneman. Motion carried by quorum.

Campbell then reported the trust fund balance on health insurance is at 2.8 million which is the same as last month and up \$800,000 from one year ago. She then reported on work comp expenses with the Sheriff's Office having the highest claim. Campbell noted from November 1, 2008 until February 1, 2009 there have been seven recordable claims reported compared to six last year during that time period. Also noted were union negotiations are continuing, wellness program awareness implementation classes are being held and work on the deputy pay project is ongoing.

Discussion was then held relative to filling a .20 FTE position in Dispatch and at the Library.

**MEETING W/ ALAN GILBERTSON RE: EVERGREEN LAND USE ADVISORY COMMITTEE**

[10:15:23 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, Alan Gilbertson, Maurice Eddie, Peg Eddie, Darlene Jump-Rauhe, Clerk Kile

Alan Gilbertson, President of the Evergreen Business and Property Owners Association came before the commission to ask for approval to form an Evergreen Land Use Advisory Committee and approval of its jurisdictional boundaries. He then reviewed the proposed boundaries and stated that he contacted Evergreen Water and Sewer, Glacier International Airport and Evergreen Rural Fire Department as they would all have an invested piece of land in the area. Gilbertson explained that after talking with them the proposed boundaries were expanded to include the 100 year floodplain and property surrounding the airport.

Harris then reported Alan Gilbertson informed him the resident and business community of Evergreen wanted to revise their Neighborhood Plan. He then added the existing plan is the City of Kalispell and Flathead County joint plan that dates back to FRDO that was the basis for zoning at the time. Harris noted there is a lot of activity going on in Evergreen with several zone change requests and it would make sense to have a committee closest to the group to be able to give recommendations.

Chairman Lauman stated that he worked on committees in the past and they are able to get a lot of the ground work done to go forward to the next step; that communication between that area and county agencies would be beneficial.

Harris then said the next step would be to define the area.

Alan Gilbertson said he expected to follow the boundaries of the Evergreen Rural Fire Departments boundaries, but that isn't what has been recommended to him.

Commissioner Brenneman noted that the entire fire district isn't zoned and asked if we had land use advisory committees to advise us of land that isn't zoned.

General discussion was held relative to unzoned land being outside of neighborhood plans.

A verbal commitment was made to prepare a resolution that will set the boundaries and establish guidelines for forming Evergreen Land Use Advisory Committee that will consist of two business owners, two citizens, one member from the Water and Sewer District board, one member from the Evergreen Fire Department board and one member from Glacier International Airport Board.

TUESDAY, MARCH 3, 2009  
(Continued)

**AUTHORIZATION TO PUBLISH CALL FOR BIDS: CHEMICALS/ WEED & PARKS DEPT.**

[10:40:28 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to authorize the publication for Call for Bids for Chemicals and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Brenneman. Motion carried by quorum.

CALL FOR BIDS

The Flathead County Weed/Parks/Recreation & Building Maintenance Board (heretofore known as the Flathead County Weed Department) will receive bids for the purchase of chemicals to be delivered FOB at the Flathead County Weed Department office, 309 FFA Drive, Kalispell MT 59901.

The chemicals to be purchased include Tordon 22K, Curtail, Transline, 2, 4-D Aquatic, Milestone and a small amount of Lontrel (to be purchased from the Building Maintenance budget). The instructions to bidders, specifications and amounts for the chemicals, and the forms of the bid sheet and contract to be signed, may be obtained from either the Flathead County Weed Department, 309 FFA Drive, Kalispell MT 59901 or the Flathead County Clerk and Recorder, 800 South Main, Kalispell MT 59901.

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

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

Sealed bids are to be marked "**Weed Control Bid**" and must be in the office of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before **5:00 o'clock p.m.**, on **March 20, 2009**. Bids will be opened and read at **10:00 o'clock a.m.**, on **March 24, 2009**, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main, Kalispell, Montana.

The Flathead County Weed Department reserves the right to reject any and all quotes and to accept the quotes deemed to be in the best interest of the County.

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

Dated this 3<sup>rd</sup> day of March, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

Publish on March 7 and March 14, 2009.

**AUTHORIZATION TO PUBLISH CALL FOR BIDS: LIQUID ASPHALT/ ROAD DEPT.**

[10:40:15 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to authorize the publication for Call for Bids for Liquid Asphalt (CRS 2) and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Brenneman. Motion carried by quorum.

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
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The estimated usage figures are to be used only for the purpose of submitting a bid; actual usage for 2009 asphalt season may vary from the estimate.

**TUESDAY, MARCH 3, 2009**  
**(Continued)**

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 p.m. on March 20, 2009**. Bids will be opened and read at **10:15 a.m. on March 24, 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 3<sup>rd</sup> day of March, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

Publish on March 7 and March 14, 2009.

Commissioner Brenneman made a **motion** to authorize the publication for Call for Bids for Liquid Asphalt (PG58-28 or PG64-22) and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Brenneman. Motion carried by quorum.

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	PG58-28 or PG64-22	2,000 tons
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The estimated usage figures are to be used only for the purpose of submitting a bid; actual usage for 2009 asphalt season may vary from the 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.

**TUESDAY, MARCH 3, 2009  
(Continued)**

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 p.m. on March 20, 2009**. Bids will be opened and read at **10:15 a.m. on March 24, 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 3<sup>rd</sup> day of March, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

Publish on March 7 and March 14, 2009.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 4, 2009.

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**WEDNESDAY, MARCH 4, 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**  
**1:00 p.m. Commissioner Brenneman: Historic Red Bridge meeting @ Glacier Discovery Center, Col. Falls**

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

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**THURSDAY, MARCH 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.

**8:30 a.m. AOA TAB meeting @ Eagle Transit**  
**3:00 p.m. Board Members General Training @ Earl Bennett Building**

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

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**FRIDAY, MARCH 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.

**9:00 a.m. Subdivision Review Committee meeting @ Commissioners' Meeting Room**  
**5:00 p.m. Commissioner Lauman: 4-H Spaghetti Dinner @ Christian Center**

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

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