
MONDAY, MARCH 23, 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.

12:00 a.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 24, 2009.

TUESDAY, MARCH 24, 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.

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

[9:00:12 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Health Dept Director Joe Russell, Clerk Kile

Russell reported things are moving in the right direction at the Animal Shelter with positive efforts being made and things getting done in a proper fashion. He then explained they are moving the cat room up front into an old conference room and installing a new furnace. They will now be able to handle a larger volume of cats as well as have a sick room, stray cat area and adoption room. Russell then reported the Mosquito Board has found an all terrain trac/amphibious vehicle they would like to purchase in order to be able to get product out faster and cover larger areas quicker. The board elected to put the vehicle in the budget and they are now seeking an opinion from the commission. Discussion was then held relative to a construction update on the Earl Bennett Building with conversation held in regards to finishing the conference room on the third floor addition that would seat 50 and financing for it. Russell noted he is tracking HB331 in regards to Health Department inspection fees.

BI-MONTHLY MEETING W/ MINDY COCHRAN, GIS

[9:32:06 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, GIS Director Mindy Cochran, Clerk & Recorder Paula Robinson, Clerk Kile

Cochran presented an ongoing projects report to the commission and gave an update on the following miscellaneous projects being worked on within the GIS Department. She reported work with Jim Burton to write legal descriptions for school districts is almost complete, work was done with Wade Fish to map bus routes for School District 6 that will be formally adopted by the Superintendent of Schools, sixteen corner recordation books have been scanned in order to make information available to the public via the internet, assistance was given to Jim Watson from the Parks & Recreation Board in mapping trails in Herron Park, an analysis of land owned by Flathead County adjacent to rivers/lakes was provided to Parks & Recreation Board, work was done with Jim Vandenburg with Forestry Consultants to provide map and ownership information in regards to areas eligible for fuels reduction, work is continuing with Century-Tel in cleaning up their data base for 911 purposes and GPS procedures were revised after eliminating a GIS Intern position. Cochran then added all of the districts in Flathead County were audited this year for the new tax year. She then noted they have been given the indication from Mark Peck that they plan to move the MSAG Coordinator position to the 911 consolidated center once it is built; a transition plan to accommodate the workflow process is being set up.

TUESDAY, MARCH 24, 2009
(Continued)

OPEN BIDS: CHEMICALS/ WEED DEPT.

[10:00:36 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Weed & Parks Director Jed Fisher, Clerk Kile

Bids received with bid bond enclosed from:

CHS	240 Gallons Tordon 22K Herbicide	\$ 92.34	/ Gallon
	100 Gallons Transline Herbicide	\$321.40	/ Gallon
	540 Gallons Curtail Herbicide	\$ 38.25	/ Gallon
	540 Gallons of 2, 3-4 Amine (Aquatic)	\$ 12.50	/ Gallon
	1 Gallon Lontrel	\$586.58	/ Gallon
	10 Gallons Milestone	\$298.14	/ Gallon
Westland Seed, Inc.	240 Gallons Tordon 22K Herbicide	\$ 87.80	/ Gallon
	100 Gallons Transline Herbicide	\$304.00	/ Gallon
	540 Gallons Curtail Herbicide	\$ 40.30	/ Gallon
	540 Gallons of 2, 3-4 Amine (Aquatic)	\$ 10.60	/ Gallon
	1 Gallon Lontrel	\$512.00	/ Gallon
	10 Gallons Milestone	\$297.35	/ Gallon
Alligare, LLC	240 Gallons Pictogram 22K	\$ 58.00	/ Gallon
	100 Gallons Clopyralid 3	\$130.00	/ Gallon
	540 Gallons Alligare Cody Herbicide	\$ 29.50	/ Gallon

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

OPEN BIDS: LIQUID ASPHALT/ ROAD DEPT.

[10:16:34 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Operations Manager Road & Bridge Dept Guy Foy, Ovilia Byrd, Clerk Kile

Bids received with bid bond enclosed from:

CHS	CRS 2	\$599.00	/ Ton
	PG 58/ PG 64	\$577.00	/ Ton
Montana Refining Company	CRS 2	\$575.00	/ Ton
	PG 58/ PG 64	\$630.00	/ Ton

Commissioner Brenneman made a **motion** to take the bids under advisement. Commissioner Dupont **seconded** the motion. **Aye** – Lauman, Brenneman and Dupont. Motion carried unanimously.

BOARD APPOINTMENT: BIGFORK STORMWATER ADVISORY COMMITTEE

[10:30:44 AM](#)

Members present:

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

Others present:

Grant Writer Debbie Pierson, Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Brenneman made a **motion** to appoint Mr. Christenson to the Bigfork Stormwater Advisory Committee. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: MC GARVEY ZONE CHANGE/ WILLOW GLEN ZONING DISTRICT

[10:35:10 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, Planner Andrew Hagemeyer, Clerk Kile

Commissioner Dupont made a **motion** to adopt final Resolution 654BG to approve the McGarvey Zone Change. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

TUESDAY, MARCH 24, 2009
(Continued)

RESOLUTION NO. 654 BG

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 17th day of February, 2009, concerning a proposal to change the zoning designation in a portion of the Willow Glen Zoning District from R-2 (One Family Limited Residential) to B-2 (General Business);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of Flathead County Planning Board regarding the proposed change in the Willow Glen Zoning District;

WHEREAS, based upon that recommendation and the testimony of the public, 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. 654 BF dated February 17, 2009) to change the zoning designation in a portion of the Willow Glen Zoning District from R-2 to B-2; and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on February 21, 2009, and February 28, 2009, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Willow Glen Zoning District to change the zoning designation for the area described on Exhibit "A" hereto from R-2 (One Family Limited Residential) to B-2 (General Business), as those terms are used and defined in the Flathead County Zoning Regulations.

DATED this 24th 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 FINAL RESOLUTION: EVERGREEN FIRE DISTRICT ZONE CHANGE/
EVERGREEN & VICINITY ZONING DISTRICT**

[10:37:02 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, Planner Andrew Hagemeier, Clerk Kile

Commissioner Brenneman made a **motion** to adopt final Resolution 797EY. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

RESOLUTION NO. 797 EY

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 17th day of February, 2009, to consider a proposal to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-3 (One Family Residential) to B-2 (General Business);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Evergreen and Vicinity 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. 797 EW, dated February 17, 2009) to change the zoning designation from R-3 (One Family Residential) to B-2 (General Business); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on February 21 and February 28, 2009, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

TUESDAY, MARCH 24, 2009
(Continued)

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Evergreen and Vicinity Zoning District to change the zoning designation, for the area described as the boundaries of Tracts 7AM27 and 7AM20 located in Section 33, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana situated as the southwest corner properties at the intersection of US Highway 2 and Meadowlark Drive, containing approximately 2 acres, from R-3 (One Family Residential) to B-2 (General Business), as those terms are used and defined in the Flathead County Zoning Regulations.

DATED this 24th 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

DOCUMENT FOR SIGNATURE: SERVICE PROVIDER AGREEMENT/ AOA

[10:37:51 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

Pence noted the agreements are to change the fees in providing health promotion services to different entities. The Lutheran Home fees will change from \$822.50 to \$1,000.00, Flathead Association of Senior Centers fee will change from \$2,622.00 to \$4,000.00, Whitefish Community Center Golden Agers fee will change from \$2,450.50 to \$3,655.00 and North Valley Senior Center fee will change from \$1,722.50 to \$2,500.00.

Commissioner Brenneman made a **motion** to approve the service provider agreements and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

PERSONNEL MATTER

[10:45:39 AM](#)

Members present:

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

Others present:

Sheriff Mike Meehan, Undersheriff Pete Wingert, HR Director Raeann Campbell, Deputy County Attorney Jonathan Smith

This meeting was closed to protect the privacy of the employee; after discussion the board resumed its open session.

Commissioner Brenneman made a **motion** to take the personnel matter under advisement. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CONTINUATION OF STIMULUS FUNDING DISCUSSION

[11:16:27 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont (seated) [11:21:48 AM](#)

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clarice Ryan, Clerk Kile

General discussion was held relative to stimulus money.

12:00 p.m. Commissioner Brenneman: CDC Board meeting @ Three Rivers Bank (Meridian)
4:00 p.m. Commissioner Dupont: RAC meeting @ Forest Service Office
5:00 p.m. Commissioner Lauman: Refuse Board meeting @ Solid Waste District Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 25, 2009.

WEDNESDAY, MARCH 25, 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.

Sue Handy, a resident on Deer Creek Road stated she has been casually talking about putting zoning in place for the past several years, and approximately one year ago put together a committee to start gathering information. She then explained they hope to eventually apply for zoning and stated they have met with Planning & Zoning to better understand the process. Handy then spoke about 6 acres in their proposed boundaries that were recently purchased and clear cut.

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

FINAL PLAT: DEER RIDGE

[9:15:25 AM](#)

Members present:

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

Others present:

Planner Allison Mouch, Dawn Marquardt, Clerk Kile

Mouch entered into record Final Plat FFP 09-03, Deer Ridge Subdivision; a subdivision creating one residential lot located on the north side of Hwy 2, approximately 26 miles west of Kalispell. Preliminary plat approval was granted on February 11, 2008, subject to 19 conditions that have been satisfactorily met.

General discussion was held relative to the need for conditions being on the final plat.

Commissioner Brenneman made a **motion** to approve final plat of Deer Ridge. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE OFFICE

[9:31:52 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 Jim Chilcote, Clerk Kile

Prunty reported after 13 months the Solid Waste Board has recommended with a 7-0 vote that they move forward with securing the lease from DNRC for 6 acres for the Marion/ Kila container site consolidation project, and to work with the engineer for a final design; with the goal of being through construction this summer. He then explained the next phase for the commission is to abandon part of a right-of-way where Ashley Lake and Hwy 2 come together before the state land commission will sign the lease. Prunty reviewed different thoughts on how to close the Marion and Kila container sites and a potential closing date. He then discussed budget concerns in regards to the reduction of gate fees and noted the Solid Waste Board is requesting that the container site educator position remain in the budget. He further reviewed tonnage volumes with February having the lowest tonnage intake in the past four years.

Discussion was held relative to purchasing the Somers container site on Hwy 83 that was improved approximately four years ago; the land is leased from MDOT and they have agreed to sell the 3.2 acre site for \$175,000.

Commissioner Brenneman asked why they are considering purchasing container sites when in the long term they are untenable in the long run for Flathead County.

Prunty explained the Solid Waste Board has given him the direction to attain container site ownership with as many sites as possible. He then stated the property would be an asset to the county and the strategic plan they are working on would be a valuable piece of property for the next refuse transfer station in the north shore area.

CONSIDERATION OF HR TRANSMITTALS: MOSQUITO CONTROL TECHNICIAN/ HEALTH DEPT.

[10:01:16 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Pence explained a new job description and authorization to approve up to two positions is included in the HR Transmittal.

Commissioner Brenneman made a **motion** to approve the job description and HR Transmittal for a Mosquito Control Technician. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

WEDNESDAY, MARCH 25, 2009
(Continued)

BUDGET AMENDMENT: CLERK & RECORDER'S OFFICE & FAIRGROUNDS

[10:03:52 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Finance Comptroller Joe Garza, Clerk Kile

Garza explained the Clerk & Recorder fees and miscellaneous collections have been reduced to better align with revenue projections for fiscal year 2009.

Commissioner Brenneman made a **motion** to approve Budget Amendment Resolution 2196. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

BUDGET AMENDMENT
RESOLUTION # 2196

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2008-2009, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2008-2009; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 25th 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

DATE OF ISSUE:		BUDGET ENTRY			VOUCHER NO.:	
DATE OF RECORD:		RESOLUTION #2196			Entered by:	
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESC	DEBIT	CREDIT
1000	0202	341040		Clerk & Rec Fees		100,000.00
1000	0207	341010		Misc Collections/ Map & Copies		11,000.00
1000		172000			111,000.00	
2395	0202	341040		Clerk & Rec Fees		10,000.00
2395	0202	341047		Non-Std Document Fees		2,000.00
2395		172000			12,000.00	
Explanation					123,000.00	123,000.00
Adjust non tax revenue budget line item						

Garza explained money was being moved within the department to cover expenditures during the Fair.

Commissioner Dupont made a **motion** to approve Budget Amendment Resolution 2197. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

BUDGET AMENDMENT
RESOLUTION # 2197

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2008-2009, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2008-2009; and

WEDNESDAY, MARCH 25, 2009
(Continued)

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 25th 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

DATE OF ISSUE:		3/20/2009			BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:							Entered by:	
RESOLUTION # 2197								
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESC	DEBIT	CREDIT		
2160	0238	460230	110	Salaries	16,500.00			
2160	0238	460240	112	Temporary Salaries		16,500.00		
2160	0238	460240	397	Contracted Services	3,200.00			
2160	0238	460240	110	Salaries		3,200.00		
Explanation					19,700.00	19,700.00		
Adjust salary line items to cover judges, superintendents, and other fair workers salaries.								

DOCUMENT FOR SIGNATURE: PROFESSIONAL SERVICES AGREEMENT ADDENDUM/ JACKOLA ENGINEERING

[10:08:42 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, Clerk Kile

Steele explained the agreement is an addendum to an original agreement with Jackola Engineering for work they did when they were the county surveyor; their work was used along with work done by the present County Surveyor Jim Burton.

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

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT.

[10:10:46 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 approve the print bid from Insty Prints for \$243.17 for business cards and reminder cards for the Health Department. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

PRELIMINARY PLAT: LAKESIDE ESTATES, PHASES 3-5

[10:16:14 AM](#)

Members present:

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

Others present:

Planner Andrew Hagemeyer, Eric Mulcahy, Doug Siderius, Tim Birk, Clerk Kile

Hagemeyer entered into record Preliminary Plat FPP 08-28, Lakeside Estates Phases 3-5. An application submitted by Lakeside Land Development with technical assistance from Sands Surveying and Birk Engineering for a major subdivision that would create 59 single family residential lots located in Lakeside, off Bierney Creek Road. This subdivision originally received preliminary plat approval on March 10, 2004 for Phases 2-5; Phase 2 has received Final Plat, Phase 3-5 expired on July 10, 2008; the applicant resubmitted preliminary plat for phases 3-5. Hagemeyer noted the applicant applied for a variance for a 20 foot travel surface that was recommended to be approved.

WEDNESDAY, MARCH 25, 2009
(Continued)

Commissioner Brenneman questioned Finding of Fact 6 which states: There is a potential negative impact to health and safety because the applicant has not addressed in materials required by Section 4.7.13 (a) FCSR how stormwater from one lot to another lot will be addressed.

Additional language was added to Finding of Fact 6 to state: DEQ will review all relevant information prior to approval.

Commissioner Brenneman questioned Findings of Fact 7 which states: There is a potential negative impact to health and safety because Skookum Road on adjacent Troutbeck Rise Subdivision is not up to standards for a secondary access for the proposed subdivision, as required by Flathead County from the property line of the subject parcel to the intersection with Troutbeck Road.

Hagemeier explained condition 16 addresses finding 7.

Commissioner Brenneman questioned the applicant in regards to whether they intend to improve Skookum Road between the intersection of Troutbeck Rise and Island Loop Road.

Hagemeier stated if the applicant improved Skookum Road between the intersection of Troutbeck Rise and Island Loop Road up to a 20 foot gravel standard it would be up to county standards for a secondary access.

Commissioner Brenneman asked if they agreed to do so.

Doug Siderius stated they would rebuild the road.

Additional language will be added to Finding of Fact 7 to state: These negative impacts are mitigated by condition 16.

Commissioner Brenneman asked if the applicant had any problem with condition 18.

Hagemeier said the applicant agreed to condition 18 in regards to fuels reduction and preferred the Planning Boards recommendation in thinning understory fuels; they did not want to remove over storage fuels.

Chairman Lauman stated he supported the development, yet expressed concern with stormwater drainage problems that were present in Phases 1 and 2 and asked that the concerns be addressed.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP 08-28 with findings as amended. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve Lakeside Estates, Phases 3-5 with conditions as amended by the Planning Board. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626A. 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 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 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]

**WEDNESDAY, MARCH 25, 2009
(Continued)**

e. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]

f. Waiver of Protest

Participation in Special Improvement District

[per County Resolution 503-M]

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]
13. 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.)]
14. 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]
15. 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]
16. 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 FCSR]
17. The applicant shall improve Skookum Road from the southern intersection with Island Loop Road to the intersection with Troutbeck Road to meet all standards for a gravel secondary access road in the Flathead County Road and Bridge Departments Minimum Standards for Design and Construction Manual. The variance from Section 4.7.17 FCSR that allows 20 foot road widths for internal subdivision roads in this proposal shall also apply to this improvement. This improvement must be completed prior to final plat approval of Phase 3.
18. The improvements to Skookum Road shall be certified by a licensed engineer
19. The applicant shall use Firewise guidelines to thin understory fuels to create defensible space of 30 feet from all building sites as they are shown on the preliminary plat prior to final plat approval of each phase. The applicant does not need to show building sites on the final plat.
20. The applicant shall show all easements for utilities and access on the final plat for each phase. The plats must show the easements for utilities that are not show on the preliminary plat but are discussed on item G. of the staff report.
21. The applicant shall be granted a variance from Section 4.7.17 FCSR allowing internal subdivision road and off site improvements of Skookum Road to have a 20 foot travel surface.

FINAL PLAT: LOGAN STAR 1

[10:31:31 AM](#)

Members present:

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

Others present:

Planner Dianna Broadie, Jane Eby, Clerk Kile

Broadie entered into record Final Plat FFP 09-05, Logan Star 1; a subdivision creating four residential lots located directly on either side of Star Meadows Road near the intersection of Logan Creek Road and Sanko Creek Road. Preliminary plat approval was granted on December 18, 2008, subject to 14 conditions.

Commissioner Brenneman made a **motion** to approve Final Plat of Logan Star 1. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: MOU & COLLECTIVE BARGAINING AGREEMENT/ OPERATING ENGINEERS-SOLID WASTE DISTRICT

[10:36:28 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Public Works Director Dave Prunty, Solid Waste Director Jim Chilcote, Clerk Kile

Pence explained the contract is retro-active and will include COLA for three years along with \$1.00 per hour for time spent in the household hazards waste facility. The agreement includes the MOU that addresses central pension.

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

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(Continued)

CONSIDERATION OF RELEASE OF COLLATERAL: MILL CREEK, PHASE 1

[10:41:54 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 release of collateral on Mill Creek, Phase 1. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman, Lauman and Dupont. Motion carried unanimously.

CONSIDERATION OF LOAD LIMITS

[10:46:35 AM](#)

Members present:

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

Others present:

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

Foy noted Star Meadows was left off the previous list from two weeks ago and is breaking up badly; a load limit of 350 is being set. He then added East Lakeshore had a load limit of 400 and it is being reduced to 350, Coclet Lane and Tronstad Road were missed on the previous list and are being added.

Commissioner Brenneman made a **motion** to adopt Resolution 2193A. Commissioner Dupont **seconded** the motion. **Aye** - Brenneman, Lauman and Dupont. Motion carried unanimously.

Resolution No. 2193A

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.)

350 400 pounds per inch of tire.

350 ___ 4th St. NW and 4th St. NE in Columbia Falls from 4th Ave. E to 4th Ave. NW.

350 ___ Adams Street for the entire length of the road.

350 ___ Angel Point Road for the entire length of the road.

350 ___ Ashley Lake Road from Highway 2 to intersection with North Ashley Lake Road

350 ___ Antelope Trail from Highway 93 to Hodgson Road.

350 ___ Auction Road from Highway 93 to the end of the road

350 ___ Austin Crossroad for the entire length of the road.

350 ___ Bald Rock Road from Rhodes Draw to Church Drive

350 ___ Bad Rock Road for the entire length of the road

350 ___ Batavia Lane from Highway 2 to Ashley Lake Road

350 ___ Beaver Lake Road from Hwy 93 N. to the end of the road.

350 ___ Belton Stage Road from Hwy 2 to Hwy 2.

350 ___ Berne Road for the entire length of the road.

350 ___ Best Way for the entire length of the road

350 ___ Bierney Creek Road from Hwy 93 to the end of the road.

350 ___ Big Horn Drive from Hwy 2 to Smith Lake Road.

350 ___ Bigfork Stage for the entire length of the road.

350 ___ Bills Road for the entire length of the road.

350 ___ Birch Grove from Helena Flats to Whitefish Stage.

350 ___ Bitterroot Drive from Highway 2 to Pleasant Valley Road

350 ___ Blackmer Lane for the entire length of the road.

350 ___ 400 Blacktail Road from Highway 93 to the end of the road.

350 ___ Blanchard Lake Road from Hwy 93 to Karrow Ave.

350 ___ Blankenship Road for the entire length of the road.

350 ___ Boon Road from Highway 93 to end of road

350 ___ Bowdish Road from US 93 to the end of the road

350 ___ Brosten Lane for the entire length of the road.

WEDNESDAY, MARCH 25, 2009
(Continued)

350 ___ Browns Meadow for the entire length of the road.
350 ___ Brunner Road from Hwy 2 to S. Hilltop.
___ 400 Cemetery Road for the entire length of the road.
350 ___ Chapman Hill for the entire length of the road.
___ 400 Church Drive for the entire length of the road.
350 ___ Clark Drive for the entire length of the road.
350 ___ Coclet Lane 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.
350 ___ 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 ___ Jacquette 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

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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)
___ 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 ___ **Star Meadows Road for the entire length of the 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 ___ **Tronstad 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.

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

BE IT FURTHER RESOLVED that this resolution shall be effective March 25, 2009, and shall be in effect until load limits are removed by motion of this Board.

Dated this 25th day of March, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Dale W. Lauman
Dale 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

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 March 26, 2009.

THURSDAY, MARCH 26, 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.

- 12:00 p.m. Commissioner Brenneman: Flathead Suicide Prevention Coalition meeting @ Earl Bennett Building**
- 1:30 p.m. Commissioner Brenneman: 911 Interlocal Review Committee meeting @ Earl Bennett Building**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 27, 2009.

FRIDAY, MARCH 27, 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.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 30, 2009.
