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## MONDAY, JUNE 15, 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.

### 1:00 p.m. Commissioner Lauman: Basinwide Aquatic Invasive Species meeting @ FWP

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 16, 2009.

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## TUESDAY, JUNE 16, 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.

Art Bielz, 1930 Hwy 2 West a resident of Smith Valley Fire District said an election was recently held and they have concerns in regards to how that election was run; although they don't have a problem with the outcome. He then stated a hit mailer was sent out at the same time ballots were sent out and it left the current board no recourse or ability to set the record straight. Bielz stated he is representing the membership of the fire department and read the following letter to the commission.

We the members of Smith Valley Fire Department represent the majority of the professional volunteers who are on the fire department. We have been loyal to our department and have worked hard to maintain a high level of service to the fire department. We are truly honored to serve the citizens of Smith Valley Fire District and are concerned about the implications that Mr. Berg our newly appointed board member will have on the reputation of our department.

After attending and observing two board meetings and a portion of us having worked with Mr. Berg when he was a volunteer fireman for the department, we feel he has consistently lacked concern for the district and the department.

By vote of the members at our June 9, 2009 meeting we declare that we have no confidence in the abilities of Mr. Marvin Berg with regards to matters regarding the Smith Valley Fire District as a board of trustee member.

We understand that Mr. Berg and Mr. Gillman have been elected to serve on the board of the Smith Valley Fire District because of a mail out ballot, but have concerns as to the slander it has caused the fire department and foremost the prior board members on how the flyer they mailed out was worded. Had Mr. Berg or Mr. Gillman approached our board on becoming trustees in an appropriate manner none of this would have become an issue.

As you are aware the Smith Valley Fire District has two openings for board members and therefore, feel it necessary to express our concerns. As you are aware Mr. Gronley, Chairman of the Board stepped down as he felt that Mr. Scarff would be a better candidate because of his dedication and knowledge of the district. At this time we would like to request that Mr. Scarff remain on the board and that the commission consider one of the following people for the other open position: Tracie Bielz, Tracy Love-Patten or Janice Seaman.

The honesty and absolute truthfulness of a board member must not be compromised in any fashion or we are crippled in being able to function as fireman because we lose the trust of the public we serve.

It should also be noted that the fire department members voted June 9, 2009 unanimously for a vote of confidence for our Fire Chief, Randy Feller and Assistant Chief, Doug Scarff.

Art Bielz  
Acting Representative for Smith Valley Fire Department

Randy Feller, Chief of Smith Valley Fire Department stated that from his previous dealings with Mr. Berg that he feels his reputation has tarnished their reputation as a fire district and fire department. He then said that he believes they need someone on the board to balance the board's ideas and goals versus the current three that they have. He then stated that he highly encouraged them to re-appoint Doug Scarff and one of the other members Art Bielz mentioned to the board of trustees, so piece and harmony can be on the board.

Paul Blankenship, 127 Wetington Drive, a resident of Smith Valley Fire Department said as a taxpayer he has no confidence in Mr. Berg. He then read a letter from Kris Long a member of the fire department

I apologize for my absence this morning, but wanted to make you aware of my concerns regarding the recent election of Marvin Berg and Rod Gillman to the Board of Trustees for Smith Valley Fire District and the potential issues created by that recent election.

After attending the last board meeting in which Mr. Berg and Mr. Gillman were present along with Tab Young, one of the current trustees, I became very concerned that the current board may have more of an agenda than what they are charged with under MCA. There was much discussion held with the public present and during the meeting it did not appear to me that anyone was recording the minutes of this meeting. When the current board member Tab Young was asked at the end of the meeting who took the minutes, he tapped his head with a pen and said something to the effect of "they're all in here". There was a lot of discussion at the board meeting June 9, and I do not see how one person can keep accurate minutes if nothing was written down. I believe that minutes of every Board of Trustee meeting are supposed to be recorded.

It is my understanding that generally speaking the Board of Trustees is responsible to assure that the district has adequate housing, equipment, manpower and set the budget. With the current hostilities being evident from Mr. Berg to our fire department leadership, how can we trust that the Board of Trustees will abide by their responsibilities and not overstep their authority?

Allegations were made that the members of Smith Valley Fire Department were responsible for creating a greater than normal public appearance at the last several meetings. We are all aware that Board of Trustee meetings must be published and are open to the public. After the letter was sent out by Mr. Berg and Mr. Gillman our entire department was put in the unfortunate spot of having to field questions regarding that letter. Many of us responded to those types of questions by encouraging community attendance and input at board meetings. After all we did not see a problem with the current Board of Trustees. Look at the changes that have taken place over the last several years under their oversight.

**TUESDAY, JUNE 16, 2009**  
**(Continued)**

We have a new building. We have newer fire apparatus and our membership is climbing. This is because we see the Smith Valley Fire Department as a place we the members want to be a part of.

The men and women of Smith Valley Fire Department take pride in our department. We are a part of the department because we choose to be and we are proud to perform the job that we do. As you are aware the department is not a paid department, but staffed by dedicated professionals who give our time willingly to the community that we serve. We train hard and learn how to pull together as a team in any situation. Many of us feel that the department has received a "black eye" due to the potentially libelous allegations that were published by Mr. Berg and Mr. Gillman regarding former Board of Trustee members Doug Scarff and Jeanette Feller. We feel our integrity is being questioned even by our own community, yet we were not responsible for the publication of such allegations. Many of us feel that the public should be asking these questions to the board, which is why we are encouraging public involvement in this process.

I do not have confidence in our current Board of Trustees. How can we be sure that they will abide by MCA and do only the job they are charged with doing?

Kris Long  
Firefighter/ Paramedic

Doug Scarff, 202 Lone Pine Road stated that he wants to make sure there is a good balance on the Board of Trustees and is someone who can sit in the middle of the fence on contentious issues. He then said the balance of the board as it is seated right now is very lopsided and urged the commission to take action and balance the board, and maybe look at adding a member or two in order that there would be a fairer balance.

Charles Lapp, 3230 Columbia Falls Stage Road said the Road Advisory Committee last week spent all day driving around looking at roads that the county currently maintains that are residences driveways, dead end roads into just a few homes or actual subdivision roads that the county took over sometime ago. He noted during this trip that a comment was made that the Road Department may now get sucked into maintaining bike trails in the valley. Lapp stated that it is going to be hard to justify maintaining bike trails when we stop maintaining county roads.

Helen Pilling spoke in favor of the county maintaining bike and pedestrian trails. She stated they are being used heavily every day and will be used more and more with additional connections being built.

Alan Habel, 111 Pheasant Dale Way said if you proceed with this RSID during the 30 day comment period he will spearhead to stop it; that it isn't right. He stated it is his understanding that some funds were not collected from the Leighty Brothers on their first addition, which is almost to the equivalent amount needed to pay for the RSID. He said the primary purpose for this RSID which he use to be in favor of is to see the dust go away. He noted he spoke to 5 families that are adamantly opposed to the RSID the way it is being done and stated that we all know there is going to be more development happening within the next few years, and in another 10 years we will have doubled the homes and they won't have to contribute one dime towards what we all want to have done. Habel then proposed that paving be postponed and they continue on with other avenues of perhaps oiling the road. He then spoke about other roads within the county that have been paved with absolutely no reason for them to have gotten paved. Habel stated that the RSID is not being administered appropriately although the rules are being followed and that they are being over burdened with taxes. He then said if the RSID cannot be done the right way that he suggested the Leighty's and who ever else is going to develop out there should contribute more money to take care of the impact that their subdivisions are having.

Le Roy Stevens, 1617 Fox Tail Drive said with greater county involvement the total of the RSID cost is being proposed at \$320,000.00. He then explained it is \$3,073.00 per lot and at 20 years and 5 percent interest the payment would be \$246.00 per year or 67¢ a day. Stevens then added don't get me wrong, I think the county should pave it; but feels the only solution is to pave it now. He then encouraged the commission to approve the RSID.

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

**BI-MONTHLY MEETING W/ DEBBIE PIERSON, GRANT WRITER**

[9:18:59 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Pierson reported they should hear some time this fall on the AFG Grant that was submitted totaling \$999,986.00. She then explained she is working on an EECBG Energy Grant for \$274,200.00 which is a direct formula grant, which means provided they get the pieces in and they like them they will receive the money. The grant money will be put towards energy efficiency retro-fits which would include Courthouse windows, upgrades to the HVAC system at the Animal Shelter and insulation upgrades to the Blue Bldg. It was then reported TCEP funding of \$625,000.00 was received for the stormwater project which is based on meeting start up conditions by June 30, 2011.

TUESDAY, JUNE 16, 2009  
(Continued)

**CONSIDERATION OF AUTHORIZATION TO APPLY FOR EECBG GRANT**

[9:25:23 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Pierson explained the letter is for the EECBG Grant which authorizes Assistant Mike Pence to be the authorized person to apply for the grant and make a commitment that Davis Bacon Wages will be followed.

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

**DOCUMENT FOR SIGNATURE: MOU PROTOCOL FOR COORDINATION/ FOREST SERVICE**

[9:32:24 AM](#)

Members present:

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

Others present:

Deputy County Attorney Jonathan Smith, Fred Hodgeboom, Clarice Ryan, Ron Buentemeier, Gina Klempel, Clerk Kile

Commissioner Dupont said he has looked over the agreement and sees it as a document where maybe we can communicate better with the Forest Service and be more involved in active participation of federal lands, and how the Forest Service is going to accommodate or let us know what they are going to do and how they are going to do it. He then stated he doesn't feel it is a document that tells the Forest Service what they can and can't do; it is more of an open document that will allow open communication with free exchange of information on public land use in the county. Dupont further said there are some events that have happened over the past several months in regards to closures that we were not notified of and that it would be nice to have open and meaningful meetings with the Forest Service in order to come to mutual understandings of some of the issues they are dealing with.

Commissioner Brenneman said he had concerns that the document is based upon policy from BLM land management rather than Forest Service land management. He further said he was certainly in favor of improved communications, but has concerns that the document might actually get in the way of Forest Service management on federal lands.

Chairman Lauman stated that he agreed with all the comments made and feels that it might open up communication between the Forest Service and the county.

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

Commissioner Brenneman made a **motion** to appoint Commissioner Dupont to the Natural Resource Committee after it is duly noted on the agenda. Chairman Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

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

[9:38:07 AM](#)

Members present:

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

Others present:

Deputy County Attorney Jonathan Smith, Clerk Kile

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 7-33-2126(3), M.C.A., that it will hold a public hearing to consider a petition to withdraw territory from the Somers Fire District and annex it to the South Kalispell Fire District, said territory to be withdrawn and annexed, described on the attached Exhibit A, is located in Sections 4 and 5, Township 27 North, Range 21 West, Flathead County, Montana.

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

**TUESDAY, JUNE 16, 2009**  
**(Continued)**

The public hearing will be held on the 9<sup>th</sup> day of July, 2009, at 10:15 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed transfer and will consider whether protests by owners of 40% or more of the real property in either district and owners of property representing 40% or more of the taxable value in either district, were received.

DATED this 16<sup>th</sup> day of June, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

Publish on June 20 and June 27, 2009.

EXHIBIT "A"

Parcel A of COS 18497: That portion in the Southwest Quarter of Section 4, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana.

Parcel B of COS 18497: That portion in the Southwest ¼ of Section 5 and Southwest ¼ of Section 4, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana. Subject to and together with easement of record; excepting parcel already annexed into South Kalispell Fire District.

**MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE RE: POLICY MANUAL CHANGES**

9:46:18 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, HR Director Raeann Campbell, Clerk Kile

Campbell reviewed the policy manual changes which included on call pay for deputies, telephone language and sick leave eligibility.

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

**MEETING W/ JED FISHER/ WEED & PARKS RE: TRAIL MAINTENANCE PROPOSAL**

10:00:31 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, Weed & Parks Director Jed Fisher, Public Works Director Dave Prunty, Operations Manager Road & Bridge Dept. Guy Foy, Planning & Zoning Director Jeff Harris, Planner Alex Hogle, Johanna Bangeman, Larry Parsons, Fred Adkins, Jim Watson, Helen Pilling, Phyllis Snow, Clerk Kile

Fisher explained that trail maintenance has been a long standing issue for Flathead County that has failed to be addressed. He then stated there is concern that the trails will fall into disrepair and the investment will be gone. He then presented a maintenance proposal that calls for additional part time manpower and equipment to maintain and groom 14.5 miles of pedestrian and bike trails within the county. He asked that they keep in mind that the proposal is much bigger than just snow removal; that it includes summer mowing, signage, weed control issues and sweeping of trails to keep them safe for bicyclists.

Jim Watson, Parks and Recreation Board member said they do not want to commit to any more new facilities or parks without the ability to do long term maintenance. He explained that currently most of the trails were built with CTEP money and once they are completed there are no provisions for long term maintenance. Watson pointed out when the Parks Master Plan survey was done that trail maintenance was an important issue to the public.

Prunty noted that a lot of discussion has been held in regards to what department should be maintaining the trails and noted the Road Department can bring equipment to the table and would like the Weed & Parks Department to provide staff.

General discussion was held relative to departments sharing equipment, the funding mechanism to take care of the investment, safety issues and applying for grant money to pay for resurfacing,

Helen Pilling noted Rails to Trails has applied for a \$35,000.00 grant for the Somers Trail that is specifically for maintenance. She then stated they would love the counties help in maintaining the trail.

**TUESDAY, JUNE 16, 2009**  
**(Continued)**

Larry Parsons noted that concrete is a more permanent solution but understands why asphalt is being used. He then suggested that concrete be looked at in the future.

Johanna Bangeman, Chairman of the Paths Committee commented that there are a lot of volunteers that want to help in trail maintenance and to adopt a trail. She also spoke about a trail in Missoula that is not paved that is still a nice trail to ride on.

Hogle commented he is receiving a growing number of phone calls in regards to maintenance of trails. He stated it became very clear last winter with the Evergreen Bike Path that without an established maintenance plan their trail program is dysfunctional. He said trails are initially being initiated for public safety; especially for school children walking to school. Hogle then spoke about the trail now making a worse condition when it isn't maintained than before it was built with snow making it impassable.

Discussion was held in regards to checking with groups to see if there is any interest in "Adopting a Trail" program.

Commissioner Brenneman said that he appreciated the work gone into preparing the proposal and then questioned the labor charges and equipment. He then stated what is being proposed they can do with equipment presently owned by the county.

Fisher explained the problem in regards to availability of equipment on a consistent basis.

Discussion was held relative to the cost of using a private contractor for maintenance and Fisher was asked to explore options.

Larry Parson commented that he is a volunteer that does a lot of work on the trails. He then spoke about mobilization costs and stated that the machine he has shown the Weed & Parks Board goes 19 miles an hour and is street legal, with the ability to use a lot of attachments the county already owns. He then explained the cost of an employee can transfer into the cost of paying for and maintaining a machine.

Commissioner Dupont said obviously we need to do something; if we take on more trails we need to have a pre-requisite for maintenance and a funding source, or not take them on. He then stated the county has been put in an unforeseeable bind that evidently nobody thought about. Dupont then spoke in support of checking into the cost of a private contractor maintaining the trails.

Chairman Lauman stated that he would like to personally take all the information under advisement and look at it again in one month to six weeks.

**CONSIDERATION OF ADOPTION OF RESOLUTION: ELECTED OFFICIALS SALARIES FY09-10**

[10:38:14 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, HR Director Raeann Campbell, Finance  
Comptroller Joe Garza, Clerk Kile

Commissioner Lauman read into record Resolution 2209.

Commissioner Dupont said the commission started looking at COLA in January and as the fiscal year end approached it was evident the county was fiscally sound. He then said the employees within the county have done a remarkable job of making up for shortages in staffing and keeping Flathead County fiscally responsible. He further said that COLA went up almost 4 percent; however, conservatively they looked at a 1.9 percent COLA increase.

Commissioner Dupont made a **motion** to adopt Resolution 2209. Chairman Lauman **seconded** the motion.

Commissioner Brenneman stated this isn't a resolution he can support; certainly not because the employees don't deserve to have a COLA, however last year we did give a COLA above what was recommended. He then added if we look at the people we work for that things aren't so good out there on the private side. He further added construction hasn't come back and Plum Creek and CFAC certainly aren't the employers that we have counted on for years. Brenneman stated he feels this is a year to say that we recognize the people we are working for are struggling, therefore, we aren't going to raise our pay and should give the almost half a million back to the tax payers to help them pay their bills.

Chairman Lauman said the Compensation Committee starting out thinking that they could not support a COLA raise this year, but after looking at the financial condition of the county that he felt they could do a reduced COLA of 1.9 percent. He stated the county has dedicated employees and elected officials and feels the half COLA pay raise is deserved.

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

**RESOLUTION NO. 2209**

**ELECTED OFFICIALS SALARIES – 2009/2010**

**WHEREAS**, the Board of County Commissioners of Flathead County, Montana is required to fix the salaries of all elected officials by resolution by August 1, 2009, in accordance with Section 7-4-2504, M.C.A.;

**WHEREAS**, Section 7-4-2503(4), M.C.A., establishes a County Compensation Board to recommend of the base salary for county elected officials and that Board met and, having considered relevant factors, prepared a compensation schedule for the elected county officials for recommendation to the Board of Commissioners;



**TUESDAY, JUNE 16, 2009**  
**(Continued)**

**WHEREAS**, the County Compensation Board recommended that for the 2009-10 fiscal year that elected officials salaries should be increased by a COLA of 1.9 percent to the base salary; and

**WHEREAS**, the Board of Commissioners reviewed the recommendation of the County Compensation Board and determined that the recommendation to increase elected officials salaries by a COLA of 1.9 percent is appropriate.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners of Flathead County, Montana, hereby fixes the annual salaries of the following elected officials, effective July 1, 2009, by adding a 1.9 percent COLA to the 2008-09 base salary; plus adjustments provided by law for the Commissioners, Sheriff/Coroner, Treasurer/Assessor, Clerk and Recorder/Surveyor, and Superintendent of Schools; plus longevity for the Justices of the Peace and Sheriff as previously established, as follows:

Clerk of District Court	\$60,235.00
County Treasurer/Assessor	\$62,235.00
Justice of the Peace, Dept. 1	\$77,487.00
Justice of the Peace, Dept. 2	\$72,511.00
Clerk/Recorder/Surveyor	\$62,235.00
County Commissioners	\$62,235.00
Sheriff/Coroner	\$81,077.00
Superintendent of Schools	\$60,635.00
County Attorney	\$95,879.00

DATED this 16<sup>th</sup> day of June, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: \_\_\_\_\_  
Joseph D. Brenneman, Member

By/s/Diana Kile  
Diana Kile, Deputy

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

**CONSIDERATION OF COLA FY09-10**

[10:45:07 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, HR Director Raeann Campbell, Finance  
Comptroller Joe Garza, Clerk Kile

Commissioner Dupont made a **motion** to approve a 1.9 percent COLA for employees. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. **Opposed** - Brenneman. Motion carried by quorum.

**CONSIDERATION OF CONTRACT: M. PECK**

[10:46:10 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, HR Director Raeann Campbell, Interim 911  
Director Mark Peck, Clerk Kile

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

**CONSIDERATION OF LAKESHORE PERMIT: MARLANN**

[10:48:13 AM](#)

Members present:

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

Others present:

Planning & Zoning Director Jeff Harris, Planner George Smith, Clerk Kile

Smith reviewed Lakeshore Permit FLP 09-52; Marlann Holdings at 1030 McGregor Lane.

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

TUESDAY, JUNE 16, 2009  
(Continued)

**CORRECTED MOTION FOR BOARD APPOINTMENT: LAKESIDE COMMUNITY COUNCIL**

11:01:02 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, Clerk Kile

Commissioner Brenneman made a **motion** to appoint Mike Wilson to a 3 year term on Lakeside Community Council. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE**

11:01:51 AM

Members present:

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

Others present:

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

Discussion was held relative to the role the Planning & Zoning Office should play in regards to notification requirements for neighborhood plans and the communities' role in putting together a neighborhood plan. Harris explained the Growth Policy lists six specific tasks they should be doing to prepare a neighborhood plan. He noted a goal in the Growth Policy says they don't move forward with the neighborhood plan, unless there is community input. He then stated an informational meeting was scheduled at Somers Middle School to walk the community through the process, as they currently don't know enough about neighborhood plans to know whether they are in support of one. He then reported the meeting turned disruptive and the Sheriff was called. Harris then presented a copy of the taped meeting to the commission.

Discussion was held relative to the neighborhood planning process in regards to notification.

**CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: CREATE RSID #147 (MENNONITE CHURCH ROAD)**

11:22:03 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, Public Works Director Dave Prunty, Sandy Leighty, Sam Leighty, Greg Lukasik, Terry Richmond, Le Roy Stevens, Clerk Kile

Commissioner Brenneman said after months of looking at this and certainly not appeasing all of the people that there is wide support by people that will be paying the taxes and feels that they have come up with something equitable.

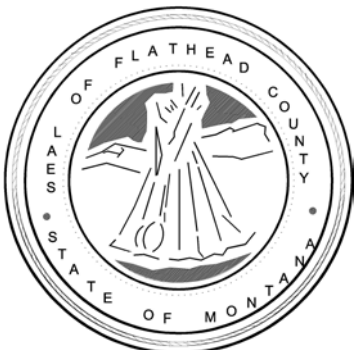
Commissioner Brenneman made a **motion** to adopt Resolution 2210 and authorized the publication of the Notice of Passage of Resolution of Intent and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the County of Flathead, Montana (the "County"), hereby certify that the attached resolution is a true copy of Resolution No. 2210, entitled: "RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 147; DECLARING IT TO BE THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of County Commissioners of the County at a meeting on June 16, 2009, and that the meeting was duly held by the Board of County Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

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

WITNESS my hand and seal officially this 16<sup>th</sup> day of June, 2009.



Diana Kile, Deputy  
County Clerk and Recorder

TUESDAY, JUNE 16, 2009  
(Continued)

RESOLUTION NO. 2210

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 147; DECLARING IT TO BE THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

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

Section 1. Proposed Improvements; Intention To Create District. The County proposes to undertake certain local improvements (the "Improvements") to benefit certain property located in the County. The Improvements consist of the making improvements to approximately 10,000 lineal feet of Mennonite Church Road, as more particularly described in Section 5. The total estimated costs of the Improvements to be paid by the rural special improvement district are \$319,635.00. The costs of the Improvements to be paid by the rural special improvement district are to be paid from the rural special improvement district bonds hereinafter described. It is the intention of this Board to create and establish in the County under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended, a rural special improvement district (the "District") for the purpose of financing the costs of the Improvements to be paid by the rural special improvement district and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds drawn on the District (the "Bonds"), the creation and administration of the District, and the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund"). The total estimated costs of the Improvements, including such incidental costs, to be financed by the Bonds are \$319,635.00. The Bonds are to be payable primarily from special assessments to be levied against property in the District, which property will be specially benefitted by the Improvements in an amount not less than \$319,635.00.

Section 2. Number of District. The District, if the same shall be created and established, shall be known and designated as Rural Special Improvement District No. 147, of the County of Flathead, Montana.

Section 3. Boundaries of District. The limits and boundaries of the District are depicted on a map attached as Exhibit A hereto (which is hereby incorporated herein and made a part hereof) and more particularly described on Exhibit B hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District is shown on Exhibit C hereto.

Section 4. Benefitted Property. The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibits A and B are hereby declared to be the rural special improvement district and the territory which will benefit and be benefitted by the Improvements and will be assessed for the costs of the Improvements to be paid by the rural special improvement district as described in Section 1. The property included within said limits and boundaries is hereby declared to be the property benefitted by the Improvements.

Section 5. General Character of the Improvements. The general character of the Improvements is the design, engineering and construction for paving a four-inch asphalt layer on top of a crushed gravel sub-base on approximately 10,000 lineal feet of Mennonite Church Road.

Section 6. Engineer and Estimated Cost. Morrison Maierle, Inc. shall be the engineer for the District. The Engineer has estimated that the cost of the Improvements, including incidental costs, to be paid by the rural special improvement district is \$319,635.00.

Section 7. Assessment Method - Equal Assessments. All properties in the District will be assessed for their proportionate share of the costs of the project. The total estimated cost of the project to be paid by the rural special improvement district is \$319,635.00 and shall be assessed against each lot, tract or parcel of land in the District equally, such that each lot, tract or parcel in the District shall be assessed for the same amount of the cost of the project. The costs of the project per lot, tract or parcel to be assessed shall not exceed \$3,073.42. The assessment for each lot, tract or parcel of land for the project will be 1/104 of the total and will not exceed \$3,073.42.

Assessment Methodology Equitable and Consistent with Benefit. This Board hereby determines that the method of assessment and the assessment of costs of the specific Improvements against the properties benefitted thereby as prescribed in this Section 7 are equitable and in proportion to and not exceeding the special benefits derived from the respective Improvements by the lots, tracts and parcels to be assessed therefor within the District.

Section 8. Payment of Assessments. The special assessments for the costs of the Improvements shall be payable over a term not exceeding twenty (20) years, each in equal semi-annual installments of principal, plus interest, or equal semi-annual payments of principal and interest, as this Board shall prescribe in the resolution authorizing the issuance of the Bonds. Property owners have the right to prepay assessments as provided by law.

Section 9. Method of Financing; Pledge of Revolving Fund; Findings and Determinations. The County will issue the Bonds in an aggregate principal amount not to exceed \$319,635.00, in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District. This Board further finds it is in the public interest, and in the best interest of the County and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the County to enter into the undertakings and agreements authorized in Section 7-12-2185 in respect of the Bonds.

In determining to authorize such undertakings and agreements, this Board has taken into consideration the following factors:

(a) Estimated Market Value of Parcels.

The Board reasonably expects that the market value of the lots, parcels or tracts in the District as of the date of adoption of this resolution, will increase by at least the amount of the special assessment to be levied under Section 7 against each lot, parcel or tract in the District, as a result of the construction of the Improvements.



**TUESDAY, JUNE 16, 2009**  
**(Continued)**

(b) Diversity of Property Ownership.

Analysis of the number of property owners, business or family relationships, if any, between property owners, the comparative holdings of property by owners in the District indicated that of the 104 properties, there are 68 different owners. The substantial diversity in ownership makes it less likely that financial difficulties of one or related property owners will require the Revolving Fund to make a loan.

(c) Comparison of Special Assessments and Property Taxes and Market Value.

The amount of the proposed assessments against each lot, parcel or tract in the District (\$3,073.42), compares favorably to the estimated market value of each lot, parcel, or tract, which range in value (land only, not including improvements) from approximately \$650.00 to \$190,340.00. The amount of security for any Revolving Fund loan is more than adequate. Because the estimated market value of each parcel compares favorably to the sum of special assessments, any loan from the Revolving Fund loan would be adequately secured.

(d) Delinquencies.

The amount of delinquencies in the payment of outstanding property taxes levied against property in the District is only 8 of the 104 properties. The lack of substantial delinquent taxes suggests that the likelihood of financial difficulties is small, making the necessity for a Revolving Fund loan unlikely.

(e) The Public Benefit of the Improvements.

The public benefit to be derived from the Improvements is substantial. The Improvements meet an urgent and important need of the County to pave roads in rural areas of the County for public health and safety reasons.

(f) Newly Platted Subdivision.

The District contains in part recently platted subdivisions or proposed subdivision plats. Some lots in the District are owned by a developer.

Section 10. Public Hearing; Protests. At any time within thirty (30) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the County Clerk and Recorder until 5:00 p.m., M.D.T., on July 22, 2009 (the expiration date of said 30-day period plus two days due to the July 4<sup>th</sup> holiday), written protest against the proposed Improvements, or against the creation of the District or both, and this Board will at its next regular meeting after July 22, 2009, by which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Thursday, the 23<sup>rd</sup> day of July, 2009, at 10:00 a.m., M.D.T. in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Section 11. Notice of Passage of Resolution of Intention. The County Clerk and Recorder is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Daily Interlake, a newspaper of general circulation in the County on June 20, 2009, and June 27, 2009, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the Board of County Commissioners of the County of Flathead, Montana, this 16<sup>th</sup> day of June, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

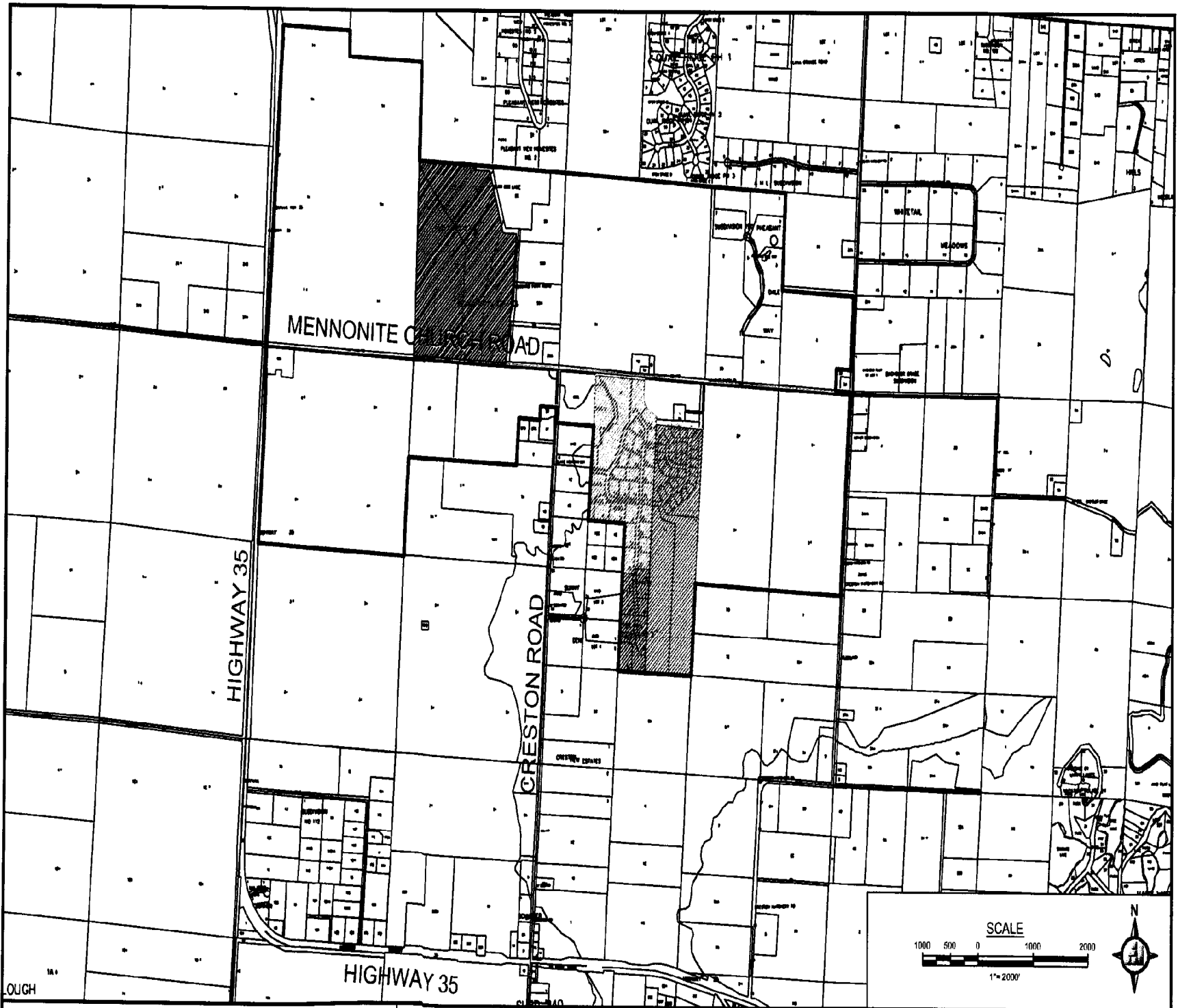
By/s/Joseph D. Brenneman  
Joseph D. Brenneman, Member


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

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

TUESDAY, JUNE 16, 2009  
(Continued)



 <p><b>MORRISON MAIERLE, INC.</b> An Employee-Owned Company</p> <p>Engineers Surveyors Scientists Planners</p> <p>125 Schoolhouse Loop Kalispell MT 59901 Phone: (406) 752-2216 Fax: (406) 752-2391</p> <p><small>COPYRIGHT © MORRISON MAIERLE, INC. 2009</small></p> <p><small>U:\1002-Fairhead County\051 Creston RSID\ACAD\Exhibit\RSID BOUNDARY REVISED.dwg Plotted by Jeff Dean on June 16, 2009</small></p>	<p>DRAWN BY: JJC CHK'D BY: QLL APP'R BY: QLL DATE: 06/20/09</p>	<p>MENNONITE CHURCH ROAD RSID</p> <p>CRESTON</p> <p>RSID BOUNDARY</p>	<p>PROJECT NO. 1002.061</p> <p>FIGURE NUMBER -</p>
	<p>MONTANA</p>		<p>SCALE 1" = 2000'</p>

TUESDAY, JUNE 16, 2009  
(Continued)

**Mennonite Church Road RSID Legal Description**

**Said land lying in Sections 3, 4, 9 and 10, Township 28 North, Range 20 West, P.M.M.**

Beginning at the Southwest corner of said Section 3,

Thence N2°02'15"E a distance of 4289.0 feet along the section line to the Northwest corner of Tract 1 in the SW¼ and NW¼ of said Section 4;

Thence S87°07'10"E a distance of 1319.9 feet along the north line of Tract 1 in the SW¼ and NW¼ of said Section 4;

Thence S2°09'02"W a distance of 345.0 feet along the north line of Tract 1 in the SW¼ and NW¼ of said Section 4;

Thence S87°12'11"E a distance of 1321.8 feet along the 1/16 section line to the Northeast corner of the SE¼ of the NW¼ of said Section 4;

Thence S01°53'32"W a distance of 1315.3 feet along the ¼ section line to the center of said Section 4;

Thence S86°31'12"E a distance of 6631.6 feet along the ¼ section line to the Northeast corner of the NW¼ of the SE¼ of said Section 3;

Thence S02°26'43"W a distance of 1264.6 feet along the 1/16 section line to the Southeast corner of the NW¼ of the SE¼ of said Section 3;

Thence S86°57'13"E a distance of 1322.1 feet along the 1/16 section line to the Northeast corner of the SE¼ of the SE¼ of said Section 3;

Thence S02°26'30"W a distance of 1029.2 feet along the section line of said Section 3 to the Northeast corner of Tract 3B in the SE¼SE¼ of said Section 3;

Thence N87°21'34"W a distance of 292.2 feet along the north line of Tract 3B in the SE¼SE¼ of said Section 3 to the Northwest corner of said tract;

Thence S02°08'57"W a distance of 324.1 feet along the west line of Tract 3B in the SE¼SE¼ of said Section 3 to the Southwest corner of said tract;

Thence S86°46'51"E a distance of 290.5 feet along the south line of Tract 3B in the SE¼SE¼ of said Section 3 to the Southeast corner of said tract;

Thence S03°27'43"W a distance of 2694.0 feet along the section line to the Southeast corner of the NE¼ of said Section 10;

Thence N86°46'51"W a distance of 2645.2 feet along the ¼ section line to the center of said Section 10;

Thence S03°28'36"W a distance of 1241.7 feet along the ¼ section line to the Southeast corner of the NE¼ of the SW¼ of said Section 10;

Thence N87°12'37"W a distance of 1320.1 feet along the 1/16 section line to the Southwest corner of the NE¼ of the SW¼ of said Section 10;

Thence N03°21'15"E a distance of 1977.0 feet along the 1/16 section line to the Southwest corner of Lot 9 of the Fox Hill Estates Phase 1 in said Section 10;

Thence N86°55'30"W a distance of 660.5 feet to the Southwest corner of Park B of the Fox Hill Estates Phase 1 in said Section 10;

Thence N04°00'11"E a distance of 1271.9 feet to the Northeast corner of Tract 4AC in said Section 10;

Thence N86°14'55"W a distance of 670.3 feet to the Northwest corner of Tract 4AC in said Section 10;

Thence N03°40'08"E a distance of 198.6 feet to the Northeast corner of Tract 2B in said Section 9;

Thence N87°08'55"W a distance of 292.8 feet to the Northwest corner of Tract 2B in said Section 9;

Thence S03°39'53"W a distance of 176.3 feet to the Southwest corner of Tract 2B in said Section 9;

Thence N87°11'38"W a distance of 379.6 feet to the Northwest corner of Tract 2FB in said Section 9;

Thence S03°39'32"W a distance of 637.5 feet to the Southwest corner of Tract 2 in said Section 9;

Thence N87°11'29"W a distance of 1969.8 feet along the 1/16 section line to the Northeast corner of the SE¼ of the NW¼ of said Section 9;

Thence S03°39'21"W a distance of 1322.7 feet along the ¼ section line to the center of said Section 9;

Thence N86°33'09"W a distance of 2646.3 feet along the ¼ section line to the Southwest corner of the NW¼ of said Section 9;

Thence N03°32'36"E a distance of 2639.4 feet to the point of beginning.

TUESDAY, JUNE 16, 2009  
(Continued)

List of Properties Exhibit "C"			Geocode	Assessor Number	Section, Township, Range
Geocode	Assessor Number	Section, Township, Range			
2820X03-PHS-1	0001658	S03, T28, R20	2820X10-FHE-30	0009777	S10, T28, R20
2820X03-PHS-2	0002358	S03, T28, R20	2820X10-FHE-31	0009778	S10, T28, R20
2820X03-PHS-3	0002359	S03, T28, R20	2820X10-FHE-32	0009779	S10, T28, R20
2820X03-PHS-4	0002360	S03, T28, R20	2820X10-FX4-1	0505179	S10, T28, R20
2820X03-PHS-5	0002361	S03, T28, R20	2820X10-FX4-10	0505188	S10, T28, R20
2820X03-SBW-1	0003783	S03, T28, R20	2820X10-FX4-11	0505189	S10, T28, R20
2820X03-SBW-2	0003784	S03, T28, R20	2820X10-FX4-12	0505190	S10, T28, R20
2820X03-XXX-1A	0972234	S03, T28, R20	2820X10-FX4-13	0505191	S10, T28, R20
2820X03-XXX-1B	0638310	S03, T28, R20	2820X10-FX4-14	0505192	S10, T28, R20
2820X03-XXX-1C	0492190	S03, T28, R20	2820X10-FX4-15	0505193	S10, T28, R20
2820X03-XXX-2	0896244	S03, T28, R20	2820X10-FX4-16	0505194	S10, T28, R20
2820X03-XXX-2B	0001305	S03, T28, R20	2820X10-FX4-17	0505195	S10, T28, R20
2820X03-XXX-3	0283310	S03, T28, R20	2820X10-FX4-18	0505196	S10, T28, R20
2820X04-BCJ-1	0535250	S04, T28, R20	2820X10-FX4-19	0505197	S10, T28, R20
2820X04-BCJ-2	0501033	S04, T28, R20	2820X10-FX4-2	0505180	S10, T28, R20
2820X04-BCJ-3	0501034	S04, T28, R20	2820X10-FX4-20	0505198	S10, T28, R20
2820X04-BCJ-4	0501035	S04, T28, R20	2820X10-FX4-21	0505199	S10, T28, R20
2820X04-BCJ-5	0501036	S04, T28, R20	2820X10-FX4-22	0505201	S10, T28, R20
2820X04-XXX-1	0723610	S04, T28, R20	2820X10-FX4-23	0505202	S10, T28, R20
2820X04-XXX-2A	0118400	S04, T28, R20	2820X10-FX4-24	0505203	S10, T28, R20
2820X04-XXX-2AA	0118520	S04, T28, R20	2820X10-FX4-25	0505204	S10, T28, R20
2820X04-XXX-2B	0118400	S04, T28, R20	2820X10-FX4-26	0505205	S10, T28, R20
2820X04-XXX-2C	0795680	S04, T28, R20	2820X10-FX4-27	0505206	S10, T28, R20
2820X04-XXX-2D	0008962	S04, T28, R20	2820X10-FX4-28	0505207	S10, T28, R20
2820X04-XXX-2DA	0011413	S04, T28, R20	2820X10-FX4-29	0505208	S10, T28, R20
2820X04-XXX-2DB	0011414	S04, T28, R20	2820X10-FX4-3	0505181	S10, T28, R20
2820X09-XXX-2D	0003677	S09, T28, R20	2820X10-FX4-30	0505209	S10, T28, R20
2820X09-XXX-2E	0003678	S09, T28, R20	2820X10-FX4-31	0505210	S10, T28, R20
2820X09-XXX-4	0160948	S09, T28, R20	2820X10-FX4-32	0505211	S10, T28, R20
2820X09-XXX-4A	0975814	S09, T28, R20	2820X10-FX4-4	0505182	S10, T28, R20
2820X10-FHA-7	0009756	S10, T28, R20	2820X10-FX4-5	0505183	S10, T28, R20
2820X10-FHA-8	0009757	S10, T28, R20	2820X10-FX4-6	0505184	S10, T28, R20
2820X10-FHA-9	0009758	S10, T28, R20	2820X10-FX4-7	0505185	S10, T28, R20
2820X10-FHE-10	0009759	S10, T28, R20	2820X10-FX4-8	0505186	S10, T28, R20
2820X10-FHE-11	0009760	S10, T28, R20	2820X10-FX4-9	0505187	S10, T28, R20
2820X10-FHE-12	0009761	S10, T28, R20	2820X10-FXE-33	0500340	S10, T28, R20
2820X10-FHE-13	0009762	S10, T28, R20	2820X10-FXE-34	0500341	S10, T28, R20
2820X10-FHE-14	0009763	S10, T28, R20	2820X10-FXE-35	0500342	S10, T28, R20
2820X10-FHE-15	0009764	S10, T28, R20	2820X10-FXE-36	0500343	S10, T28, R20
2820X10-FHE-16	0009765	S10, T28, R20	2820X10-FXE-37	0500344	S10, T28, R20
2820X10-FHE-17	0009766	S10, T28, R20	2820X10-FXE-38	0500345	S10, T28, R20
2820X10-FHE-18	0009767	S10, T28, R20	2820X10-FXE-39	0500346	S10, T28, R20
2820X10-FHE-19	0009768	S10, T28, R20	2820X10-FXE-40	0500347	S10, T28, R20
2820X10-FHE-22	0009769	S10, T28, R20	2820X10-FXE-41	0500348	S10, T28, R20
2820X10-FHE-23	0009770	S10, T28, R20	2820X10-FXE-42	0500349	S10, T28, R20
2820X10-FHE-24	0009771	S10, T28, R20	2820X10-XXX-1	0492180	S10, T28, R20
2820X10-FHE-25	0009772	S10, T28, R20	2820X10-XXX-1A	0492045	S10, T28, R20
2820X10-FHE-26	0009773	S10, T28, R20	2820X10-XXX-2	0007318	S10, T28, R20
2820X10-FHE-27	0009774	S10, T28, R20	2820X10-XXX-3	0007318	S10, T28, R20
2820X10-FHE-28	0009775	S10, T28, R20	2820X10-XXX-4	0003625	S10, T28, R20
2820X10-FHE-29	0009776	S10, T28, R20	2820X03-XXX-1	0638300	S03, T28, R20
			2820X03-XXX-2A	0975497	S03, T28, R20
			2820X10-XXX-4AA	0309385	S10, T28, R20

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 147 AND TO ISSUE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 147 BONDS OF THE COUNTY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$319,635.00, SECURED BY THE RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

FLATHEAD COUNTY, MONTANA

NOTICE IS HEREBY GIVEN that on June 16, 2009, the Board of County Commissioners of Flathead County, Montana (the "County"), adopted a Resolution of Intention to Create Rural Special Improvement District No. 147 (the "District") for the purpose of financing the costs of certain local improvements (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds of the County drawn on the District (the "Bonds"), the creation and administration of the District, and the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund"). The Improvements shall be constructed and installed pursuant to plans and specifications prepared by Morrison Maierle, Inc..

A complete copy of the Resolution of Intention (the "Resolution") is on file with the County Clerk and Recorder which more specifically describes the nature of the Improvements, the boundaries and the area included in the District, the location of the Improvements and other matters pertaining thereto and further particulars. A map of the proposed District accompanies this notice.

The Improvements consist of the design, engineering and construction of paving on approximately 10,000 linear feet of Mennonite Church Road, currently a gravel road.

The County would issue the Bonds in an aggregate principal amount not to exceed \$319,635.00, in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District in the aggregate principal amount of \$319,635.00 and such payment will be secured by the Revolving Fund. **Subject to the limitations of Montana Code Annotated, Section 7-12-4222, the general fund of the County may be used to provide loans to the Revolving Fund or a general tax levy may be imposed on all taxable property in the County to meet the financial requirements of the Revolving Fund.**

**TUESDAY, JUNE 16, 2009**  
**(Continued)**

All properties in the District will be assessed for their proportionate share of the costs of the Paving Improvements. The total estimated cost of the Paving Improvements is approximately \$319,635.00, and shall be assessed against each lot, tract or parcel of land in the District equally, such that each lot, tract or parcel in the District shall be assessed for the same amount of the cost of the Paving Improvements. There are 104 lots, tracts or parcels in the District. The estimated costs of the Paving Improvements per lot, tract, or parcel to be assessed is \$3,073.42.

On July 23, 2009, at 10:00 a.m., M.D.T., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana, the Board of County Commissioners will conduct a public hearing and pass upon all written protests against the creation of the District, or the making of Improvements, that may be filed in the period hereinafter described.

Written protests against the creation of the District and the making of the Improvements may be filed by an agent, person, firm or corporation owning real property within the proposed District whose property is liable to be assessed for the Improvements. For purposes of protest, the owner of a property created as a condominium is collectively the owners of all units having an undivided interest in the common elements. The protest must be filed by the president, vice president, secretary or treasurer of the condominium owners' association, and such protest must be in writing, identify the condominium property, include a declaration or other document that shows how votes of unit owners in the condominium are calculated and be signed by owners of units in the condominium sufficient to constitute an affirmative vote for an undertaking relating to the common elements under the condominium declaration, as more particularly set forth in Section 7-12-2141, M.C.A. Such protests must be delivered to the County Clerk and Recorder at the Flathead County Courthouse, 800 South Main, Kalispell, Montana 59901, no later than 5:00 p.m., M.D.T., on July 22, 2009. As provided by law, such protests must be in writing, identify the property in the District owned by the protestor and be signed by all owners of the property. The protest must be delivered to the County Clerk and Recorder, who shall endorse thereon the date of its receipt by her.

Further information regarding the proposed District or the Bonds or other matters in respect thereof may be obtained from the Board of Commissioners at 800 South Main, Kalispell, Montana, or by telephone at 406-758-5503.

DATED this 16<sup>th</sup> day of June, 2009.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

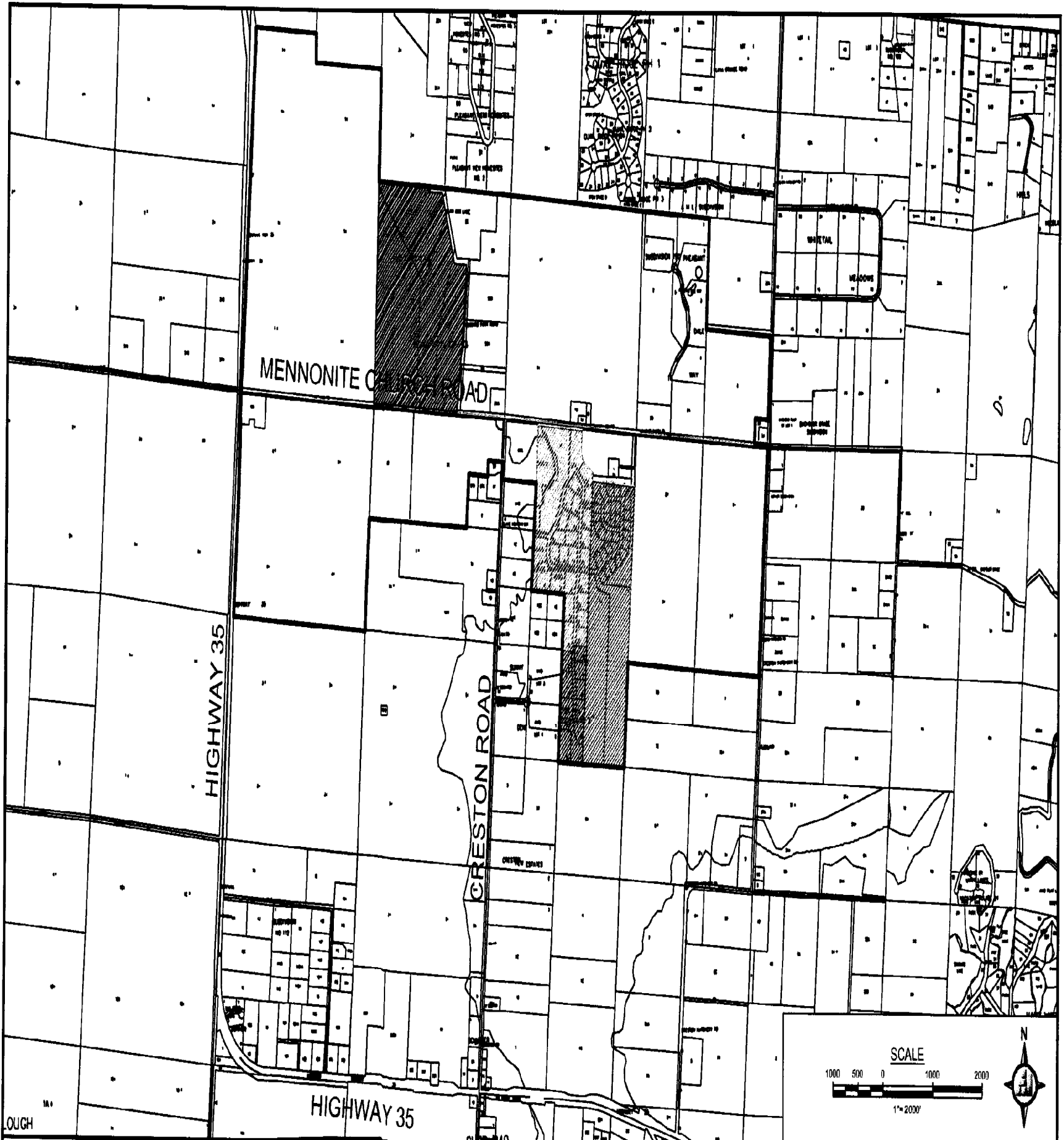
ATTEST:  
Paula Robinson, Clerk


By/s/Diana Kile  
Diana Kile, Deputy

Publish on June 20 and June 27, 2009.



TUESDAY, JUNE 16, 2009  
(Continued)



 <p><b>MORRISON MAIERLE, INC.</b> An Employee-Owned Company</p> <p>Engineers 125 Schoolhouse Loop Surveyors Kellipell MT 59901 Scientists Phone: (406) 752-2216 Planners Fax: (406) 752-2391</p> <p><small>COPYRIGHT © MORRISON MAIERLE, INC. 2008 Plotted by Jeff Olson on June 16, 2009</small></p>	<p>DRAWN BY: JJC CHK'D BY: GLL APPR BY: GLL DATE: 06/20/09</p>	<p>CRESTON</p> <p>MENNONITE CHURCH ROAD RSID</p> <p>MONTANA</p>	<p>PROJECT NO. 1002.061</p>
	<p>RSID BOUNDARY</p>	<p>FIGURE NUMBER -</p>	

5:00 p.m. Commissioner Lauman: MEPA Master Plan meeting @ Whitefish City Hall

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 17, 2009.

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### WEDNESDAY, JUNE 17, 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.

**8:00 a.m. Commissioner Dupont: Welcome Speech at Montana Sheriffs' Convention**  
**10:00 a.m. Commissioner Lauman: Flathead Basin Commission meeting in Polson**  
**5:00 p.m. Commissioner Lauman: Kalispell Chamber of Commerce "Unwind" @ The Summit**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 18, 2009.

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### THURSDAY, JUNE 18, 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.**

Gary Krueger, 805 Church Drive spoke in regards to his concern about getting a fair hearing with the Board of Adjustments for a concrete batch plant. He then said he cannot get his application reviewed in accordance with the Flathead County zoning regulations that were newly revised in December with the staff report being only partially written. Krueger said he doesn't know where to go from here and asked for direction in how to proceed. He then stated it should be that the applicant has a right to a fair and impartial hearing before the board.

Doug Scarff, 202 Lone Pine Road urged the commission to look at the letters submitted in regards to Smith Valley Board of Trustee board seats and make appointments soon.

Tracie Bielz, 1930 Hwy 2 West also urged the commission to make an appointment soon and stated they need balance on the board. She then respectfully requested that she or the list of the people they have be appointed so trust issues can return and the board can work with the fire fighters to create a balance.

Jeanette Feller, 120 Good Country Road spoke in support of Doug Scarff and Tracie Bielz being appointed to the Board of Trustees' in order to bring balance back to the board. Also noted was Janice Seaman and Tracy Patten have submitted letters to be on the board also.

Michael End, 320 Mountain Meadow Road stated he has a situation behind him where a neighbor owns five acres and has moved three trailers in on the property, with all three hooked to one septic system. He noted the Planning and Zoning Office can't help him because they have no power and Environmental Health has put them in violation and sent it to the County Attorney but the County Attorney's plate is full, so it gets put on the back burner.

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

#### **MONTHLY MEETING W/ JED FISHER, WEED/ PARKS/ MAINTENANCE**

[9:05:51 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, Doug Scarff, Tracie Bielz, Jeanette Feller, Clerk Kile

Discussion was held relative to maintenance requirements for the new 911 Center.

Commissioner Brenneman explained the 911 Board would want to see a contract from the Maintenance Department for review of custodial expenses.

Fisher then spoke about increasing demands from the Animal Shelter for maintenance services that are taking away from his department being able to maintain other county buildings. He then asked for commissioner approval to replace carpet in the Justice Center Courtroom with funds available to do so from capital outlay.

Discussion was held in regards to a formal RFP being sent out for trail maintenance.

THURSDAY, JUNE 18, 2009  
(Continued)

**CONSIDERATION OF ADOPTION OF RESOLUTION: CALL FOR SALE OF GENERAL OBLIGATION BONDS/ 911 CENTER**

9:17:00 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 reported the resolution is to sale general obligation bonds for the 911 Center.

Commissioner Dupont made a **motion** to adopt resolution 2211 and authorized the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

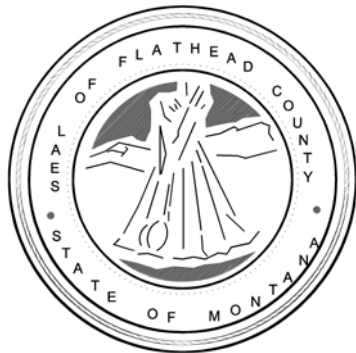
Commissioner Brenneman made a **motion** to authorize the publication of the Call for Sale of General Obligation Bonds and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

CERTIFICATE AS TO RESOLUTION AND VOTE

I, the undersigned, being the duly qualified and acting recording officer of Flathead County, Montana (the "County"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION RELATING TO \$6,100,000 GENERAL OBLIGATION BONDS, SERIES 2009; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of County Commissioners of the County at a regular meeting on June 18, 2009 and that the meeting was duly held by the Board of County Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

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

WITNESS my hand and seal officially this 18<sup>th</sup> day of June, 2009.



Diana Kile, Deputy  
County Clerk and Recorder

RESOLUTION NO. 2211

RESOLUTION RELATING TO \$6,100,000 GENERAL OBLIGATION BONDS, SERIES 2009;  
AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF

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

Section 1. Recitals. The electors of the County at an election duly called, noticed and held on November 4, 2008, at which election 75% of the registered electors voted, and by a vote of 20,391 in favor, and 20,181 opposed, authorized this Board to issue and sell \$6,900,000 principal amount of general obligation bonds of the County, payable over a term of not to exceed twenty years, for the purpose of paying the costs of acquiring rights and interests in and to a parcel of land located near Stillwater Road in the vicinity of the new Forest Service Building, in Kalispell, Montana, or another suitable location within Flathead County; of designing, constructing, equipping and furnishing thereon an Emergency Coordination Center (the "Project"); and paying costs associated with the sale and issuance of the bonds. The County has determined that it is necessary and desirable at this time to issue a series of the bonds in the aggregate principal amount of \$6,100,000 (the "Series 2009 Bonds") to pay the costs of the Project and costs of issuance of the Series 2009 Bonds.

The indebtedness to be evidenced by the Series 2009 Bonds including the Series 2009 Bonds, together with all other indebtedness of the County, will not exceed the County's statutory debt limit. The County has full power and authority to issue the Series 2009 Bonds.

Section 2. Term of the Series 2009 Bonds. Pursuant to the authority described in Section 1, this Board hereby authorizes the issuance and sale of the Series 2009 Bonds of the County in the aggregate principal amount of \$6,100,000. The Series 2009 Bonds shall be dated, as originally issued, as of July 17, 2009, and shall bear interest payable semiannually on January 1 and July 1 of each year, commencing January 1, 2010, at a rate or rates designated by the successful bidder at public sale and approved by this Board; provided that no rate of interest shall exceed six and three-quarters percent (6.75%) per annum, the difference between the highest and lowest rates of interest shall not exceed three and one-half percent (3.50%) per annum and no supplemental or additional interest shall be permitted. Each rate must be expressed in an integral multiple of 1/8 or 1/20 of 1%. The Series 2009 Bonds shall be offered and sold in accordance with the terms and conditions of sale which are set forth on Exhibit A hereto (the "Official Terms and Conditions"), which is incorporated by reference and made a part hereof.

THURSDAY, JUNE 18, 2009  
(Continued)

The Series 2009 Bonds shall mature, subject to redemption as hereinafter provided, on July 1 in each of the following years and amounts (unless combined into one or more term bonds):

Year	Principal	Year	Principal Amount
2010	\$ 195,000	2020	\$300,000
2011	205,000	2021	310,000
2012	215,000	2022	325,000
2013	230,000	2023	340,000
2014	240,000	2024	355,000
2015	250,000	2025	370,000
2016	260,000	2026	390,000
2017	270,000	2027	405,000
2018	275,000	2028	430,000
2019	285,000	2029	450,000

Bidders will have the option of combining the Series 2009 Bonds maturing on and after 2010 through and including 2019 and on and after 2020 through and including 2029 into one or more term bonds. If any Series 2009 Bonds are issued as term bonds, such term bonds will be subject to annual mandatory sinking fund redemption in the principal amount set forth in the foregoing schedule on each July 1, concluding no later than 2029, at a redemption price equal to the principal amount of such Series 2009 Bonds or portions thereof to be redeemed with interest accrued thereon and payable on January 1 and July 1 to the redemption date, in installments and in the same amounts and on the same dates as the Series 2009 Bonds would have matured if they were not included in a term bond.

The Series 2009 Bonds with stated maturities on or after July 1, 2020 will be subject to redemption on July 1, 2019, and any date thereafter, at the option of the County, in whole or in part, at a redemption price equal to the principal amount thereof to be redeemed plus interest accrued to the redemption date, without premium. If less than all of the Series 2009 Bonds are to be redeemed, the Series 2009 Bonds to be redeemed shall be from such stated maturities and in such principal amounts as the County may designate in writing to the Registrar (or, if no designation is made, in inverse order of maturities and within a maturity in \$5,000 principal amounts selected by the Registrar by lot or other manner it deems fair).

The Series 2009 Bonds shall be issuable only as fully registered bonds and shall be executed by the manual or facsimile signatures of the Chair of the Board of County Commissioners and the County Treasurer and attested by the County Clerk and Recorder. The Series 2009 Bonds shall be issued only in "book entry" form.

Section 3. Public Sale. The Series 2009 Bonds shall be sold at a public competitive sale. All sealed bids for the Series 2009 Bonds shall be submitted to the County or bids for the purchase of the Series 2009 Bonds shall be received by the County by electronic transmission through Parity™, in either case, on or before 11:00 a.m., MT, on Tuesday, July 7, 2009, at which time bids will be opened or accessed and tabulated. The tabulation of bids will be presented to the County Commissioners at their regular meeting on the same day. This Board will consider the bids and, if a responsive and acceptable bid is received, award the sale of the Series 2009 Bonds. Award of sale will be made to the bidder with the lowest true interest cost ("TIC") by the Board. The Series 2009 Bonds will be sold in accordance with the Official Terms and Conditions. The County Clerk and Recorder is authorized and directed to cause notice of the sale to be published, as required by Montana Code Annotated, Sections 7-7-2252 and 17-5-106, in *The Daily Inter Lake* once each week for two successive weeks preceding the week which contains the date of sale. The notice of sale shall be published in substantially the form set forth as Exhibit B to this resolution and this Board hereby adopts the terms and conditions set forth in such notice of sale as the terms and conditions of the sale of the Series 2009 Bonds.

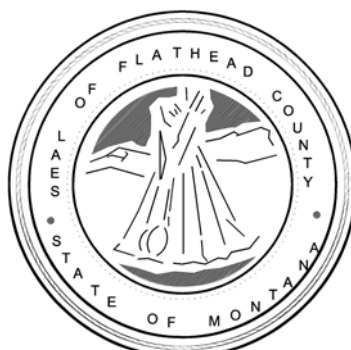
Section 4. Official Statement. The Chair of the Board, the County Clerk and Recorder, the County Treasurer, and other officers of the County, in cooperation with D.A. Davidson & Co., of Great Falls, Montana, financial consultant to the County, are hereby authorized and directed to prepare on behalf of the County an official statement to be distributed to potential purchasers of the Series 2009 Bonds. Such official statement shall contain the terms and conditions of sale set forth in the notice of sale referred to in Section 3 and such other information as shall be advisable and necessary to describe accurately the County and the security for, and terms and conditions of, the Series 2009 Bonds. The County Clerk and Recorder is authorized on behalf of the County to deem the official statement near "final" as of its date, in accordance with Rule 15c2-1 2(b)(1) under the Securities Exchange Act of 1934.

Section 5. Continuing Disclosure. In order to permit bidders for the Series 2009 Bonds and other participating underwriters in the primary offering of the Series 2009 Bonds to comply with paragraph (b)(5) of Rule 15c2-12 promulgated by the Securities and Exchange Board under the Securities Exchange Act of 1934 (the "Rule"), the County will covenant and agree, for the benefit of the registered holders and beneficial owners from time to time of the outstanding Series 2009 Bonds, in the resolution prescribing the terms of the Series 2009 Bonds to provide certain specified information, if customarily prepared and publicly available, and notice of the occurrence of certain events, if material. The County is the only "obligated person" in respect of the Series 2009 Bonds within the meaning of the Rule and, giving effect to the issuance of the Series 2009 Bonds, there will not be more than \$10 million in principal amount of municipal securities outstanding on the date of issuance of the Series 2009 Bonds as to which the County is an obligated person (excluding municipal securities exempt from the Rule under paragraph (d) (1) thereof). A description of the undertaking is set forth in the Official Statement. Failure of the County to enter into an undertaking substantially similar to that described in the Official Statement would relieve the successful bidder of its obligation to purchase the Series 2009 Bonds. The County has complied in all material respects with any undertaking previously entered into by it under the Rule.

Section 6. Proceedings. The County Clerk and Recorder is hereby authorized and directed to furnish a certified copy of all proceedings taken by the County with respect to the issuance of the Series 2009 Bonds to the County's Bond Counsel as requested.

PASSED by the Board of County Commissioners of Flathead County, Montana, this 18th day of June, 2009.

ATTEST:  
County Clerk and Recorder



By/s/Dale W. Lauman  
Chair of the Board of County Commissioners

THURSDAY, JUNE 18, 2009  
(Continued)

EXHIBIT A

TERMS AND CONDITIONS OF SALE

\$6,100,000  
General Obligation Bonds, Series 2009  
Flathead County, Montana

NOTICE IS HEREBY GIVEN by the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County"), that the County will receive sealed bids for the purchase of general obligation bonds in the office of the Clerk and Recorder, Flathead County Courthouse, 800 S. Main Street, Kalispell, Montana, in the total principal amount of \$6,100,000 (the "Series 2009 Bonds"), or bids for the purchase of the Series 2009 Bonds will be received by the County by electronic transmission through Parity™, in either case until 11:00 a.m., M.T., on July 7, 2009. The bids will be opened or accessed and tabulated by the Clerk and Recorder and presented to the Board of County Commissioners at their meeting immediately thereafter on the same day, in the Commissioners Chambers in the Courthouse, at which time the Board will consider the bids received, and if a responsive and acceptable bid is received, award sale of the Series 2009 Bonds to the responsive bidder whose bid reflects the lowest true interest cost.

THE SERIES 2009 BONDS

The Series 2009 Bonds will bear an original issue date of July 17, 2009, and will bear interest payable semiannually on January 1 and July 1 of each year, commencing January 1, 2010, to the registered owners of the Series 2009 Bonds as such appear in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month, at a rate or rates designated by the successful bidder at public sale and approved by the Board; provided that no rate of interest shall exceed six and three-quarters percent (6.75%) per annum, the difference between the highest and lowest rates of interest shall not exceed three and one-half percent (3.50%) per annum. Each rate must be expressed in an integral multiple of 1/8 or 1/20 of 1%. No supplemental or "B" coupons or additional interest certificates are permitted. All Series 2009 Bonds of the same stated maturity must bear interest from date of original issue until paid at a single, uniform rate. Interest will be calculated on the basis of a 360-day year consisting of twelve 30-day months.

The Series 2009 Bonds shall mature, subject to redemption as hereinafter provided, on July 1 in each of the following years and amounts (unless combined into one or more term bonds):

Year	Principal Amount	Year	Principal Amount
2010	\$ 195,000	2020	\$300,000
2011	205,000	2021	310,000
2012	215,000	2022	325,000
2013	230,000	2023	340,000
2014	240,000	2024	355,000
2015	250,000	2025	370,000
2016	260,000	2026	390,000
2017	270,000	2027	405,000
2018	275,000	2028	430,000
2019	285,000	2029	450,000

Bidders will have the option of combining the Series 2009 Bonds maturing on and after 2010 through and including 2019 and on and after 2020 through and including 2029 into one or more term bonds. If any Series 2009 Bonds are issued as term bonds, such term bonds will be subject to annual mandatory sinking fund redemption in the principal amount set forth in the foregoing schedule on each July 1, concluding no later than 2029, at a redemption price equal to the principal amount of such Series 2009 Bonds or portions thereof to be redeemed with interest accrued thereon and payable on January 1 and July 1 to the redemption date, in installments and in the same amounts and on the same dates as the Series 2009 Bonds would have matured if they were not included in a term bond.

The Series 2009 Bonds shall be in the denomination of \$5,000 each or any integral multiple thereof of single maturities. The Series 2009 Bonds will be issued as fully registered bonds only and shall be executed by the manual or facsimile signatures of the Chair of the Board of County Commissioners and the County Treasurer and attested by the County Clerk and Recorder.

The Series 2009 Bonds with stated maturities on or after July 1, 2020 will be subject to redemption on July 1, 2019, and any date thereafter, at the option of the County, in whole or in part, and if in part from such stated maturities and in such principal amounts as the County may designate in writing to the Registrar (or, if no designation is made, in inverse order of maturities and within a stated maturity in \$5,000 principal amounts selected by the Registrar by lot or other manner it deems fair), at a redemption price equal to the principal amount thereof to be redeemed plus interest accrued to the redemption date and without premium.



THURSDAY, JUNE 18, 2009  
(Continued)

BOOK ENTRY

The Series 2009 Bonds will be issued by means of a book entry system with no physical distribution of Series 2009 Bonds made to the public. The Series 2009 Bonds will be issued in fully registered form and one Series 2009 Bond, representing the aggregate principal amount of the Series 2009 Bonds maturing in each year, will be registered in the name of Cede & Co. as nominee of The Depository Trust Company ("DTC"), New York, New York, which will act as securities depository of the Series 2009 Bonds. Individual purchases of the Series 2009 Bonds may be made in the principal amount of \$5,000 or any multiple thereof of a single maturity, through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the registrar to DTC or its nominee as registered owner of the Series 2009 Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The purchaser, as a condition of delivery of the Series 2009 Bonds, will be required to deposit the Series 2009 Bonds with DTC.

PURPOSE AND SECURITY

The Series 2009 Bonds will be issued for the purpose of paying the costs of acquiring rights and interests in and to a parcel of land located near Stillwater Road in the vicinity of the new Forest Service Building, in Kalispell, Montana, or another suitable location within Flathead County; of designing, constructing, equipping and furnishing thereon an Emergency Coordination Center (the "Project"); and to pay costs associated with the sale and issuance of the bonds. The Series 2009 Bonds will be general obligations of the County to the payment of which the full faith, credit and taxing power of the County will be pledged. Bidders should consult a copy of the Preliminary Official Statement for a discussion of the security for the Series 2009 Bonds and the form of opinion of bond counsel relating to the Series 2009 Bonds.

CONTINUING DISCLOSURE

In order to permit bidders for the Series 2009 Bonds and other participating underwriters in the primary offering of the Series 2009 Bonds to comply with paragraph (b)(5) of Rule 15c2-12 promulgated by the Securities and Exchange Board under the Securities Exchange Act of 1934 (the "Rule"), the County will covenant and agree, for the benefit of the registered holders and beneficial owners from time to time of the outstanding Series 2009 Bonds, in the resolution prescribing the terms of the Series 2009 Bonds to provide certain specified information, if customarily prepared and publicly available, and notice of the occurrence of certain events, if material. The County is the only "obligated person" in respect of the Series 2009 Bonds within the meaning of the Rule and, giving effect to the issuance of the Series 2009 Bonds, there will not be more than \$10 million in principal amount of municipal securities outstanding on the date of issuance of the Series 2009 Bonds as to which the County is an obligated person (excluding municipal securities exempt from the Rule under paragraph (d) (1) thereof). A description of the undertaking is set forth in the Official Statement. Failure of the County to enter into an undertaking substantially similar to that described in the Official Statement would relieve the successful bidder of its obligation to purchase the Series 2009 Bonds. The County has complied in all material respects with any undertaking previously entered into by it under the Rule.

BIDDING AND SALE PROCEDURES

**Submission of Bids.** Bids may be transmitted electronically through Parity™ in accordance with these terms and conditions. Bids not received electronically through Parity™ must be on the Official Bid form, a copy of which may be obtained from the Financial Advisor, and enclosed in a sealed envelope marked: "Bid for \$6,100,000 General Obligation Bonds, Series 2009, Flathead County, Montana" and delivered to the County Clerk and Recorder. Each envelope when delivered must indicate on the outside the name and address of the bidder, or in the case of a group of bidders, of the representative. The bids shall be transmitted electronically through Parity™ or delivered to the County Clerk and Recorder, in either case for receipt by no later than 11:00 a.m., M.T., on July 7, 2009.

**Basis of Award.** The Series 2009 Bonds will be sold for not less than \$6,100,000 (par amount) with accrued interest to the date of delivery, and all bidders must state the lowest rate or rates of interest at which they will purchase the Series 2009 Bonds at a specified purchase price. Bids will be compared on the basis of true interest cost (TIC) and awarded to the responsive bidder whose bid reflects the lowest TIC. The TIC is the net present value of total interest on all Series 2009 Bonds from dated date to their maturities, less any premium or plus any discount. If two or more bids state the same lowest true interest cost, the sale of the Series 2009 Bonds will be awarded by lot. The Board will consider sealed bids or bids transmitted electronically through the Parity™ system. The Board reserves the right to reject any and all bids and to sell the Series 2009 Bonds at private sale and to waive any informality and irregularity in any and all bids. Bidders must bid for all or none of the Series 2009 Bonds. Each bid must be unconditional (or conditioned on only those items specified in these Official Terms and Conditions of Sale). No bid may be altered or withdrawn after the time specified above for opening bids without the express consent of the Board.

**Electronic Transmission.** To the extent any instructions or directions set forth in Parity™ conflict with these Terms and Conditions of Sale, the terms of these Terms and Conditions of Sale shall control. For further information about Parity™, potential bidders may contact the Financial Advisor, D.A. Davidson & Co. at (406) 791-7210 (Aaron Rudio), or Parity™ at (212) 849-5021. In the event of a malfunction in the electronic bidding process, bidders may submit their bids by sealed bid including facsimile transmission to the County Clerk and Recorder, at facsimile number (406) 758-5865 (phone (406) 758-5535).

**Good Faith Deposit.** A good faith deposit (the "Deposit") in the form of money, cashier's check, certified check, bank money order, or bank draft drawn and issued by a federally chartered or state chartered bank insured by the Federal Deposit Insurance Corporation or a financial surety bond in the sum of \$122,000 payable to the order of Flathead County, Montana is required for each bid to be considered. If money, cashier's check, certified check, bank money order, or bank draft is used, it must accompany each bid and be delivered to the County Treasurer.

**THURSDAY, JUNE 18, 2009  
(Continued)**

If money is wired to satisfy the Deposit requirement, it shall be wired for receipt by the County on or before the time of the bid opening in accordance with the following instructions and to the following account of the County: Glacier Bank, in Kalispell, Montana; Credit to: Flathead County Treasurer; Routing No: 292970825; Checking Account No: 19929125; Re: Good Faith Amount for Flathead County G.O. Bonds. Upon wiring funds in satisfaction of the Deposit requirement, the bidder shall send e-mail notification to Crystal Vogl at D.A. Davidson & Co., the County's Financial Advisor, at [cvogl@dadco.com](mailto:cvogl@dadco.com) and to the County Treasurer at the County at [akrantz@flathead.mt.gov](mailto:akrantz@flathead.mt.gov) that the wire has been sent together with the wire information.

If a financial surety bond is used, it must be from an insurance company licensed and qualified to issue such a bond in the State of Montana and such bond must be submitted to the County Treasurer, or its financial advisor prior to the opening of the bids. The financial surety bond must identify each bidder whose Deposit is guaranteed by such financial surety bond. If the Series 2009 Bonds are awarded to a bidder utilizing a financial surety bond, then that purchaser is required to submit its Deposit to the County in the form of a cashier's check (or wire transfer such amount as instructed by the County or its financial advisor) not later than 1:00 p.m., M.T., on the next business day following the award. If such Deposit is not received by that time, the financial surety bond may be drawn by the County to satisfy the Deposit requirement.

No interest on the Deposit will accrue to the purchaser. The Deposit will be applied to the purchase price of the Series 2009 Bonds. In the event the purchaser fails to honor its accepted bid, the Deposit will be retained by the County. The Deposit of the unsuccessful bidders will be returned following award of sale of the Series 2009 Bonds or after rejection of all bids.

**BOND REGISTRAR, TRANSFER AGENT  
AND PAYING AGENT**

The County will designate and contract with a suitable bank or trust company to act as bond registrar, transfer agent and paying agent (the "Registrar"). The bond register will be kept, transfers of ownership will be effected and principal of and interest on the Bonds will be paid by the Registrar. The County will pay the charges of the Registrar for such services. The County reserves the right to remove the Registrar and to appoint a successor.

Qualified Tax-Exempt Obligations

The Series 2009 Bonds will be designated by the County as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and financial institutions described in Section 265(b)(5) of the Code may treat the Series 2009 Bonds for purposes of Sections 265(b)(2) and 291(e)(1)(B) of the Code as if they were acquired on June 30, 1986.

**LEGAL OPINION**

An opinion as to the validity of the Series 2009 Bonds and the exclusion from gross income for federal and Montana income tax purposes of the interest thereon will be furnished by Dorsey & Whitney LLP, of Missoula, Montana, and Minneapolis, Minnesota, as Bond Counsel. The legal opinion will be delivered at the time of closing. The legal opinion will state that the Series 2009 Bonds are valid and binding general obligations of the County enforceable in accordance with their terms, except to the extent to which enforceability thereof may be limited by the exercise of judicial discretion or by state or federal laws relating to bankruptcy, reorganization, moratorium or creditors' rights.

**DELIVERY**

Within 40 days after the sale, the County will deliver to the Registrar the printed Series 2009 Bonds ready for completion and authentication. The original purchaser of the Series 2009 Bonds must notify the Registrar, at least five business days before issuance of the Series 2009 Bonds, of the persons in whose names the Series 2009 Bonds will be initially registered and the denominations of the Series 2009 Bonds to be originally issued. If notification is not received by that date, the Series 2009 Bonds will be registered in the name of the original purchaser and will be issued in denominations corresponding to the principal maturities of the Series 2009 Bonds. On the day of closing, the County will furnish to the purchaser the opinion of Bond Counsel described above, an arbitrage certification and a certificate stating that no litigation in any manner questioning the validity of the Series 2009 Bonds is then pending or, to the best knowledge of officers of the County, threatened. Payment for the Series 2009 Bonds must be received by the County in immediately available funds at its designated depository on the day of closing. The successful bidder shall submit to the County Treasurer not earlier than 48 hours after the award of sale and not later than the date of closing a certificate, in form satisfactory to Bond Counsel, as to the initial reoffering prices of each stated maturity of the Series 2009 Bonds and stating that at least ten percent of the principal amount of the Series 2009 Bonds of each stated maturity has been sold at such prices.

**OFFICIAL STATEMENT**

The County will prepare an Official Statement relating to the Series 2009 Bonds which the County will deem to be final as of its date. The County will deliver, at closing, a certificate executed by the Chair of the Board of County Commissioners, the County Clerk and Recorder and County Treasurer to the effect that, to the best of their knowledge, as of the date of closing, the information contained in the Official Statement, including any supplement thereto, does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances in which they are made, not misleading; provided that no comment will be made with respect to any information provided by the successful bidder for inclusion in any supplement to the Official Statement.

By submitting a bid for the Series 2009 Bonds, the successful bidder agrees: (1) to disseminate to all members of the underwriting syndicate copies of the Official Statement, including any supplements prepared by the County, (2) to file promptly a copy of the Official Statement, including any supplement prepared by the County, with a nationally recognized municipal securities repository, and (3) to take any and all other actions necessary to comply with applicable rules of the Securities and Exchange Board and the Municipal Securities Rulemaking Board governing the offering, sale and delivery of the Series 2009 Bonds to ultimate purchasers.

Within seven business days after the sale the County will furnish to the successful bidder without charge up to 100 copies of the final Official Statement relating to the Series 2009 Bonds. The successful bidder must notify the County Treasurer in writing within two business days after the award of sale of the Series 2009 Bonds if it requires additional copies of the Official Statement. The cost of additional copies shall be paid by the successful bidder.

THURSDAY, JUNE 18, 2009  
(Continued)

COSTS; CUSIP NUMBERS

The County will pay for the fees and costs of the bond counsel, the financial advisor, rating fees for the underlying rating, if any, the fees and charges of the Registrar, printing and distribution costs and miscellaneous costs. The County will apply for CUSIP numbers but will assume no cost or obligation for the printing of CUSIP numbers on the Series 2009 Bonds or for the correctness of any numbers printed thereon.

RATING

The County will apply for an underlying rating from Standard & Poor's on the Series 2009 Bonds. Rating agency fees relating to the underlying rating from Standard & Poor's will be the responsibility of the County. Any other rating applied for or obtained by the purchaser of the Series 2009 Bonds together with municipal bond insurance will be the responsibility of the purchaser of the Series 2009 Bonds as described in the following section "Bond Insurance at Purchaser's Option."

BOND INSURANCE AT PURCHASER'S OPTION

The County will provide information concerning the Series 2009 Bonds and the County to bond insurers. If the Series 2009 Bonds qualify for issuance of a policy of municipal bond insurance or commitment therefor at the option of the bidder, the purchase of any such insurance policy or the issuance of any such commitment shall be at the sole option and expense of the purchaser of the Series 2009 Bonds. Any increased costs of issuance of the Series 2009 Bonds, such as costs of obtaining ratings beyond those paid by the County for an underlying rating from Standard & Poor's, resulting from such purchase of insurance shall be paid by the purchaser of the Series 2009 Bonds.

Failure or refusal of a municipal bond insurer to issue the policy of insurance after the Series 2009 Bonds have been awarded to the purchaser of the Series 2009 Bonds shall not constitute cause for failure or refusal by the purchaser to purchase and accept delivery of the Series 2009 Bonds.

Dated: June 18, 2009.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Diana Kile, Deputy  
County Clerk and Recorder

EXHIBIT B

NOTICE OF BOND SALE

\$6,100,000 General Obligation Bonds, Series 2009  
Flathead County, Montana

NOTICE IS HEREBY GIVEN that the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County"), will receive sealed bids for the purchase of \$6,100,000 General Obligation Bonds, Series 2009 (the "Series 2009 Bonds") in the office of the Clerk and Recorder, Flathead County Courthouse, 800 S. Main Street, Kalispell, Montana, or bids for the purchase of the Series 2009 Bonds will be received by the County by electronic transmission through Parity™, in either case until 11:00 a.m., M.T., on July 7, 2009. The bids will be opened or accessed and tabulated and presented to the Board at its regular meeting immediately thereafter on the same day, in the Commissioners Chambers in the Courthouse.

The Series 2009 Bonds will be issued for the purpose of paying the costs of acquiring rights and interests in and to a parcel of land located near Stillwater Road in the vicinity of the new Forest Service Building, in Kalispell, Montana, or another suitable location within Flathead County; of designing, constructing, equipping and furnishing thereon an Emergency Coordination Center; and to pay costs associated with the sale and issuance of the bonds. The Series 2009 Bonds will be issuable in the denominations of \$5,000 or any integral multiple thereof of single maturities, and will mature on July 1, subject to redemption as hereinafter described, in the following years and amounts (unless combined into one or more term bonds):

Year	Principal Amount	Year	Principal Amount
2010	\$ 195,000	2020	\$300,000
2011	205,000	2021	310,000
2012	215,000	2022	325,000
2013	230,000	2023	340,000
2014	240,000	2024	355,000
2015	250,000	2025	370,000
2016	260,000	2026	390,000
2017	270,000	2027	405,000
2018	275,000	2028	430,000
2019	285,000	2029	450,000

Bidders will have the option of combining the Series 2009 Bonds maturing from and after 2010 through and including 2019 and from and after 2020 through and including 2029 into one or more terms bonds. If any Series 2009 Bonds are issued as term bonds, such term bonds will be subject to annual mandatory sinking fund redemption in the principal amount set forth in the foregoing schedule on each July 1, concluding no later than 2029, at a redemption price equal to the principal amount of such Series 2009 Bonds or portions thereof to be redeemed with interest accrued thereon and payable on January 1 and July 1 to the redemption date, in installments and in the same amounts and on the same dates as the Series 2009 Bonds would have matured if they were not included in a term bond.

The Series 2009 Bonds will be issued in "book entry" only form.

**THURSDAY, JUNE 18, 2009**  
**(Continued)**

The Series 2009 Bonds shall be issuable as fully registered bonds only, shall bear an original issue date of July 17, 2009, and shall bear interest payable semiannually on January 1 and July 1 of each year, commencing January 1, 2010, to the registered owners of the Series 2009 Bonds as such appear in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month. No interest rate may exceed six and three-quarters percent (6.75%) per annum and the difference between the highest and lowest rates of interest shall not exceed three and one-half percent (3.50%) per annum. Each rate must be expressed in an integral multiple of 1/8 or 1/20 of 1%. No supplemental or "B" coupons or additional interest certificates are permitted. The Series 2009 Bonds with stated maturities on or after July 1, 2020 will be subject to redemption on July 1, 2019, and any date thereafter, at the option of the County, in whole or in part, and if in part from such stated maturities and in such principal amounts as the County may designate in writing to the Registrar (or, if no designation is made, in inverse order of maturities and within a stated maturity in \$5,000 principal amounts selected by the Registrar by lot or other manner it deems fair), at a redemption price equal to the principal amount thereof to be redeemed plus interest accrued to the redemption date, without premium.

The County will designate the Series 2009 Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b) (3) of the Internal Revenue Code of 1986, as amended.

The Series 2009 Bonds will be sold for not less than \$6,100,000 with accrued interest, if any, on the principal amount of the Series 2009 Bonds to the date of their delivery. The Board reserves the right to reject any and all bids and to sell the Series 2009 Bonds at private sale and to waive any informality and irregularity in any and all bids.

A good faith deposit in the form of money, cashier's check, certified check, bank money order, or bank draft drawn and issued by a federally chartered or state chartered bank insured by the Federal Deposit Insurance Corporation or a financial surety bond in the sum of \$122,000 payable to the order of Flathead County, Montana, is required for each bid to be considered, as further specified in the Official Terms and Conditions of Sale.

Copies of the Official Terms and Conditions of Sale and additional information may be obtained from the County's Financial Advisor, D.A. Davidson & Co., 8 Third Street North, Great Falls, MT 59401, (406) 791-7210. Prospective bidders should consult the Official Terms and Conditions of Sale and the Preliminary Official Statement for a detailed description of the Series 2009 Bonds, the security therefor, and the form of legal opinion proposed to be rendered by Dorsey & Whitney LLP, of Missoula, Montana, and Minneapolis, Minnesota, as bond counsel. To the extent any instructions or directions set forth in Parity™ conflict with this Notice of Bond Sale, the terms of this Notice of Bond Sale shall control. For further information about Parity™, potential bidders may contact the Financial Advisor, D.A. Davidson & Co., at (406) 791-7210 (Aaron Rudio), or Parity™ at (212) 849-5021. In the event of a malfunction in the electronic bidding process, bidders may submit their bids by sealed bid including facsimile transmission to the County Clerk and Recorder, at facsimile number (406) 758-5865 (phone (406) 758-5535).

Dated: June 18, 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: June 23, 2009 and June 30, 2009

**BOARD APPOINTMENT: AGENCY ON AGING ADVISORY COUNCIL**

[9:21:43 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 appoint Jim Pearson to Agency on Aging Advisory Council. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**PUBLIC HEARING: PENTELUTE, ET AL, ZONE CHANGE/ BLANCHARD LAKE ZONING DISTRICT**

[9:31:44 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Erica Wirtala, Clerk Kile

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

Erica Wirtala representing the applicant reviewed the proposal to amend the Blanchard Lake Zoning District Map to change 5 parcels from AG-20 to B-2 and SAG-5. The properties are from Happy Valley north to River Design Group and on Hwy 93 across from Midway Motors and across from Oh's Collision Shop.

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

Commissioner Brenneman made a **motion** to adopt Resolution 966X and authorized the publication of the Notice of Passage of Resolution of Intent and authorized the chairman to sign. Commissioner Dupont **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

THURSDAY, JUNE 18, 2009  
(Continued)

RESOLUTION NO. 966X

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 18<sup>th</sup> day of June, 2009 concerning a proposal by Daniel Pentelute, Edric Vrendenburg, Maxine Vrendenburg, Bankfull Boy, LLC and Happy Valley Storage, to change the zoning designation in a portion of the Blanchard Lake Zoning District from AG-20 (Agricultural) to SAG-5 (Suburban Agricultural) and B-2 (General Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on June 6 and June 13, 2009;

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Blanchard Lake Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation on a portion of the Blanchard Lake Zoning District from AG-20 (Agricultural) to SAG-5 (Suburban Agricultural) and B-2 (General Business), that area being described as the boundaries of Tracts 3C, 3CC, 3CAD and 3CA located in Section 25, township 30 North, Range 22 West, P.M.M., Flathead County, Montana and located on the west side of US Highway 93 just north of Happy Valley. The B-2 is proposed to envelope parcels 3C, 3CC, 3CDA and a portion of 3CA and 2G. The SAG-5 is proposed to be on the western part of 3CA and 2G. The SAG-5 is proposed on 20 acres and B-2 is proposed on 20 acres. Two parcels (3CA and 2G) are proposed to be split by the designations. This was done to separate the commercial uses from a low lying area towards the west of the properties.

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

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

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

DATED this 18<sup>th</sup> day of June, 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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 966X) on June 18, 2009 to change the zoning designation in a portion of the Blanchard Lake Zoning District from AG-20 (Agricultural) to SAG-5 (Suburban Agricultural) and B-2 (General Business).

The boundaries of the areas proposed to be changed from the AG-20 classification to the SAG-5 and B-2 classifications are described as the boundaries of Tracts 3C, 3CC, 3CAD and 3CA located in Section 25, township 30 North, Range 22 West, P.M.M., Flathead County, Montana and located on the west side of US Highway 93 just north of Happy Valley. The B-2 is proposed to envelope parcels 3C, 3CC, 3CDA and a portion of 3CA and 2G. The SAG-5 is proposed to be on the western part of 3CA and 2G. The SAG-5 is proposed on 20 acres and B-2 is proposed on 20 acres. Two parcels (3CA and 2G) are proposed to be split by the designations. This was done to separate the commercial uses from a low lying area towards the west of the properties.

The proposed change would generally change the character of the zoning regulations applicable to the property from a district intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions and to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development, to both a district providing for retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities, and by businesses serving the general needs of the tourist and traveler and a district to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.



THURSDAY, JUNE 18, 2009  
(Continued)

The Flathead County Zoning Regulations defining the AG-20, SAG-5 and B-2 Zones are on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: <http://flathead.mt.gov/downloads/documents>. Documents related to the proposed amendment are also on file for public inspection at the Office of the Clerk and Recorder and at the Flathead County Planning and Zoning Office.

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

DATED this 18<sup>th</sup> day of June, 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 June 23 and June 30, 2009.

#### **CONSIDERATION OF RELEASE OF COLLATERAL: EAGLE RIDGE ESTATES**

[10:03:22 AM](#)

Members present:

Chairman Dale W. Lauman  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Assistant Mike Pence, Assistant Planning & Zoning Director B J Grieve, Clerk Kile

Grieve noted the original SIA in 2005 was for \$114,000.00 which was for paving, road base improvements, street signs and engineering costs. He stated a site inspection was done and all the roads appear to be paved and road naming signs have been installed.

Commissioner Brenneman made a **motion** to release collateral for Eagle Ridge Estates. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

#### **CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: MAP AMENDMENT/ WHITEFISH CITY-COUNTY GROWTH POLICY**

[10:06:14 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, Planner Andrew Hagemeyer, Deputy County Attorney Jonathan Smith, Clerk Kile

Hagemeyer briefly explained the zone change is to clean up a land use map.

Commissioner Dupont made a **motion** to adopt final Resolution 2015J. Commissioner Brenneman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

#### RESOLUTION NO. 2015J

WHEREAS, a revision to the Whitefish City County Master Plan and land use map, an addendum to the Flathead County Growth Policy, has been proposed for Tract 3C, a portion of Tract 3CA, Tract 3CC, and Tract 3DBB, in Section 24, and Tract 2FB and a portion of Tract 2G, in Section 25, all in Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, from Limited Rural Residential to Highway Commercial;

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt the revision to the Whitefish City County Master Plan and land use map, an addendum to the Flathead County Growth Policy; and

WHEREAS, the Board of Commissioners passed a resolution of intent (Resolution No. 2015 I) to consider the requested plan change on May 12, 2009, and gave notice that it would consider public comment received prior to June 16, 2009; and

WHEREAS, the Board of Commissioners has considered the information presented to it since the adoption of that resolution of intent.

**THURSDAY, JUNE 18, 2009  
(Continued)**

NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it hereby adopts the revision to the Whitefish City County Master Plan, an addendum to the Flathead County Growth Policy, and the land use map, on Tracts 3C, 3CA, 3CC, and 3DBB in Section 24, and Tracts 2FB and 2G in Section 25, all in Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, from Limited Rural Residential to Highway Commercial, as shown on Figures 2 and 3 in the Clerk and Recorder's file.

DATED this 18<sup>th</sup> day of June, 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

**APPOINT COMMISSIONER TO NATURAL RESOURCE COMMITTEE**

[10:08:55 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 re-affirm Commissioner Dupont's appointment to the Natural Resource Committee. Chairman Lauman **seconded** the motion. **Aye** - Lauman, Brenneman and Dupont. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: CHANGE ORDER APPROVALS/ 911 CENTER**

[10:45:45 AM](#)

Members present:  
Chairman Dale W. Lauman  
Commissioner James R. Dupont  
Members absent:  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Mike Pence, Director 911 Center, Clerk Kile

Peck reviewed the change orders which included issues with soil and dry utility conduits totaling approximately \$25,412.00. He noted it is the only increase so far to the \$5.3 million dollar project.

Commissioner Dupont made a **motion** to approve the change orders from Swank. Chairman Lauman **seconded** the motion. **Aye** - Lauman and Dupont. Motion carried by quorum.

- 10:00 a.m. Commissioner Brenneman: State Emergency Response Commission conference call
- 11:00 a.m. Working Forests-Managing Communities workshop @ FVCC
- 2:00 p.m. Commissioner Brenneman: Health Board meeting @ Earl Bennett Bldg.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 19, 2009.

\*\*\*\*\*

**FRIDAY, JUNE 19, 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.

- 8:00 a.m. Commissioner Brenneman: Working Forests-Managing Communities workshop @ FVCC
- 9:00 a.m. Commissioner Lauman: Mental Health Council & CDC meetings in Kalispell

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 22, 2009.

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