
MONDAY, AUGUST 31, 2009

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

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

PUBLIC AUCTION: KALISPELL FEED & GRAIN AT JUSTICE CENTER

8:30:40 AM

Present:

Chairman Dale W. Lauman, Office Assistant County Attorney Debbie Boreson, Weed & Parks Director Jed Fisher, Clerk Kile

Pursuant to a duly published notice for a public auction to be held at the Justice Center for the sale of the former Kalispell Feed & Grain Center there were no bidders present.

CONSIDERATION OF ISSUANCE OF BONDS: RSID #147/ MENNONITE CHURCH ROAD

9:30:40 AM

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Deputy County Attorney Tara Fugina, Clerk Kile

Fugina stated there has been one change made regarding the sale of the bonds in regards to issuing them in increments equal to the total amount due per year. She noted the only impact is the whole bond would have to be paid off in full opposed to \$1,000.00 at a time.

Commissioner Brenneman made a **motion** to adopt Resolution 2210D. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

CERTIFICATE AS TO RESOLUTION AND ADOPTING 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 Resolution No. 2210 D entitled: "RESOLUTION RELATING TO \$203,500.00 RURAL SPECIAL IMPROVEMENT DISTRICT BONDS (RURAL SPECIAL IMPROVEMENT DISTRICT NO.147); FIXING THE FORM AND DETAILS AND PROVIDING FOR THE EXECUTION AND DELIVERY THEREOF AND SECURITY THEREFOR" (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 August 31, 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notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.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; voted against the same: _____; abstained from voting thereon: _____; or were absent: Commissioner Dupont.

WITNESS my hand officially this 31st day of August, 2009.



Paula Robinson
Flathead County Clerk and Recorder

By/s/Diana Kile
Deputy

MONDAY, AUGUST 31, 2009
(Continued)

RESOLUTION NO. 2210 D

RESOLUTION RELATING TO \$203,500.00 RURAL SPECIAL IMPROVEMENT DISTRICT BONDS
(RURAL SPECIAL IMPROVEMENT DISTRICT NO. 147); FIXING THE FORM AND DETAILS AND
PROVIDING FOR THE EXECUTION AND DELIVERY THEREOF AND SECURITY THEREFOR

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

Section 1. Recitals. It is hereby found, determined and declared as follows:

1.01. Resolution of Intention. This Board adopted Resolution No. 2210 (the "Resolution of Intention"), pursuant to which it declared its intention to create a rural special improvement district, designated as Rural Special Improvement District No. 147 of the County (the "District"), under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended (the "Act"), for the purpose of financing a portion of the costs of certain improvements described therein (the "Improvements") 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").

1.02. Creation of District. After published notice and a public hearing on Resolution No. 2210, and finding it in the best interest of the County, the Board determined to create Rural Special Improvement District No. 147 (the "District") by the adoption of Resolution No. 2210 A on July 28, 2009, and order the Improvements on the terms and conditions thereafter prescribed, for the purpose of financing costs of 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 total estimated costs of the Improvements, including such incidental costs, to be financed by the Bonds are \$203,500.00. 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 \$203,500.00.

1.03. Construction Contract. Plans, specifications, maps, profiles and surveys for construction of the Improvements were prepared by the engineers acting for the County, and were thereupon examined and approved by this Board. Advertisements for bids for construction of the Improvements to the District were published in the official newspapers of the County in accordance with the provisions of Montana Code Annotated, Section 7-12-2132, after which the bids theretofore received were opened and examined. After referring the bids to the engineers for the County it was determined that the lowest regular proposals for the furnishing of all work and materials required for constructing the Improvements to the District in accordance with the approved plans and specifications were the following:

<u>Work</u>	<u>Bidder</u>	<u>RSID Cost</u>
Asphalt paving on approximately 10,000 lineal feet of Mennonite Church Road, and installation of culverts for improved drainage.	Knife River Construction Company	\$136,935.00

A Contract for the construction of the Improvements to District will be awarded to said bidder, and upon the issuance of the Bonds, the County and the successful bidder will enter into a written contract for construction of the Improvements to the District upon the bidders having executed and filed bonds satisfactory to this Board and in the form and manner provided by Montana Code Annotated, Title 18, Chapter 2, Part 2.

1.04. Costs. It is currently estimated that the costs and expenses connected with and incidental to the formation of the District to the County to be assessed against properties in the District, including costs of preparation of plans, specifications, maps, profiles, engineering superintendence and inspection, preparation of assessment rolls, expenses of making the assessments, the cost of work and materials and all other costs and expenses, including the deposit of proceeds in the Revolving Fund are \$203,500.00. Such amount will be levied and assessed upon the assessable property within the District on the basis described in the Resolution of Intention. This Board has jurisdiction and is required by law to levy and assess such amounts, to collect such special assessments and credit the same to the rural special improvement district account created for the District, which account is to be maintained on the official books and records of the County separate from all other County funds, within the Rural Special Improvement District No. 147 Sinking Fund (the "Sinking Fund") for the payment of principal and interest when due on the bonds herein authorized.

1.05. Sale and Issuance of Bonds. For the purpose of financing the costs and expenses of making the Improvements, which are to be assessed against the property within the District as provided in the Resolution of Intention, pursuant to Resolution No. 2210 B, adopted August 3, 2009, this Board determined that the issuance and sale of bonds was in the best interests of the County and the District.

Advertisements for bids for the purchase of the Bonds were published in accordance with the provisions of Montana Code Annotated, Sections 7-12-2172, 7-7-4252 and 17-5-106. Pursuant to Resolution No. 2210 C, adopted on August 20, 2009, this Board authorized the County to enter into a contract with Bitterroot Valley Bank, of Lolo, Montana (the "Purchaser"), as the lowest responsible bidder pursuant to which the Purchaser agreed to purchase from the County the Bonds at a purchase price of \$203,500.00, at the rate of interest of 4.75% per annum.

1.07. Recitals. All acts, conditions and things required by the Constitution and laws of the State of Montana, including Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended, in order to make the Bonds valid and binding special obligations in accordance with their terms and in accordance with the terms of this resolution have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required.

MONDAY, AUGUST 31, 2009
(Continued)

Section 2. The Bonds.

2.01. Principal Amount, Maturities, Denominations, Date, Interest Rates. For the purpose of paying the costs and expenses incurred in construction of the Improvements, and in anticipation of the collection of special assessments to be levied therefor, and in accordance with the proposal described in Section 1.06, the County shall forthwith issue and deliver to the Purchaser the Bonds payable solely from the Sinking Fund and denominated "Rural Special Improvement District Bonds (Rural Special Improvement District No. 147)." The Bonds shall be dated, as originally issued and be registered as of August 31, 2009, shall each be in the denomination of \$11,000.00, \$10,000.00, or \$3,500.00, shall mature on July 1 in the years and principal amounts set forth below, and Bonds maturing in such years and principal amounts shall bear interest from the date of original issuance until paid or duly called for redemption at the rate of 4.75% per annum:

Year	Amount	Year	Amount
2010	\$11,000	2020	\$11,000
2011	11,000	2021	11,000
2012	11,000	2022	11,000
2013	11,000	2023	11,000
2014	11,000	2024	11,000
2015	11,000	2025	10,000
2016	11,000	2026	10,000
2017	11,000	2027	10,000
2018	11,000	2028	5,000
2019	11,000	2029	3,500

Interest shall be calculated on the basis of a 360-day year composed of twelve 30-day months.

2.02. Interest Payment Dates. Interest on the Bonds shall be payable on each January 1 and July 1, commencing January 1, 2010, to the owners of record thereof as such appear on the bond registrar at the close of business on the fifteenth day of the immediately preceding month, whether or not such day is a business day. Upon the original delivery of the Bonds to the Purchaser and upon each subsequent transfer or exchange of a Bond pursuant to Section 2.04, the Registrar shall date each Bond as of the date of its authentication.

2.03. Method of Payment. The Bonds shall be issued in certificate form. The interest on and, upon surrender thereof at the operations center of the Registrar (as hereinafter defined), the principal of each Bond, shall be payable by check or draft drawn on the Registrar.

2.04. Registration. The County hereby appoints the Clerk and Recorder to act as registrar, transfer agent and paying agent (the "Registrar"). The County reserves the right to appoint a bank, trust company or financial institution as successor bond registrar, transfer agent or paying agent, as authorized by the Model Public Obligations Registration Act of Montana, Montana Code Annotated, Title 17, Chapter 5, Part 11, as amended (the "Registration Act"), but the County agrees to pay the reasonable and customary charges of the Registrar for the services performed. This Section 2.04 shall establish a system of registration for the Bonds as defined in the Registration Act.

The effect of registration and the rights and duties of the County and the Registrar with respect thereto shall be as follows:

(a) Bond Register. The Registrar shall keep at its principal office a bond register in which the Registrar shall provide for the registration of ownership of the Bonds and the registration of transfers and exchanges of the Bonds entitled to be registered, transferred or exchanged.

(b) Transfer. Upon surrender to the Registrar for transfer of any Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer of any Bond or portion thereof selected or called for redemption. No transfer or exchange of a Bond shall affect its order of registration for purposes of redemption pursuant to Section 2.05.

(c) Exchange. Whenever any Bond is surrendered by the registered owner for exchange, the Registrar shall authenticate and deliver one or more new Bonds of a like aggregate principal amount, interest rate and maturity, as requested by the registered owner or the owner's attorney duly authorized in writing.

(d) Cancellation. All Bonds surrendered upon any transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the County.

(e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The County and the Registrar may treat the person in whose name any Bond is at any time registered in the bond register as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Bond and for all other purposes, and all such payments so made to any such registered owner or upon the owner's order shall be valid and effectual to satisfy and discharge the liability of the County upon such Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer of Bonds or exchange of Bonds (except an exchange upon a partial redemption of a Bond), the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

MONDAY, AUGUST 31, 2009
(Continued)

(h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any such Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that such Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the County and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the County. If the mutilated, destroyed, stolen or lost Bond has already matured or such Bond has been called for redemption in accordance with its terms, it shall not be necessary to issue a new Bond prior to payment.

2.05. Redemption.

(a) Mandatory Redemption. If on any interest payment date there will be a balance in the Sinking Fund after payment of the principal and interest due on all Bonds drawn against it, either from the prepayment of special assessments levied in the District or from the transfer of surplus money from the Construction Subaccounts to the Principal Subaccounts as provided in Section 3.02 or otherwise, the County Clerk and Recorder shall call for redemption on the interest payment date outstanding Bonds, or portions thereof, in an amount which, together with the interest thereon to the interest payment date, will equal the amount of such funds on deposit in the Sinking Fund on that date. The redemption price shall equal the amount of the principal amount of the Bonds to be redeemed plus interest accrued to the date of redemption.

(b) Optional Redemption. The Bonds are subject to redemption, in whole or in part, at the option of the County from sources of funds available therefor other than those described under Section 2.05(a) on the terms of this paragraph. The Bonds with stated maturities on or after July 1, 2020, will be subject to redemption on July 1, 2013, 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.

(c) Selection of Bonds for Redemption; Partial Redemption. If less than all of the Bonds are to be redeemed, Bonds shall be redeemed in order of the stated maturities thereof. If less than all Bonds of a stated maturity are to be redeemed, the Bonds of such maturity shall be selected for redemption in \$1,000.00 principal amounts selected by the Registrar by lot or other manner it deems fair. Upon partial redemption of a Bond, a new Bond or Bonds will be delivered to the registered owner without charge, representing the remaining principal amount thereof outstanding.

(d) Notice and Effect of Redemption. The date of redemption and the principal amount of the Bonds shall be fixed by the County Treasurer, who shall give notice thereof to the Registrar in sufficient time for the Registrar to give notice, by first class mail, postage prepaid, or by other means required by the securities depository, to the owner or owners of such Bonds at their addresses appearing in the bond register, of the numbers of the Bonds or portions thereof to be redeemed and the date on which payment will be made, which date shall be not less than thirty (30) days after the date of mailing notice. On the date so fixed interest on the Bonds or portions thereof so redeemed shall cease.

(e) Notification to the Paying Agent. Upon request by the County under the above sections 2.05(a) and 2.05(b), the Registrar shall give notice of redemption as directed provided that the County has given the Registrar such request at least 45 days prior to the redemption date.

2.06. Form. The Bonds shall be drawn in substantially the form set forth in Exhibit A hereto, and by this reference made a part hereof, with such modifications as are permitted by the Act.

2.07. Execution, Registration and Delivery. The Bonds shall be prepared under the direction of the County Clerk and Recorder and shall be executed on behalf of the County by the signatures of the Chair of the Board of County Commissioners, the County Clerk and Recorder and the County Treasurer and sealed with the official seal of the County; provided that the signatures and the corporate seal may be printed, engraved or lithographed facsimiles of the originals. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of any Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this resolution unless a certificate of authentication on such Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution. The Bonds shall be registered in order of their serial numbers by the Registrar, as attested by the Certificate of Authentication, as of the date of delivery of the Bonds. When the Bonds have been so executed, authenticated and registered, they shall be delivered by the Registrar to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed. The Purchaser shall not be obligated to see to the application of the purchase price, but from the proceeds of the Bonds the County Clerk and Recorder shall credit forthwith \$10,175.00 to the Revolving Fund, as required by Section 7-12-4169(2) of the Act; and the balance of such proceeds to the Construction Subaccount in the District Account, to be used solely for the purposes described in Section 3.02.

2.08. Issuance of the Bonds.

(a) The Bonds shall be initially issued in certificate form, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the Bond register in the name of Bitterroot Valley Bank, of Lolo, Montana. The Registrar and the County may treat Bitterroot Valley Bank, of Lolo, Montana as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this Resolution, registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Registrar nor the County shall be affected by any notice to the contrary. Neither the Registrar nor the County shall have any responsibility or obligation to any Participant, any Person claiming a beneficial ownership interest in the Bonds under or through any Participant, or any other Person which is not shown on the Bond register as being a registered owner of any Bonds, with respect to the payment of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this Resolution, with respect to the selection of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken the Registrar of the Bonds. So long as any Bond is registered in the name of Bitterroot Valley Bank, of Lolo, Montana, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Bitterroot Valley Bank, of Lolo, Montana, and all such payments shall be valid and effective to fully satisfy and discharge the County's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No Person other than Bitterroot Valley Bank, of Lolo, Montana shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the County to make payments of principal and interest.

MONDAY, AUGUST 31, 2009
(Continued)

In the event that any transfer or exchange of Bonds is permitted under paragraph 2.04 (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this resolution.

Section 3. Sinking Fund; Assessments.

3.01. Sinking Fund. There is hereby created and established the Sinking Fund designated as the "Rural Special Improvement District Sinking Fund" which shall be maintained by the County Clerk and Recorder on the books and records of the County separate and apart from all other funds of the County. Within the Sinking Fund there shall be maintained separate accounts for the District, designated accordingly (collectively, the "District Account"). Within the District Account there shall be maintained three separate subaccounts, designated as the "Construction Subaccount," "Principal Subaccount," "Interest Subaccount."

3.02. Construction Subaccount. There shall be credited to the Construction Subaccount in the District Account the proceeds of the sale of the Bonds as provided in Section 2.07. Any earnings on investment of money in a Construction Subaccount shall be retained therein. All costs and expenses of constructing the Improvements to be paid from proceeds of the Bonds in and for the benefit of a District shall be paid from time to time as incurred and allowed from the Construction Subaccount in the respective District Account in accordance with the provisions of applicable law, and money in the Construction Subaccount shall be used for no other purpose, except payment of costs of issuance and administration of the District; provided that upon completion of the Improvements in or for the benefit of a District and after all claims and expenses with respect to such Improvements and costs of issuance and District administration have been fully paid and satisfied, any money remaining in said Construction Subaccount shall be transferred to the Principal Subaccount and used to redeem Bonds as provided in Section 3.03.

3.03. Principal Subaccounts and Interest Subaccounts. Money in the Principal Subaccount and the Interest Subaccount shall be used only for payment of the principal of and interest on the Bonds as such payments become due or to redeem Bonds. From the proceeds of the Bonds, there shall be deposited in the Interest Subaccount any interest on the Bonds accrued to the date of their delivery, pro rata, in proportion to the principal amount of Bonds issued for such District as set forth in Section 1.06.

Upon collection of the installment of principal and interest due on November 30 and May 31 of each fiscal year on the special assessments to be levied with respect to the Improvements in the District, the County Clerk and Recorder shall credit to the Interest Subaccount in the respective District Account so much of said special assessments as is collected as interest payment and the balance thereof to the respective Principal Subaccount. Any installment of any special assessment paid prior to its due date with interest accrued thereon to the next succeeding interest payment date shall be credited with respect to principal and interest payments in the same manner as other assessments are credited to the District Accounts. All money in the Interest Subaccount and the Principal Subaccount shall be used first to pay interest due, and any remaining money shall be used to pay Bonds then due and, if money is available, to redeem Bonds in accordance with Section 2.05; provided that any money transferred to a Principal Subaccount from the Construction Subaccount pursuant to Section 3.02 shall be applied to redeem Bonds to the extent possible on the next interest payment date for which notice of redemption may properly be given pursuant to Section 2.05. Redemption of Bonds shall be as provided in Section 2.05, and interest shall be paid as accrued thereon to the date of redemption, in accordance with the provisions of Section 7-12-2 174 of the Act.

3.04. Loans from Revolving Fund. The Board shall annually or more often if necessary issue an order authorizing a loan or advance from the Rural Special Improvement District Revolving Fund of the County (the "Revolving Fund") to the District Account in an amount sufficient to make good any deficiency then existing in the Interest Subaccount, and shall issue an order authorizing a loan or advance from the Revolving Fund to the District Account in an amount sufficient to make good any deficiency then existing in the Principal Subaccount, in such order and in each case to the extent that money is available in the Revolving Fund. A deficiency shall be deemed to exist in a Principal Subaccount or an Interest Subaccount in a District Account if the money on deposit therein on any June 15 or December 15 (excluding amounts in the Principal Subaccount representing prepaid special assessments) is less than the amount necessary to pay Bonds due (other than upon redemption), and interest on all Bonds payable, on the next succeeding interest payment date.

Pursuant to a Resolution adopted on May 11, 1984, the County has undertaken and agreed to provide funds for the Revolving Fund by levying such tax or making such loan from the General Fund as authorized by Montana Code Annotated, Section 7-12-2182. In the event that the balance on hand in the Revolving Fund fifteen days prior to any date when interest is due on special improvement district bonds or warrants of the County is not sufficient to make good all deficiencies then existing in the special improvement district funds for which the County has covenanted to make loans from the Revolving Fund, the balance on hand in the Revolving Fund shall be allocated to the funds of the special improvement District in which such deficiencies then exist in proportion to the amounts of the deficiencies on the respective dates of receipt of such money, until all interest accrued on such special improvement district bonds or warrants of the County has been paid. On any date when all accrued interest on special improvement district bonds and warrants of the County payable from funds for which the County has covenanted to make loans from the Revolving Fund has been paid, any balance remaining in the Revolving Fund shall be lent or advanced to the special improvement district funds for payment and redemption of bonds to the extent the special improvement district funds are deficient for such purpose, and, if money in the Revolving Fund is insufficient therefor, pro rata, in an amount proportionate to the amount of such deficiency.

The County hereby determines, covenants and agrees to levy the property tax described in the immediately preceding paragraph to provide funds for the Revolving Fund so long as any Bonds are outstanding to the extent required under the provisions of this Resolution and the Act, even though such property tax levy may, under applicable law, require that property tax levies of the County for other purposes be reduced correspondingly. Thus, while any property tax levy to be made by the County to provide funds for the Revolving Fund is subject to levy limits under current law, the County agrees to levy property taxes to provide funds for the Revolving Fund to the extent described in this paragraph and, if necessary, to reduce other property tax levies correspondingly to meet applicable levy limits.

Section 4. Covenants. The County covenants and agrees with the owners from time to time of each of the Bonds that until all the Bonds and interest thereon are fully paid:

4.01. Compliance with Resolution. The County will hold the Sinking Fund and the Revolving Fund as trust funds, separate and apart from all of its other funds, and the County, its officers and agents, will comply with all covenants and agreements contained in this resolution. The provisions hereinabove made with respect to the Sinking Fund and the Revolving Fund are in accordance with the undertaking and agreement of the County made in connection with the public offering of the Bonds and the sale of the Bonds as set forth in Section 1.06.

MONDAY, AUGUST 31, 2009
(Continued)

4.02. Construction of Improvements. The County will do all acts and things necessary to enforce the provisions of the construction contracts and bonds referred to in Section 1.04 and to ensure the completion of the Improvements for the benefit of the District in accordance with the plans and specifications and within the time therein provided, and will pay all costs thereof promptly as incurred and allowed, out of the District Accounts and within the amount of the proceeds of the Bonds appropriated thereto.

4.03. Levy of Assessments. The County will do all acts and things necessary for the final and valid levy of special assessments upon all assessable real property within the boundaries of the District in accordance with the Constitution and laws of the State of Montana and the Constitution of the United States in an aggregate principal amount not less than \$203,500.00.

Such special assessments shall be levied on the basis or bases prescribed in the Resolution of Intention and, as authorized by Montana Code Annotated, Section 7-12-4190(2), shall be payable in equal semiannual installments of principal and interest. The unpaid installments of the assessments shall bear interest at an annual rate determined each fiscal year equal to the sum of: (i) the average annual interest rate borne by the Bonds, plus (ii) one-half of one percent (0.50%) per annum. The assessments will be payable in installments on the 30th day of November in each of years 2009 through 2028 and on the 31st day of May in the years 2010 through 2029, inclusive, if not theretofore paid, and shall become delinquent on such date unless paid in full. The payment due on any installment date shall be the amount necessary to amortize, over the 20-year term in substantially equal semiannual payments, the principal amount of the assessment, together with interest to accrue thereon over said term at the interest rate thereon; provided that the amount of each such installment shall be adjusted each fiscal year to an amount equal to the amount necessary to amortize fully the then outstanding principal amount of the assessment (excluding any delinquent amounts), plus interest accrued at the interest rate on the assessments then in effect in the number of installments then remaining until July 1, 2029. There shall be added to the first installment payment of each assessment interest on the entire assessment from the date of original registration of the Bonds to January 1, 2010. The assessments shall constitute a lien upon and against the property against which they are made and levied, which lien may be extinguished only by payment of the assessment with all penalties, costs and interest as provided in Montana Code Annotated, Section 7-12-2168. No tax deed issued with respect to any lot or parcel of land shall operate as payment of any installment of the assessment thereon which is payable after the execution of such deed, and any tax deed so issued shall convey title subject only to the lien of said future installments, as provided in Montana Code Annotated, Section 15-18-2 14.

4.04. Reassessment. If at any time and for whatever reason any special assessment or tax herein agreed to be levied is held invalid, the County and this Board, its officers and employees, will take all steps necessary to correct the same and to reassess and re-levy the same, including the ordering of work, with the same force and effect as if made at the time provided by law, ordinance or resolution relating thereto, and will reassess and re-levy the same with the same force and effect as an original levy thereof, as authorized in Montana Code Annotated, Section 7-12-2165. Any special assessment, or reassessment or re-levy shall, so far as is practicable, be levied and collected as it would have been if the first levy had been enforced including the levy and collection of any interest accrued on the first levy.

If proceeds of the Bonds, including investment income thereon, are applied to the redemption of such Bonds, as provided in Montana Code Annotated, Sections 7-12-2173 and 7-12-2174, or if refunding bonds are issued and the principal amount of the outstanding Bonds of the District is decreased or increased, the County will reduce or increase, respectively, the assessments levied in the respective District and then outstanding pro rata by the principal amount of such prepayment or the increment above or below the outstanding principal amount of bonds represented by the refunding bonds. The County and this Board, its officers and employees will reassess and re-levy such assessments, with the same effect as an original levy, in such reduced or increased amounts in accordance with the provisions of Montana Code Annotated, Sections 7-12-2158 through 7-12-2159.

4.05. Absence of Litigation. There is now no litigation pending or, to the best knowledge of the County, threatened questioning the validity or regularity of the creation of the District, the contracts for construction of the Improvements or the undertaking and agreement of the County to levy special assessments therefor and to make good any deficiency in the collection thereof through the levy of taxes for and the making of advances from the Revolving Fund, or the right and power of the County to issue the Bonds or in any manner questioning the existence of any condition precedent to the exercise of the County's powers in these matters. If any such litigation should be initiated or threatened, the County will forthwith notify in writing the Purchaser, and will furnish the Purchaser a copy of all documents, including pleadings, in connection with such litigation.

4.06. Waiver of Penalty and Interest. The County covenants not to waive the payment of penalty or interest on delinquent assessments levied on property in the District for costs of the Improvements, unless the County determines, by resolution of the Board of County Commissioners, that such waiver is in the best interest of the owners of the outstanding Bonds.

Section 5. Tax Matters.

5.01. Use of Improvements. The Improvements will be owned and operated by the County and available for use by members of the general public on a substantially equal basis. The County shall not enter into any lease, use or other agreement with any non-governmental person relating to the use of the Improvements or security for the payment of the Bonds which might cause the Bonds to be considered "private activity bonds" or "private loan bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code").

5.02. General Covenant. The County covenants and agrees with the owners from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become includable in gross income for federal income tax purposes under the Code and applicable Treasury Regulations (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the interest on the Bonds will not become includable in gross income for federal income tax purposes under the Code and the Regulations.

5.03. Arbitrage Certification. The Chair of the Board, the County Clerk and Recorder and the County Treasurer, being the officers of the County charged with the responsibility for issuing the Bonds pursuant to this resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds, it is reasonably expected that the proceeds of the Bonds will be used in a manner that would not cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

MONDAY, AUGUST 31, 2009
(Continued)

5.04. Arbitrage Rebate Exemption.

(a) The County hereby represents that the Bonds qualify for the exception for small governmental units to the arbitrage rebate provisions contained in Section 148(f) of the Code. Specifically, the County represents that substantially all (not less than 95%) of the proceeds of the Bonds (except for amounts to be applied to the payment of costs of issuance or representing accrued interest) will be used for local governmental activities of the County.

(b) If notwithstanding the provisions of paragraph (a) of this Section 5.04, the arbitrage rebate provisions of Section 148(f) of the Code apply to the Bonds, the County hereby covenants and agrees to make the determinations, retain records and rebate to the United States the amounts at the times and in the manner required by said Section 148(f).

5.05. Information Reporting. The County shall file with the Secretary of the Treasury, not later than November 15, 2009, a statement concerning the Bonds containing the information required by Section 149(e) of the Code.

5.06. "Qualified Tax-Exempt Obligations." Pursuant to Section 265(b) (3) (B) (ii) of the Code, the County hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b) (3) of the Code. The County has not designated any obligations in 2009 other than the Bonds under Section 265(b) (3). The County hereby represents that it does not anticipate that obligations bearing interest not includable in gross income for purposes of federal income taxation under Section 103 of the Code (including refunding obligations as provided in Section 265(b)(3) of the Code and including "qualified 501(c)(3) bonds" but excluding other "private activity bonds," as defined in Sections 141(a) and 145(a) of the Code) will be issued by or on behalf of the County and all "subordinate entities" of the County in 2009 in an amount greater than \$10,000,000.

Section 6. Authentication of Transcript. The officers of the County are hereby authorized and directed to furnish to the Purchaser and to bond counsel certified copies of all proceedings relating to the issuance of the Bonds and such other certificates and affidavits as may be required to show the right, power and authority of the County to issue the Bonds, and all statements contained in and shown by such instruments, including any heretofore furnished, shall constitute representations of the County as to the truth of the statements purported to be shown thereby.

Section 7. Discharge.

7.01. General. When the liability of the County on all Bonds issued under and secured by this resolution has been discharged as provided in this Section 7, all pledges, covenants and other rights granted by this resolution to the owners of such obligations shall cease.

7.02. Payment. The County may discharge its liability with reference to any Bond or installment of interest thereon which is due on any date by on or before that date depositing with the Registrar funds sufficient, or, if a County officer is the Registrar, mailing to the registered owner of such Bond a check or draft in a sum sufficient and providing proceeds available, for the payment thereof in full; or if any Bond or installment of interest thereon shall not be paid when due, the County may nevertheless discharge its liability with reference thereto by depositing with the Registrar funds sufficient, or, if a County officer is the Registrar, by mailing to the registered owner thereof a check or draft in a sum sufficient and providing proceeds available, for the payment thereof in full with interest accrued to the date of such deposit or mailing.

7.03. Prepayment. The County may also discharge its obligations with respect to any Bonds called for redemption on any date when they are prepayable according to their terms, by on or before that date depositing with the Registrar funds sufficient, or, if a County officer is the Registrar, mailing to the registered owner of such Bond a check or a draft in a sum sufficient and providing proceeds available, for the payment of the principal, interest and redemption premium, if any, which are then due; provided that notice of such redemption has been duly given as provided herein or irrevocably provided for.

7.04. Escrow. The County may also at any time discharge its liability in its entirety with reference to the Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank qualified by law as an escrow agent for this purpose, cash or securities which are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without reinvestment, to provide funds sufficient to pay all principal and interest to become due on all Bonds on or before maturity or, if any Bond has been duly called for redemption or notice of such redemption has been irrevocably provided for, on or before the designated redemption date.

Section 8. Repeals and Effective Date.

8.01. Repeal. All provisions of other Resolution and other actions and proceedings of the County and this Board that are in any way inconsistent with the terms and provisions of this resolution are repealed, amended and rescinded to the full extent necessary to give full force and effect to the provisions of this resolution.

8.02. Effective Date. This resolution shall take effect immediately upon its passage and adoption by this Board.

PASSED by the Board of County Commissioners of Flathead County, Montana, this 31st day of August, 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/ Absent
James R. Dupont, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

MONDAY, AUGUST 31, 2009
(Continued)

CONSIDERATION OF HR TRANSMITTAL: MANAGER/ OES

[10:08:54 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to approve the revised job classification for an OES/ Manager. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

CONTINUATION OF CONSIDERATION OF MILL LEVY: MONTANA WEST ECONOMIC DEVELOPMENT/ PORT AUTHORITY

[9:45:50 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Finance Comptroller Joe Garza, Richard M. Griffin, Jeannie Luckey, Ken Sugden, Turner Askew, Lyle Mitchell, Brad Salonen, Carol Oberndorfer, Shane Jackola, Don Bennett, Andy Miller, Paul Wachholz, Jim Oliverson, Bill Shaw, Clerk Kile

Don Bennett, Chairman of the Port Authority stated he wanted to clarify that Montana West Economic Development is a name under Jobs Now that is doing business as Montana West Economic Development, which is a privately funded entity through corporate and individual contributions. He explained they also manage a loan portfolio that includes community development block grants, EDA loan pools, etc., which generate about one-third of their revenue, one-third comes from contributions and the other one-third comes from the Port Authority. Bennett stated there is a total fire wall between Montana West Economic Development and the Port Authority that they are totally separate organizations; although some board members are on both. He then noted the Flathead Economic Development Authority provides support to Montana West Economic; with their goal being to build up funds and look at everything as an investment rather than an expense. They are looking to build a portfolio in order to support economic development throughout the valley independently. Bennett reported they presently have \$1.8 million in cash and have an investment in 37% of 63,000 square feet of Gateway West Mall and have depreciated that down by \$500,000.00 with debt of \$60,000.00 left.

Commissioner Brenneman asked if it would be accurate to say that \$400,000.00 which is equivalent to 2 mils is going towards: \$100,000.00 in administrative costs for Montana West Economic Development and \$300,000.00 into cash reserves.

Don Bennett stated that a majority of the \$300,000.00 is; depends on what comes up.

Commissioner Brenneman said then with some degree of knowledge then 2 mils goes to the Port Authority; they meet and approve a budget that says they are allocating money in this way to be used by Montana West Economic Development.

Don Bennett further stated that so far they have been allocating \$100,000.00 in a cooperative effort with Montana West Economic Development to promote economic development; which is creation of new jobs and expansion of existing businesses.

General discussion continued in regards to loan programs and businesses that have been helped along with affordable housing.

Members Montana West Economic Development:

Don Bennett	Freedom Bank
Jeannie Luckey	Raymond James Financial Services
Lyle Mitchell	State Farm Insurance Agent
Turner Askew	Turner Askew & Associates Real Estates
Richard Griffin	Century Tel
Jim Dupont	Commissioner
Carol Oberndorfer	Office Manager
Ken Sugden	Flathead Electric
Brad Salonen	Western States
Shane Jackola	Jackola Engineering
Paul Wachholz	Fun Beverage
Andy Miller	Old School Station Developer
Bill Shaw	City Mgr Col. Falls
Jim Oliverson	Kalispell Regional Hospital

MONDAY, AUGUST 31, 2009
(Continued)

Members Port Authority:

Don Bennett	Freedom Bank
Turner Askew	Turner Askew & Associates Real Estate
Jeannie Luckey	Raymond James Financial Services
Lyle Mitchell	State Farm Insurance Agent
Carol Oberndorfer	Office Manager

Chairman Lauman read a letter from the Port Authority requesting a tax levy of 2 mils beginning July 1, 2009; funds will be used for further economic development of Flathead County.

Commissioner Brenneman made a **motion** to approve the 2 mils as requested by Montana West Economic Development/ Port Authority. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

PRELIMINARY PLAT: ASHLEY VIEW ESTATES, AMENDED PLAT OF LOT 1

[10:10:26 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

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

Mouch entered into record Staff Report FSR 09-02, Ashley View Estates Amended Plat of Lot 1 Subdivision; an application submitted by Patrick Mills with technical assistance from Sands Surveying for a 2 lot minor subdivision located west of Kalispell on 15.16 acres North of Ashley Lake Road. Mouch noted with 22 conditions and approval of the variance request staff recommends preliminary plat approval.

Discussion was held relative to Finding of Fact #7:

- Impacts to air quality from traffic created by the proposed subdivision on a gravel road could be effectively mitigated by requiring the applicant to pave 867 feet of Ashley Lake Road.

Wirtala stated this is another example where the ratio in the subdivision regulation doesn't always work fairly across the board.

General discussion was held relative to the amount the applicant should be required to pave and the need for a variance in order to change the condition.

A decision was made to grant a variance regarding off site roadway improvements; variance to Section 4.7.19 (f).

Commissioner Brenneman made a **motion** to adopt Findings of Fact. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve Ashley View Estates, Amended Plat of Lot 1 Subdivision with 2 variance requests, and to amend condition 19 to 190 feet of Ashley Lake Road or the equivalent in cash of the cost to pave the road at the time final plat is submitted. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

Standard Conditions

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.18(iv), Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit for the shared driveway access serving Lots 1 and 2 onto North Ashley Lake Road from the Flathead County Road and Bridge Department, indicating the approach has been designed and built to County standards and received final inspection and approval. [Section 4.7.18, FCSR]
3. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures. [Section 4.7.15, FCSR]
4. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief or reviewing authority stating that the plat meets the requirements of the fire district shall be submitted with the application for final plat. [Section 4.7.28, FCSR]
5. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan, and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat application. [Section 4.7.27, FCSR]
6. All internal subdivision roads shall be certified by a licensed engineer and constructed in accordance with the Flathead County Minimum Standards for Design and Construction. [Section 4.7.18, FCSR]
7. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.25, FCSR]
8. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 4.7.14, FCSR]
9. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.30, FCSR]

MONDAY, AUGUST 31, 2009
(Continued)

10. The following statements shall be placed on the face of the final plat applicable to all lots:
- a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.28.c, FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.25, FCSR]
 - c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.24, FCSR]
 - d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.27, FCSR]
 - e. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.15, FCSR]
 - f.

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

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]
12. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
13. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.2.19, FCSR]
14. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.2.15(a), FCSR]
15. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. [Section 4.2.13, FCSR]
- Project-Specific Conditions
16. A ten foot bicycle and pedestrian easement shall be shown on the face of the final plat along the north side of North Ashley Lake Road.
17. The east property boundary of Lot 1 shall be realigned so that the proposed driveway easement does not split Lot 2, and so the shared driveway approach provides legal and physical access to both lots.
18. The applicant shall submit copies of final plans, profiles and grades for the construction of the driveway for Lot 1, to ensure the grade requirements identified in Section 4.7.7(e) of the subdivision regulations have been met and the area of disturbance is less than one acre (therefore not requiring a SWPP permit). The driveway shall receive written approval from the local Fire Marshall or reviewing authority prior to the start of combustible construction.
19. The applicant shall pave 190 feet of Ashley Lake Road (starting at the termination of the existing paved portion of the road), or provide the cash equivalent for the required paving.
20. The Fire Prevention Control and Fuels Reduction Plan submitted with the preliminary plat application shall be implemented before approval of the final subdivision plat, and the local/reviewing fire authority shall inspect the subdivision and provide written documentation that all thinning, clearing and other mitigation measures described in the plan have been completed as proposed.
21. The following statements shall be shown on the face of the final plat:
- a. This subdivision is located in the Wildland Urban Interface wildfire priority area where wildfires can and do occur.
 - b. Only Class A and Class B fire-rated roofing materials are allowed.
 - c. Fire-Wise defensible space standards shall be incorporated around all primary structures and improvements.
 - d. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - e. Lot owners are alerted to the presence of potentially dangerous wildlife in the area and are reminded that **feeding big game is illegal.**
- Lot owners are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including such things as bear proofing, pet control, wildlife friendly fencing, and removing food sources.

MONDAY, AUGUST 31, 2009
(Continued)

COS REVIEW: KUNTZ

[10:35:26 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Planner Dianna Broadie, Dan Brien, Leon Kuntz, Leslie Kuntz, Clerk Kile

Broadie reviewed the request from Leon Kuntz to divide a parcel south of Lakeside between Hwy 93 and Angel Point Road into the following:

Tract 1	1.100 Acres to be transferred to Leslie Kuntz, Wife
Tract 2	1.396 Acres to be retained by Leon Kuntz

Dan Brien explained his client wanted to transfer the property to Leslie's son who is Leon's step-son, but was informed he couldn't do a family transfer to a step-son; that it had to be a child by blood or adoption.

General discussion was held relative to family transfer requirements and clarification was made in regards to the law.

Commissioner Brenneman asked Dan Brien if in his professional opinion he felt this was not an evasion.

Dan Brien said that is correct.

Commissioner Brenneman made a **motion** to approve the Kuntz COS. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

BOARD APPOINTMENTS: EMS ADMINISTRATIVE BOARD

[10:42:03 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Deputy County Attorney Jonathan Smith, Director OES Mark Peck, Clerk Kile

Commissioner Brenneman made a **motion** to appoint Robert Kun, Dr. Wayne Miller and Myrt Webb to the EMS Administrative Board. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

BUDGET AMENDMENT

[10:55:45 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Clerk & Recorder Paula Robinson, Finance Comptroller Joe Garza, Clerk Kile

Garza explained the track books in the Plat Room were digitized last week.

Commissioner Brenneman made a **motion** to adopt Resolution #2222. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

**MONDAY, AUGUST 31, 2009
(Continued)**

BUDGET AMENDMENT
RESOLUTION # 2222

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2009-2010, are required, and;

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

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2009-2010; and

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

DATED this 31th day of August 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: Absent
James R. Dupont, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

DATE OF ISSUE:		8/27/2009		BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:						Entered by:	
		RESOLUTION #		Resolution #2222			
Fund	Dept	ACTIVITY	OBJEC T	ACCOUNT DESCRIPTION	DEBIT	CREDIT	
2395	0202	410911	322	Books/Catalogs/Binding/Record	29,014.00		
Explanation					29,014.00	0.00	
Increase budget line item for digitizing of Plat Room tract books.							

**CONSIDERATION OF RELEASE OF OLD COLLATERAL & SIA AND ACCEPTANCE OF NEW COLLATERAL & SIA:
GLACIER RANCH, PHASES 1 & 2**

[10:45:13 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Assistant Planning & Zoning Director B J Grieve, Scott Mizner, Clerk Kile

Grieve explained Glacier Horse Ranch received final plat for Phase 1 on May 29, 2007 with the SIA being extended several times and now set to expire on October 31, 2009. The request today pertaining to Phase 1 is to reduce the current collateral from \$3,954,572.50 to \$474,517.50. Phase 2 received final plat on May 14, 2009 with an SIA that is scheduled to expire today (August 31, 2009); therefore an extension to the SIA to October 31, 2009 is being requested and collateral reduced to \$247,849.38.

Commissioner Brenneman made a **motion** to approve reducing the collateral for two revised SIA's, Phase 1 and Phase 2 as stated and approved an extension for Phase 2 and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

MONDAY, AUGUST 31, 2009
(Continued)

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #09-07-5-21-083-0 AMENDMENT #1

[10:58:12 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Brenneman made a **motion** to approve the DPHHS contract. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: AMERICAN RECOVERY & INVESTMENT ACT/ BUS BARN FOR EAGLE TRANSIT

[10:59:24 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

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. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

This is to notify all interested parties that Flathead County Area IX Agency on Aging / Eagle Transit has been awarded \$980,585.00 through the Montana Department of Transportation Transit Section. The funding is provided by the American Recovery and Reinvestment Act (ARRA) and administered by the Montana Department of Transportation. ARRA funds will be used to construct a bus storage facility located at 1333 Willow Glen Road in the town of Kalispell.

The application and award are on file at Eagle Transit. A public hearing will be held at the Flathead County Commissioners Office, on September 10, 2009, at 9:30 A.M., to receive public comment regarding the expenditure of ARRA funds to build a bus storage facility.

For more information or for those who require accommodations for disabilities, contact David Polansky, Eagle Transit Program Manager, Kalispell at 406-758-2427 (voice) or the Department of Transportation, Helena at 444-4210 (voice), or 444-7696 (TTY).

DATED this 31st day of August, 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 September 6, 2009.

DOCUMENT FOR SIGNATURE: DEQ CONTRACT #510019

[11:00:28 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Brenneman made a **motion** to approve the DEQ contract and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

MONDAY, AUGUST 31, 2009
(Continued)

DOCUMENT FOR SIGNATURE: N. W. MONTANA HUMAN RESOURCES EMERGENCY SHELTER GRANT

[11:01:47 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Brenneman made a **motion** to approve the N.W. Montana Human Resources Emergency Shelter Grant. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

MEETING W/ DAVE PRUNTY/ SOLID WASTE DISTRICT RE: SOMERS CONTAINER SITE PURCHASE

[11:16:15 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Public Works Director Dave Prunty, Operations Manager Solid Waste Jim Chilton, Clerk Kile

Prunty reported MDOT has accepted the counties offer of \$130,000.00 to purchase the Somers container site. He then explained he now needs commissioner approval of the purchase before a check can be issued.

Commissioner Brenneman made a **motion** to authorize the expenditure of \$130,000.00 to purchase the Somers container site. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 1, 2009.

The following are claims for the month of August, 2009.

Vendor Name	Amount
2M COMPANY INC	\$146.85
48 NORTH PC CIVIL ENGINEERING SERVICES	\$928.42
A & I DISTRIBUTORS	\$754.52
A-1 TOWING	\$218.00
ABC BUSINESS SOLUTIONS INC	\$180.75
ABLE BODY SHOP INC	\$3,946.85
ACCESS CONSULTING, PC	\$17,314.00
ADAM, CONRAD W 1	\$2,557.00
ADAMSON INDUSTRIES INC	\$304.95
ADKINS, DIANNA	\$222.67
AED EVERYWHERE	\$5,683.00
AFLAC	\$3,980.68
AFSCME COUNCIL 9	\$3,867.95
ALBERTUS, MICHAEL	\$80.73
ALERT LEVY FUND	\$45.92
ALL ABOARD	\$4,250.00
ALL STAR ELECTRIC	\$586.00
ALLEGIANCE BENEFIT PLAN MANAGEMENT	\$25,049.58
ALLSTATE INSURANCE	\$30.58
ALLTEL	\$723.16
ALPINE BUSINESS CENTER	\$4,360.00
ALTON, JACK	\$828.87
AMER, DANIEL	\$37.30
AMERICAN HEALTH INFO MGMT ASSOC	\$155.00
AMERICAN INTERNATIONAL MEDICAL	\$12,600.00
AMERICAN LINEN DIVISION	\$676.26
AMERICAN MOSQUITO CONTROL ASSOC	\$120.00
AMERICAN PEST CONTROL OF MONTANA	\$300.00
AMERIGAS PROPANE INC	\$315.00
AMSAN CUSTODIAL SUPPLY	\$10,412.48
AMYES, VONDA	\$17.50
ANDERS BUSINESS SOLUTIONS	\$109.52
ANDERSON'S MASONRY HEARTH & HOME	\$19.00
ANDERSON, ALAN	\$20.00
ANDY'S AUTO GLASS	\$235.00
ANGIE'S GREENHOUSES	\$32.00
ANIMAL CLINIC OF KALISPELL	\$151.25
ANYTIME LOCK & SAFE	\$5,674.63
API SYSTEMS INTEGRATORS INC	\$182.50
APPLIED INDUSTRIAL TECHNOLOGIES INC	\$2,746.50
AQUA WEED PRO	\$4,427.40
ARAMARK	\$2,029.96
ARCSEARCH	\$14,507.00
ARCHITECTS DESIGN GROUP PC	\$2,000.00
ARCHITECTS NORTHWEST PLLC	\$1,000.00

**AUGUST, 2009
(Continued)**

ARMA INTERNATIONAL	\$205.00
ARMY - NAVY	\$2,225.06
ASPHALT DRUM MIXERS INC	\$2,999.63
ASSN OF MT PUBLIC HEALTH OFFICIALS	\$3,000.00
ASSOCIATED BAG COMPANY	\$141.99
ATKINSON, JIM	\$46.00
AUSTIN FUNERAL HOME	\$500.00
AUTO ELECTRIC REBUILDERS INC	\$135.00
AUTOMATIC FIRE SYSTEM	\$356.08
B&C TELEPHONE, INC	\$7,830.50
BAMBERGER, JULES	\$4,000.00
BASHORE, ERIC J	\$2,218.62
BATES, ROB MD	\$2,500.00
BEE BROADCASTING INC	\$1,980.00
BENNETT ELECTRIC	\$1,125.00
BERANEK, DAVID J	\$185.54
BERRY COMPANY, THE	\$223.20
BERTELSEN, SALLY KAY	\$290.95
BIG JOHN'S	\$953.65
BIG SKY MONUMENTS INC	\$490.00
BIGFORK SENIOR CITIZENS	\$300.00
BIGFORK WATER/SEWER DISTRICT	\$288.58
BIGGS, BETTY S	\$43.70
BIKOLOGY CYCLING FITNESS	\$200.00
BINETTE, ANDREW	\$22.14
BIO-KEY INTERNATIONAL	\$1,764.10
BIRKY, PERRY K MD	\$150.00
BLACK BOX NETWORK SERVICE	\$150.00
BLACK GOLD TOP SOIL	\$171.00
BLOCK, BRYAN SURVEYING	\$247.50
BOAR, LISSY	\$15.00
BOB BARKER CO INC	\$633.90
BOGART, KEITH	\$6.00
BOLSTER'S TOWING INC	\$150.00
BONNERS FERRY VET CLINIC	\$380.00
BOOKS WEST	\$22.50
BOUNCEBACK INC	\$987.00
BOWEN, TAMMY RN	\$15.00
BRASS & BULLETS	\$155.71
BRESNAN COMMUNICATIONS LLC	\$79.83
BROKERS NATIONAL LIFE	\$3,131.70
BRUYER, KRISTI D	\$20.80
BUFFALO HILL FUNERAL HOME	\$1,750.00
BULLIS, RICHARD A.	\$1,650.00
BURKE, DEBRA MARIE	\$35.10
BURKE, RUTH	\$80.00
BURKHART DENTAL SUPPLY	\$3,692.34
BURTON, JAMES H.	\$1,419.00
BYRD, OVILA	\$172.27
CAL'S BOOT & SHOE REPAIR	\$225.00
CALLAN, NANCY JEAN	\$43.18
CAMPBELL PET COMPANY	\$242.29
CAMPBELL, RAEANN L	\$41.44
CANNON, JAMIE R	\$192.40
CARDINAL DISCOUNT SUPPLY INC	\$472.33
CARDINAL HEALTH	\$3,170.62
CARQUEST AUTO PARTS STORES	\$2,570.01
CARR, W SHANE	\$600.00
CASSIDY, KATE	\$22.00
CAUDILL, STEVE	\$54.89
CBM FOOD SERVICE	\$12,847.56
CELIA, ROBERT FRANCIS	\$39.50
CENTER FOR RESTORATIVE YOUTH JUSTICE	\$1,628.28
CENTURYTEL 4	\$11,071.64
CHILD SUPPORT DIVISION	\$2,142.96
CHILTON, JIM	\$30.25
CHOUINARD, LARRY J	\$30.70
CHRISINGER, KENNETH L	\$12.00
CHRISTIANSSEN, MARTIN JEFFREY	\$34.00
CHS INC - KALISPELL	\$33,402.82
CHS INC.,BY-PRODUCTS	\$276,284.96
CHUCK LOPEMAN SOUND COMPANY	\$3,900.00
CITYSERVICEVALCON LLC	\$91,296.93
CLALLAM CO SHERIFFS OFFICE	\$75.00
CLARKE, CARLA	\$396.00
CLINICAL PHARMACY, THE	\$3,327.24
CMI INC	\$232.37
COBIANCO, THOMAS J	\$23.00
COCA-COLA BOTTLING	\$939.15
COLLECTION CENTER OF KALISPELL	\$285.78
COLLINS, DONNA LEE	\$15.30
COLONIAL LIFE AND ACCIDENT INS CO	\$10.50
COLUMBIA CONTAINERS	\$190.00
COLUMBIA FALLS, CITY OF	\$24.41
COLUMBIA MORTUARY	\$750.00
COLUMBIA PAINT & COATINGS	\$70.38
COLWELL, JOHN D	\$34.35

AUGUST, 2009
(Continued)

COMMUNITY ACTION PARTNERSHIP	\$17,664.85
COMPUTER SOFTWARE ASSOCIATES, INC	\$6,625.50
CONRAD MAIN STREET LLC	\$3,388.66
CONRAD, CHARLES	\$9.24
COOPER, SHIRLEY	\$250.00
COSNER COMTECH INC	\$348.50
COUNTERMEASURES TACTICAL INSTITUTE INC	\$475.00
COX, VICTOR SAM	\$133.00
CRANS, NANCY	\$95.10
CREATIVE PRODUCT SOURCE, INC	\$157.07
CRESCENT ELECTRIC SUPPLY CO	\$857.75
CRIMINAL RECORDS	\$146.25
CTA ARCHITECTS ENGINEERS	\$56,118.48
CULLIGAN WATER	\$1,719.37
CUMMINGS, SUE	\$23.40
CUSTOM CAGE	\$635.00
CYCLONE MFG	\$65.89
DAILY INTERLAKE	\$2,892.07
DALEN'S DIESEL SERVICE INC	\$6,721.57
DASH MEDICAL GLOVES INC	\$868.50
DATA IMAGING SYSTEMS INC	\$1,241.81
DAVIS PIPE & MACHINERY, INC	\$50.00
DAVIS, KATHERINE J	\$31.25
DAYS ELECTRIC INC	\$190.00
DE LAGE LANDEN FINANCIAL SERVICES	\$485.50
DECK, LESLIE	\$768.23
DEMCO, INC	\$462.49
DENNING, DOWNEY & ASSOCIATES, PC	\$1,215.00
DENTISTS BENEFIT INSURANCE CO	\$1,235.00
DEPARTMENT OF HEALTH & HUMAN SERVICES	\$461.50
DEPRATU FORD SALES	\$473.26
DEPT OF ENVIRONMENTAL QUALITY 1	\$1,150.00
DEPT OF JUSTICE 5	\$150.00
DEPT OF JUSTICE 6	\$7,924.08
DEPT OF LIVESTOCK	\$160.00
DEPT OF NATURAL RESOURCES & CONSERV	\$50.00
DEPT OF PUBLIC HEALTH & HUMAN SRVS 1	\$3,159.50
DEPT OF REVENUE 5	\$68,184.95
DEPT OF REVENUE 6	\$7,389.12
DEPT OF REVENUE 8	\$846.02
DEPT OF TRANSPORTATION 3	\$250.00
DIGITAL COMMUNICATIONS SYSTEM, INC	\$21,978.65
DISCOVERING MONTANA.COM	\$15.00
DODGE COMPANY INC	\$720.00
DOELY, WENDY	\$8.89
DOUBLE D LIVESTOCK LLC	\$5,000.00
DUDLEY, JORDICE	\$112.46
DUPREE BUILDING SPECIALTIES	\$891.00
DUROS, LAURA LEE	\$261.00
DUTTON, WENDY A	\$450.00
EAGLE COMMUN INC/KECI-KCFW-KTVM TV	\$2,055.00
EBSCO INFORMATION SERVICES	\$4,800.00
EGOLF, HEATHER LYNNE	\$14.20
EISINGER MOTORS	\$104.76
ELLIOT, RANDI	\$48.95
EMMERT, CELIA M	\$20.25
ENVIRO-TIRE INC	\$516.40
EQUITABLE LIFE ASSURANCE SOCIETY	\$265.00
EQUITY MANAGEMENT INC TRUST	\$2,652.76
ERICKSON'S POOLS & SPAS	\$184.35
ERICKSON, CONNIE	\$191.95
ESRI INC	\$2,375.00
EVERGREEN DISPOSAL INC	\$20,595.60
EXPRESS EMPLOYMENT PROFESSIONALS	\$20,156.74
F H STOLTZE LAND & LUMBER	\$1,077.25
FASTENAL COMPANY	\$32.09
FASTENERS INC	\$1,029.27
FAUSKE, PETE	\$21.00
FEDEX EXPRESS	\$220.29
FELT'S UPHOLSTERY & CANVAS	\$105.00
FICKLER OIL COMPANY INC	\$160.05
FIFTH WAVE LEADERSHIP	\$1,500.00
FINBERG, ANGIE	\$31.25
FIRE GUYS LEASING, INC	\$75.00
FIRE LOGISTICS INC	\$2,003.58
FIRE SUPPRESSION SYSTEMS INC	\$546.00
FIRE SYSTEMS WEST INC	\$3,490.57
FIRST AMERICAN TITLE CO 2	\$52.00
FIRST BANKCARD	\$48,940.72
FIRST INTERSTATE BANK TRUSTEE	\$1,175.00
FISHER RIVER VOL FIRE COMPANY	\$24,181.61
FLATHEAD ANIMAL CLINIC, PC	\$46.50
FLATHEAD BEACON	\$775.00
FLATHEAD BUSINESS JOURNAL	\$308.00
FLATHEAD CO SEARCH & RESCUE	\$122.42
FLATHEAD CO TREASURER	\$49.44
FLATHEAD CO WATER & SEWER	\$706.05

AUGUST, 2009
(Continued)

FLATHEAD COMMUNITY HEALTH CENTER	\$144.18
FLATHEAD ELECTRIC COOPERATIVE INC	\$37,757.02
FLATHEAD JANITORIAL & RUG SERVICE	\$690.00
FLATHEAD JOB SERVICE	\$60.00
FLATHEAD PET EMERGENCY	\$286.96
FLATHEAD VALLEY ARCHERS	\$337.50
FLATHEAD VALLEY CHAPTER OF SHRM	\$60.00
FLATHEAD VALLEY UMPIRE'S ASSN	\$4,912.00
FLEET INDUSTRIES	\$487.49
FOOD SERVICES OF AMERICA	\$4,886.32
FORD, YOLANDA TESS	\$23.00
FRANCIS, DORIS	\$11.85
FREEDOM BANK	\$40.00
FRIENDS OF LAS VEGAS METRO POLICE	\$400.00
FULLERTON ARCHITECTS PC	\$1,000.00
GALE GROUP, THE 1	\$851.48
GALLS INC	\$123.48
GARLINGTON, LOHN & ROBINSON, PLLP	\$1,694.85
GCR TIRE CENTER	\$7,281.89
GCS RESEARCH LLC	\$1,000.00
GENERAL FIRE APPARATUS CO INC	\$141,615.00
GILBERTSON, TED	\$600.00
GIRKINS, MARGARET L	\$31.80
GIRVEN, SHARON	\$145.23
GLACIER BANK	\$58,960.41
GLACIER JET TECHNOLOGIES INC	\$700.00
GLACIER REGIONAL PATHOLOGY LTD	\$250.00
GLACIER WHOLESALERS INC	\$4,043.13
GLASGOW, JEAN L	\$17.50
GLAXOSMITHKLINE PHARMACEUTICALS	\$4,553.00
GLOBAL PROTECTION CORP	\$408.00
GOEDEN, AMY	\$12.00
GOLD RUSH CLOTHING COMPANY	\$227.80
GOOSE BAY CONSTRUCTION	\$22,257.21
GRADE 8 EARTHWORKS	\$750.00
GREASE MONKEY	\$471.83
GREAT FALLS POLICE DEPT	\$150.00
GREAT NORTHERN PRINTING INC	\$124.75
GRIZZLY CUSTOM GUNS LLC	\$430.00
GRIZZLY MOON MASH, LLC	\$96.26
GROSSWILER, JOE K	\$26.10
GUNDERSON, BRUCE	\$225.39
GUNDERSON, KAREN L	\$33.25
H&H EXPRESS INC	\$31.11
HANNAH, AUDREY	\$17.82
HARMON CRANE & RIGGING INC	\$5,040.00
HAROLD ELECTRIC CO	\$118.65
HARTSOCH, DOROTHY	\$750.00
HATTON, DENNIS C	\$20.25
HD SUPPLY WATERWORKS, LTD	\$986.00
HEALTH E-WEB	\$138.00
HEARON, JOAN	\$18.60
HEDMAN HILEMAN & LACOSTA	\$48.00
HELGESON, JOE	\$8.16
HENRY SCHEIN	\$5,106.60
HENSLEY, SHELLY SNIPES	\$28.50
HERRLING, JOSEPH G	\$34.00
HIGH COUNTRY LINEN SUPPLY	\$1,448.26
HIGH PLAINS PIZZA INC	\$29.73
HILL'S PET NUTRITION SALES INC	\$805.00
HOLDHUSEN, CHRISTOPHER	\$99.99
HOLLINGER, SCOTT	\$24.20
HOME DEPOT CREDIT SERVICES	\$1,134.42
HOOPER'S NURSERY AND GREENHOUSES	\$690.90
HOTSY CLEANING SYSTEMS	\$657.49
HOUGHTON MIFFLIN COMPANY CORP	\$295.46
HOUSE OF CLEAN	\$16.95
HRABIK, CHELLIE LINN	\$13.10
HUDSON, JERREL	\$25.50
HUNGRY HORSE NEWS	\$33.00
HYDROMETRICS INC	\$8,981.75
IBS INCORPORATED	\$734.16
IKON OFFICE SOLUTIONS	\$139.70
IKON OFFICE SOLUTIONS 1	\$1,607.18
IMPERIAL DRY CLEANERS INC	\$560.05
INABNIT, DANETTE	\$126.40
INFORMATION TODAY INC	\$99.95
INGENIX	\$74.72
INGRAM LIBRARY SERVICES	\$15,648.72
INSTY PRINTS	\$238.29
INTEGRATED SECURITY SOLUTIONS INC	\$195.00
INTERNAL REVENUE SERVICE	\$300.00
INTERNATIONAL UNION OF OP ENGINEERS	\$2,554.25
INTERSTATE ALARM CO	\$115.00
J2 OFFICE PRODUCTS	\$16,175.10
JACOBS, WENDEE	\$5.94
JANITORS WORLD SUPPLIES	\$2,268.61

AUGUST, 2009
(Continued)

JEWELL FUNERAL HOME, INC	\$250.00
JOE'S RADIATOR SHOP	\$330.00
JOHN JUMP TRUCKING INC	\$880.00
JOHNSON CONTROLS INC	\$22,093.39
JOHNSON, DARRYL R	\$171.39
JOHNSON, LORENE	\$250.00
JOHNSON, MARK D	\$24.10
JOHNSON, RANDOLF N	\$295.00
JOHNSON, REBECCA	\$32.33
JOHNSON-GLOSCHAT FUNERAL HOME	\$2,650.00
JOM PHARMACEUTICAL SERVICES	\$2,424.44
JONES & BARTLETT PUBLISHERS, INC	\$1,200.61
K&J AUTO PARTS INC	\$484.91
KALISPELL ALIGNMENT & AUTO REPAIR INC	\$2,636.67
KALISPELL AUTO PARTS	\$4,315.70
KALISPELL CHAMBER OF COMMERCE	\$1,700.00
KALISPELL CITY 1	\$7,174.41
KALISPELL CITY AMBULANCE SERVICE	\$469.14
KALISPELL COPY & BLUE INC	\$1,120.94
KALISPELL ELECTRIC INC	\$588.84
KALISPELL KIWANIS CLUB	\$350.00
KALISPELL OVERHEAD DOOR SERVICE INC	\$120.00
KALISPELL REGIONAL MEDICAL CENTER 1	\$600.00
KALISPELL REGIONAL MEDICAL CENTER 2	\$18,947.65
KALISPELL SENIOR CENTER	\$500.00
KALISPELL TOYOTA	\$26,590.00
KALMONT DISTRIBUTORS INC	\$642.28
KAMAN INDUSTRIAL TECHNOLOGIES CORP	\$130.31
KAR PRODUCTS	\$81.07
KARI DODGE CHRYSLER PLYMOUTH HYUNDA	\$8,195.03
KDAS INCORPORATED	\$32.00
KEEFE COMMISSARY NETWORK SALES	\$875.00
KELLY, BRIAN	\$210.00
KENWORTH SALES MISSOULA	\$762.66
KEOWN, JUDITH	\$28.50
KESLER CHAMPIONSHIP RODEO	\$68,210.00
KIRCHNER, ROBERT C	\$23.00
KISLER, MICHELE	\$17.50
KMART 7030	\$361.14
KRANZ, JAMES R	\$23.00
KREITMAN, BELINDA	\$28.50
KRUGER HELICOPTER SERVICE	\$1,275.00
KRUSER'S MOBILE SERVICES LLC	\$605.00
LABERE, MICHELLE LEE	\$122.00
LAISY, WAYNE	\$135.00
LAKE FIVE PROPERTIES, LLP	\$9,113.92
LAKESIDE COMMUNITY CHAPEL	\$300.00
LAKESIDE COUNTY WATER & SEWER	\$740.00
LAMB, CONNIE	\$13.10
LAMPSON, CECILE	\$65.10
LANKTREE GLASS, INC	\$782.26
LAW ENFORCEMENT EQUIPMENT DISTRIBUTION	\$86.90
LAW ENFORCEMENT SYSTEMS	\$97.06
LAWRENCE RAGAN COMMUNICATIONS INC	\$29.95
LAWRENCE, PAULETTE	\$1,988.00
LAWSON PRODUCTS, INC.	\$3,394.05
LC STAFFING SERVICE	\$5,658.80
LEAF	\$100.34
LEBERMAN, ANNIE	\$71.46
LEE, CECILIA	\$40.00
LEIB, DAVE	\$64.00
LEMBKE, MONETTE F	\$34.00
LENOIR, RODNEY	\$26.40
LES SCHWAB TIRE CENTER 1	\$45.00
LHC, INC	\$28.56
LIBERTY NORTHWEST	\$78,639.86
LILIENTHAL INSULATION COMPANY LLC	\$302.08
LIPPINCOTT WILLIAMS & WILKINS	\$295.96
LIST, KATHERINE A	\$2,160.00
LIVINGSTON, DANETTE MARIE	\$188.00
LOREN'S CARPET CARE	\$400.00
LOWE'S	\$22.53
LYCOX ENTERPRISES INC	\$38,055.00
LYNN PEAVEY COMPANY	\$83.75
LYONS, JOHN H	\$100.00
M&M COMMUNICATIONS INC	\$244.00
MAA	\$140.00
MACDONALD, RODERICK B	\$30.70
MACK, JONATHAN JASON	\$24.65
MACKOFF KELLOGG	\$8.00
MACO/JPIA	\$2,415.00
MACON SUPPLY	\$802.39
MAHUGH FIRE & SAFETY, LLC	\$22,196.30
MAIL ROOM, THE	\$11,712.70
MAKULEC, JENNIFER	\$3,925.00
MANAGHAN, LOIS	\$108.80
MANESS, KEVIN SCOTT	\$25.75

AUGUST, 2009
(Continued)

MARTINEZ, TINA	\$250.00
MASTERPIECE CARPET ONE	\$125.00
MAXIMUM LEVY FUND	\$447.47
MAYER, KATHLEEN	\$8.98
MCBROOM, NORMA	\$51.60
MCCABE, CHERYL KAY	\$28.50
MCCONNELL, SARAH M	\$126.40
MCCOY, DAVID A & PAT	\$64.91
MCGLYNN, PATRICIA	\$83.05
MCLOY, RONALD	\$1,053.81
MEADOW GOLD DAIRIES INC	\$731.13
MEEHAN, MICHAEL	\$177.00
MERCK & COMPANY INC	\$4,313.51
MERIAL LIMITED	\$608.50
METAL WORKS & MUFFLER	\$112.46
MEYER, HATTIE	\$25.20
MHL SYSTEMS	\$360.81
MICROMEDIA	\$153.17
MIDWAY RENTAL & POWER EQUIPMENT INC	\$57.00
MIDWEST CANCER SCREENING	\$3,765.85
MIDWEST TAPE LLC	\$3,967.10
MIKE SPOONER CONSTRUCTION	\$24,382.00
MIKE'S OF COLUMBIA FALLS	\$29.96
MILD FENCE COMPANY	\$751.88
MILL-LOG EQUIPMENT CO, INC	\$1,708.16
MISS RODEO MONTANA INC	\$200.00
MISSOULA TRUCK SALES INC	\$413.12
MISSOULIAN 1	\$190.00
MOBILFONE	\$2,396.50
MONTANA ASSN OF COUNTIES	\$13,026.00
MONTANA CLOWN WORK	\$4,500.00
MONTANA CORRECTIONAL ENTERPRISES	\$675.00
MONTANA DES ASSOCIATION	\$70.00
MONTANA DIETARY MANAGERS ASSN	\$50.00
MONTANA DIGITAL LLC	\$1,440.00
MONTANA ENVIRONMENTAL LAB LLC	\$40.00
MONTANA HIGHWAY PATROL	\$965.47
MONTANA INTERACTIVE	\$25.00
MONTANA LAND PROJECT, LLC	\$36,497.50
MONTANA LAW ENFORCEMENT ACADEMY	\$269.00
MONTANA LIBRARY ASSOCIATION INC	\$75.00
MONTANA MADNESS CUSTOM EMBROIDERY	\$9.00
MONTANA OE-CI TRUST FUND	\$10,185.35
MONTANA ONE CALL CENTER	\$188.13
MONTANA PETERBILT	\$64.99
MONTANA PUBLIC EMPLOYEES ASSN	\$969.00
MONTANA REFINING COMPANY	\$136,574.85
MONTANA STATE EXTENSION	\$5,103.36
MONTANA STATE LIBRARY	\$30,694.73
MONTANA STATE TREASURER 1	\$2,764.38
MONTANA SUPREME COURT	\$250.00
MONTANA TAX FOUNDATION, INC	\$55.00
MONTANA WEED CONTROL ASSOCIATION	\$112.50
MONTGOMERY, JOHN MICHAEL	\$35,000.00
MONTGOMERY, RICHARD T	\$2,200.00
MOONEN, JOSEPH	\$17.50
MOORING TAX ASSET GROUP, LLC	\$16,620.51
MORBIDITY & MORTALITY WEEKLY REVIEW	\$119.00
MORKEN, JOE	\$19.15
MORRELL, GLENN JAMESON	\$9.00
MORRISON MAIERLE, INC	\$13,366.36
MORRISON, ERIC	\$115.00
MOTOROLA INC	\$52,188.92
MOUNTAIN VIEW PET CREMATORY INC	\$270.00
MSASCD	\$30.00
MSU EXTENSION PUBLICATIONS	\$104.50
MT DEPARTMENT OF LABOR & INDUSTRY	\$1,508.00
MULLANEY CINDY	\$29.00
MUNSON, JERRY A	\$28.50
MURDOCH'S RANCH & HOME SUPPLY, INC	\$4,182.80
MWI VETERINARY SUPPLY	\$418.08
NACCHO	\$375.00
NAIVE, MARY JO	\$450.00
NATIONAL CHILDREN'S ALLIANCE	\$2,000.00
NELSON, CHERYL ANN	\$500.00
NELSON, CHRISTINA L	\$30.70
NEWLIN, ANITA ANGELL	\$250.00
NEWMAN TRAFFIC SIGNS INC	\$2,854.74
NOCK, ANGELA F	\$12.00
NOHBELL CORPORATION	\$9,572.13
NOLAN, TAMIMARIE CATHRINE	\$104.40
NOMAD TECHNOLOGIES INC	\$260.00
NORCO, INC	\$1,816.43
NORMONT EQUIPMENT CO	\$1,148.83
NORTH AMERICAN BUS INDUSTRIES INC	\$78.56
NORTH LAKE DIESEL SERVICE, INC	\$8,968.25
NORTH VALLEY SENIOR CENTER	\$500.00
NORTHLAND HOBBIES	\$3.75

AUGUST, 2009
(Continued)

NORTHSTAR PRINTING INC	\$212.00
NORTHWEST CANOPY	\$1,820.00
NORTHWEST FUEL SYSTEMS	\$55.50
NORTHWEST MONTANA PHYSICIANS GROUP	\$85.00
NORTHWEST PARTS & EQUIPMENT	\$818.91
NORTHWEST PIPE FITTINGS INC	\$244.61
NORTHWEST PORTABLES LLC	\$825.00
NORTHWEST PSYCHOLOGICAL SERVICES PC	\$300.00
NORTHWEST TRUCK REPAIR INC	\$7,084.15
NORTHWESTERN ENERGY 1	\$30,965.19
NOVARTIS VACCINE	\$1,939.96
NOVKO KALISPELL	\$157.59
NOXIOUS WEED AWARENESS #423008	\$600.00
OCCUPATIONAL HEALTH & WELLNESS SRVS	\$235.00
OCLC INC	\$21,995.39
OFFICE DEPOT 1	\$346.24
OFFICEMAX INCORPORATED	\$81.46
OHS BODY SHOP INC	\$60.00
OLSON, WENDY	\$455.56
OLYMPIAN HIAWATHA LLC (A MT LLC)	\$2,915.62
OREGON DEPT OF JUSTICE	\$223.38
ORKIN - GREAT FALLS	\$75.00
ORMISTON, PATRICIA J	\$41.50
OSHWALLA LLC	\$2,017.56
PACIFIC STEEL & RECYCLING	\$1,991.35
PAGE NORTHWEST	\$608.00
PAN WEST	\$490.00
PARACLETE PRESS INC	\$50.47
PARADIGM MANAGEMENT PC	\$99,471.63
PARAGON BERMUDA (CANADA) LTD	\$638.30
PARK BOTTLING	\$168.00
PARK SIDE FEDERAL CREDIT UNION	\$3,296.10
PATHWAYS HEALTHCARE	\$435.00
PAYMENT PROCESSING CENTER	\$35.00
PAYNE, JOHN	\$6,000.00
PEEWEEES PORTA-POTTIES	\$225.00
PEJUAN, DIANA B	\$43.90
PENCO POWER PRODUCTS	\$192.27
PEPSI-COLA BOTTLING COMPANY	\$18.00
PERSONNEL PLUS INC	\$718.00
PETERSEN, DAVID A	\$33.80
PETERSEN, THERESE M	\$49.58
PETTY CASH - HEALTH	\$98.52
PETTY CASH - LIBRARY	\$91.75
PETTYJOHN'S THE WATER STORE INC	\$180.00
PFIZER ANIMAL HEALTH	\$437.80
PFRIMMER, GEORGE	\$35.10
PHILLIPS, DONALD W	\$9.60
PHILLIPS, JANCE	\$380.00
PHOTO VIDEO PLUS	\$42.31
PIERCE MFG. COMPANY INC	\$28.70
PIERSON TRUCK PARTS	\$175.46
PIERSON, DEBBIE	\$112.00
PILSCH, COREY	\$1,854.41
PORTER, CAROLYN	\$93.50
POWERS, MARY DREW	\$10.02
PREMIER TOWING	\$125.00
PROVO, MICHELENE	\$50.42
PURDY, ERIKA S.	\$275.00
QWEST	\$524.53
RAMSFIELD, VIRGINIA E	\$94.62
RANDOM HOUSE INC	\$170.40
READ, YVONNE P	\$14.20
READY FREDDY INC	\$430.00
REGALIA MANUFACTURING CO	\$7,266.83
RELIABLE DISTRIBUTING INC	\$45.92
RESPOND SYSTEMS OF MONTANA	\$120.22
RESULTS GROUP LTD, THE	\$550.00
RICKE, DAVID ARNOLD	\$122.00
RIMROCK STAGES INC	\$1,046.35
RINGQUIST SIGNS, INC	\$345.70
RITCHIE, JEFFERY DEAN	\$166.00
ROBERT PECCIA & ASSOCIATES INC	\$5,515.34
ROBINSON, PAULA	\$16.00
ROBINSON, STARLA L	\$16.95
ROBISCHON, JAMES	\$13.10
ROCKY MOUNTAIN ASSN OF FAIRS	\$0.00
ROCKY MOUNTAIN IMAGES INC	\$3,021.35
ROCKY MOUNTAIN TALENT SERVICES INC	\$6,000.00
ROCKY MOUNTAIN TRUCK CENTER	\$100.01
ROLL, ARLEN	\$11.52
ROSAUERS 1	\$235.21
ROWAND MACHINERY	\$1,215.59
RUBINO, RALPH	\$5.40
RUEGSEGGER, JAMES RAY	\$111.00
RYERSON, ALICE	\$86.44
S&S CANOPIES	\$22.00
SAFARILAND LLC	\$175.86

AUGUST, 2009
(Continued)

SAFETY VISION	\$666.20
SAMPSON, DOYLE P	\$233.99
SANDERS, RAY	\$7.70
SANDON CONSTRUCTION CO	\$4,264.00
SANDRY CONSTRUCTION COMPANY, INC.	\$39,227.07
SANOPI PASTEUR, INC	\$21,200.94
SCARFF AUTO CENTER INC	\$674.09
SCHAEFER PSYCHIATRIC SERVICES	\$2,500.00
SCHELLINGER CONSTRUCTION CO, INC	\$15,443.86
SCHOOL DISTRICT #6	\$225.00
SCHWEGEL, LOIS	\$5.40
SELBYS	\$347.30
SELECT CLEANING	\$375.00
SHARE CORP	\$53.76
SHEPARD, KENNETH WILLIAM	\$24.10
SHERLOCK, RAYMOND E	\$95.10
SHERWIN WILLIAMS	\$8,059.87
SHERWOOD, ELIZABETH 1	\$251.30
SHOEMAKER, REBECCA	\$13.10
SHUR CLEAN PORTABLE TOILETS INC	\$150.00
SIGN DOCTOR ADVERTISING & MAINTENANCE	\$4,298.80
SILVERTIP ENGRAVING	\$15.49
SIMPSON, KAREN	\$122.00
SINGLETON, JASON	\$30.00
SIX ROBBLEES' INC	\$908.01
SKRAMOVSKY, TAMMY	\$331.76
SLADEK, KELSEY MARIE	\$14.75
SLITERS ACE 1	\$13.25
SMIRNOW, DAVID DR.	\$1,000.00
SMITH MEDICAL PARTNERS LLC	\$3,225.70
SMITH, ERIC MORTON	\$17.50
SMITH, LAURENE M	\$23.00
SMITHS CUSTOMER SERVICE	\$71.97
SNAPPY SPORT SENTER	\$303.58
SNOWBERG-HUNT, SUSAN	\$45.00
SNYDER LAW OFFICE PC	\$33.75
SOLIS, PATRICIA SYDNEY	\$670.22
SOLOMON PEYTON, LLC	\$92.88
SPENCER FLUID POWER	\$640.39
SPENCER, HANNA 2	\$13.80
SPIRIT DOCUMENT SERVICES	\$60.00
SPOKANE HOUSE OF HOSE, INC	\$272.36
ST MARIE GRAPHICS LLC	\$518.03
STACK, THOMAS G	\$126.40
STAPLES CREDIT PLAN	\$1,172.56
STATE LAW LIBRARY OF MONTANA	\$2,500.00
STATE PUBLIC DEFENDER	\$240.00
STEPHENS JR, WALTER F.	\$170.93
STERICYCLE INC	\$271.20
SUPER 1 FOODS 1	\$371.80
SUPER 8 MOTEL 1	\$604.80
SUPERVISION & COMPLIANCE	\$325.00
SWANGER, DEREK J	\$17.50
SWANK ENTERPRISES 1	\$702,096.52
SWISS CHALET EXCAVATING	\$1,500.00
SWT ENGINEERING, INC	\$24,764.25
SYKES PHARMACY INC	\$15.00
SYSCO FOOD SERVICES OF MONTANA INC	\$7,017.50
T-BEND CONSTRUCTION INC.	\$268.75
TALLMAN, ROBERT M	\$4,500.00
TARR, WILLIAM W	\$28.50
TEAMSTERS UNION LOCAL #2 1	\$1,050.00
TERRI CLARK TOURS INC	\$25,000.00
TERRY'S SMALL ENGINE & REPAIR	\$12.50
THAMERT, MARY ANN	\$53.25
THERACOM, INC	\$747.02
THOMAS, DEAN & HOSKINS INC	\$17,756.35
THOMSON WEST	\$168.00
THREE RIVERS BANK	\$3,050.46
TIMBERLINE TOOL	\$592.00
TIRE-RAMA WEST	\$2,420.89
TONERPORT INCORPORATED	\$333.00
TORGERSON, BRIGETTE MICHELLE	\$15.30
TOTAL ACCESS GROUP INC	\$195.00
TRAVELERS PROPERTY CASUALTY	\$4,560.48
TRIMBLE NAVIGATION LTD	\$2,612.00
TRIPLE R SCOREBOARDS	\$2,700.00
TRIPLE W EQUIPMENT INC	\$8,548.29
TRIPPET'S PRINTING	\$914.30
TRS	\$681.92
TUCKER MANUFACTURING CO INC	\$308.37
TYLER, PETE	\$36.00
UNIQUE MANAGEMENT SERVICES INC	\$420.65
UNITED BUSINESS SUPPLY	\$710.55
UNITED WAY OF FLATHEAD COUNTY	\$362.00
UNIVERSITY OF KANSAS	\$18.00
UPS	\$30.69
UPS STORE, THE 1	\$108.57

**AUGUST, 2009
(Continued)**

URECO, INC	\$83,756.41
VALIC	\$5,816.00
VALLEY GLASS INC	\$108.99
VAN SWEDEN, ROBERT P	\$61.20
VANDEHEY, LISA	\$61.13
VANDUZER, KIM ALBERT	\$34.00
VANTAGEPOINT TRANSFER AGENTS-457	\$1,184.00
VAUDT, BRAD	\$83.99
VERIZON WIRELESS 2	\$5,321.16
VOLTSTAR PRODUCTIONS INC	\$8,493.75
VONDAL, DAYLE R	\$9.00
WALLINGFORD, LYNN	\$27.00
WALSH, PATRICK J	\$64.00
WALTER, ELIZABETH F	\$15.30
WARNOCK AUTOMOTIVE INC	\$24,098.62
WEBB, MYRT W	\$28.50
WELLCO FIRST AID & SAFETY	\$239.70
WERMELSKIRCHEN, BRITTANY AMANDA	\$12.00
WESTERN BUILDING CENTER 3	\$901.50
WESTERN CONFERENCE OF TEAMSTERS	\$2,350.20
WESTERN OUTDOOR	\$671.95
WESTERN STATES EQUIPMENT COMPANY	\$12,744.73
WESTERN STATES INSURANCE	\$65.00
WHITE, JODY BETH	\$32.96
WHITEFISH CREDIT UNION	\$1,988.00
WHITEFISH CREDIT UNION 1	\$1,988.00
WHITEFISH GOLDEN AGERS INC	\$500.00
WICKLANDER-ZULAWSKI & ASSOCIATES INC	\$850.00
WILLIAMS, RICHARD F	\$33.60
WILLIAMS, VIRGINIA	\$52.20
WINGATE INN	\$453.68
WINTERS, RONNA G	\$170.40
WOLL, PETE	\$15.40
WORKPLACE INC	\$165,160.98
WYNN, BARBARA DUDDEN	\$25.75
XEROX CORPORATION 2	\$368.48
XL DENT	\$40.00
ZEE MEDICAL SERVICE	\$153.46
Grand Total:	\$3,632,690.39

Claims for the month of August 2009 approved this 10th day of September, 2009.

**BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana**

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

**By/s/Paula Robinson
Paula Robinson, Clerk**

AUGUST, 2009
(Continued)

PUBLIC NOTICE

The Board of Commissioners of Flathead County did this 10th day of September, 2009, approve payroll and claims for payment in the amount of \$4,806,153.01 for the period beginning August 1, 2009 and ending on August 31, 2009.

The full and complete claim list is available for public view in the Office of the Clerk & Recorder, Flathead County Courthouse, Kalispell, Montana. Individual requests for personal copies will be accepted by the Clerk and Recorder.

Dated this 10th day of September, 2009.

**BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana**

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

**By /s/Paula Robinson
Paula Robinson, Clerk**

Publish September 17, 2009

PUBLIC NOTICE

The Board of County Commissioners' proceedings for Flathead County for the period of August 1, 2009, thru August 31, 2009, are now available for public review in the Office of the Clerk and Recorder, Flathead County Courthouse, Kalispell, Montana.

Individual requests for personal copies will be accepted by the Flathead County Clerk and Recorder, Flathead County, Courthouse, Kalispell, Montana.

Dated this 10th day of September 2009.

**BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana**

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

**By /s/Paula Robinson
Paula Robinson, Clerk**

Publish September 17, 2009

TUESDAY, SEPTEMBER 1, 2009

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

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

FINAL PLAT: SPRING CREEK MEADOWS, LOT 4

[9:15:49 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Planner Dianna Broadie, Bob Erickson, Clerk Kile

Broadie entered into record FFP 09-13, Spring Creek Meadow, Amended Lot 4; a final plat application submitted by Kurt and Amy Marsh with technical assistance from Jackola Engineering for a subdivision creating two residential lots located north of Rose Crossing off of Aspen Court. Preliminary plat approval was granted on July 31, 2007 subject to 16 conditions.

Broadie explained condition #2 in regards to street lighting and condition #14 that required a SWPP permit were not needed, and therefore should be waived.

Commissioner Brenneman made a **motion** to approve final plat of Spring Creek Meadows, Lot 4. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

PRELIMINARY PLAT: KAUFFMAN ESTATES

[9:30:16 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Planner Dianna Broadie, Clerk Kile

Broadie entered into record FPP 09-04, Kauffman Estates; an application submitted by Loren Kauffman with technical assistance from Michael Fraser and Joe Kauffman for a major subdivision that would create six residential lots located south of Lake Blaine Road east of Creston Hatchery Road.

Commissioner Brenneman made a **motion** to adopt Findings of Facts. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve final plat of Kauffman Estates. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

Standard Conditions

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator. [Section 4.7.18(iv), Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of an approach permit to Lake Blaine Road from the Flathead County Road Department indicating the current approach is acceptable. [Section 4.7.18, FCSR]
3. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures. [Section 4.7.15, FCSR]
4. The applicant shall comply with reasonable fire suppression and access requirements of the Creston Fire District. A letter from that office stating that the plat meets the requirements of the Fire District shall be submitted with the application for Final Plat. [Section 4.7.28, FCSR]
5. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.27, FCSR]
6. All internal subdivision roads shall be certified by a licensed engineer and constructed in accordance with the Flathead County Minimum Standards for Design and Construction. [Section 4.7.18, FCSR]
7. With the application for final plat, the applicant shall provide a Road Users' Agreement which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision. [Section 4.7.17(e), FCSR]

TUESDAY, SEPTEMBER 1, 2009
(Continued)

8. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.25, FCSR]
 9. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.14, FCSR]
 10. A centralized mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.30, FCSR]
 11. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.28.c, FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.25, FCSR]
 - c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.24, FCSR]
 - d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.27, FCSR]
 - e. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.15, FCSR]
 - f.

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

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
 12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
 13. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.28 FCSR]
 14. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.4.23 FCSR]
 15. Preliminary plat approval is valid for three years. [Section 4.4.21 FCSR]
- Project-Specific Conditions**
16. A stop sign shall be installed on the internal subdivision road where it intersects with Lake Blaine Road. [Section 4.7.18, FCSR]
 17. A 10 foot bike pedestrian easement shall be shown along Lake Blaine Road. [Section 4.7.21, FCSR]
 18. The developer shall provide and improve a location for the safe loading and unloading of students that is acceptable to the Superintendent of Schools. The developer shall provide a letter from the Superintendent stating that the design and location meets their needs or provide information from them that gives the dimensions and indicates the location of the required bus stop so that site inspection can confirm that the standards are met. [Section 4.7.31, FCSR]
 19. The applicant shall submit to the Flathead County Planning and Zoning Office an approved Storm Water Pollution Prevention Plan from the MT DEQ – Water Protection Bureau prior to any construction activity. [Section 4.7.14, FCSR: 75-5-101, MCA]
 20. A 60 foot road and utility easement extending from the internal subdivision road to the southern boundary of the plat shall be shown on the final plat. [Section 4.7.5c, FCSR]

TUESDAY, SEPTEMBER 1, 2009
(Continued)

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TOURIS & SNEED ZONE CHANGE/ BIGFORK ZONING DISTRICT

[9:45:43 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

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. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Michael & Patricia Touris and William L. Sneed III to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-5 (Suburban Agricultural) to I-1 (Light Industrial).

The boundaries of the area proposed to be amended from SAG-5 to I-1 are described as the boundaries of Parcel B of Certificate of Survey No. 10656 located and being in the South Half of the Southeast Quarter (S ½ SE ¼) of Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. AND Parcel A of Certificate of Survey No. 10656 located and being in the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼) of Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. The property is located off Montana Highway 83 and contains approximately 5.4 acres.

The proposed change would generally change the character of the zoning regulations applicable to the property from allowing a district designed to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, and providing for estate type residential development, to allowing for light industrial uses and service uses that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odors, smoke, etc.) which extend beyond the lot lines. The Planning Board recommended a change to I-1H (Light Industrial - Highway), which would result in a change to a district intended to provide areas for light industrial uses and service uses that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odors, smoke, etc.) which extend beyond the lot lines and which is located along state and federal highways and contains greater levels of performance and mitigation utilizing increased setbacks, landscape buffering, access control and signage restriction for the purpose of protecting the County's major travelways from unnecessary encroachments, limiting access points to encourage improved traffic flows and to preserve scenic corridors and entrance ways to major communities.

The regulations defining the SAG-5 and I-1 and I-1H Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, and on the Flathead County Planning and Zoning Office's website, at: http://flathead.mt.gov/planning_zoning/downloads.php. Documents related to the proposed zone change are also on file for public inspection at the Office of the Clerk and Recorder and the Flathead County Planning and Zoning Office.

The public hearing will be held on the **16th day of September, 2009, at 10:00 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 change in the regulations for the described portion of the Bigfork Area Zoning District.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

DATED this 1st day of September, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on September 5 and September 12, 2009.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #474 (SOUTH OF HAUGEN HEIGHTS)

[9:46:34 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to authorize the publication of the Notice of Public Hearing for Road Abandonment #474 and authorized the chairman to sign. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

**TUESDAY, SEPTEMBER 1, 2009
(Continued)**

**NOTICE OF DISCONTINUANCE
OF PUBLIC ROADWAY NO. 474**

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

A tract of land located in the Southeast Quarter of the Southeast Quarter of Section 27, T31N, R22W, P.M.M., and being the east 20 feet of said Southeast Quarter of the Southeast Quarter and lying south of the centerline of county road (Haugen Heights).

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

The hearing on this petition for abandonment is set for **September 16, 2009, at 9:30 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 1st day of September 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on September 5 and September 12, 2009.

CONSIDERATION OF PRINTING BIDS: AOA

[9:47:41 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to approve the print bid from American Printing for 5,000 numbered envelopes for \$302.77. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the print bid from Paper Chase for a 5 page newsletter for \$185.00 and a 4 page newsletter for \$150.00. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the print bid from Thomas Printing for 5,000 stationary letterheads for \$196.00. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

This meeting was cancelled.

SAFETY INCENTIVE PROGRAM

[10:01:08 AM](#)

Members present:

Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman

Members absent:

Commissioner James R. Dupont

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to approve the Safety Incentive Program. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

TUESDAY, SEPTEMBER 1, 2009
(Continued)

CONSIDERATION OF HR TRANSMITTAL: HEALTH PROMOTION SPECIALIST/ HEALTH DEPT.

[10:01:40 AM](#)

Members present:
Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Members absent:
Commissioner James R. Dupont
Others present:
Health Dept Director Joe Russell, Clerk Kile

Russell explained the Health Promotion Specialist for the Health Department is a temporary full-time position through June 30, 2010. He went on to explain they would be receiving at least \$52,000.00 for H1- N1 response for working with schools and the hospital.

General discussion was held relative to the H1-N1 vaccinations.

Commissioner Brenneman made a **motion** to approve the Health Promotion Specialist position for the Health Department. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

AUTHORIZE MINDY COCHRAN/ GIS AS SIGNATORY FOR MOU WITH FLATHEAD CONSERVATION DISTRICT

[10:15:57 AM](#)

Members present:
Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Members absent:
Commissioner James R. Dupont
Others present:
Clerk Kile

Commissioner Brenneman made a **motion** to authorize Mindy Cochran to be the signatory for the MOU with the Flathead Conservation District. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

AWARD BID: GRAVEL CRUSHING/ DEMERS PIT: ROAD DEPT.

[10:14:45 AM](#)

Members present:
Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Members absent:
Commissioner James R. Dupont
Others present:
Public Works Director Dave Prunty, Operations Manager Road and Bridge Dept Guy Foy, Clerk Kile

Prunty stated the Roads Advisory Committee is recommending the bid be awarded to LHC with PI included at the price of \$5.10/ ton. It was noted the quantity was reduced to 19,360 tons.

Commissioner Brenneman made a **motion** to award the bid to LHC as recommended by the Road Department. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Brenneman. Motion carried by quorum.

MEETING W/ LARRY ANDERSON OF REPRESENTATIVE REHBERG'S OFFICE RE: UPDATE

[10:30:08 AM](#)

Members present:
Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Members absent:
Commissioner James R. Dupont
Others present:
Larry Anderson, Clerk Kile

General discussion was held relative to health care issues, new reappraisal figures, counties fiscal budget, Health Clinic funding, timber industry, coal development and the Essex container site.

MEETING W/ BIGFORK STEERING COMMITTEE RE: MAP AMENDMENT

[11:01:16 AM](#)

Members present:
Chairman Dale W. Lauman
Commissioner Joseph D. Brenneman
Members absent:
Commissioner James R. Dupont
Others present:
Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Craig Wagner, Patricia Wagner, Shelley Gonzales, Mike Mower, Chuck Gough, Al Johnson, Tammi Fisher, Erica Wirtala, John Bourquin, Clerk Kile

Craig Wagner, 1365 LaBrant Road, Chairman of the Bigfork Steering Committee said they are objected to the Bigfork Land Map amendment made by the commission. He then stated he hoped they would reconsider the action and rescind it.

TUESDAY, SEPTEMBER 1, 2009
(Continued)

Shelly Gonzales, 4747 Foothills Road said they came to speak today specifically about the Bigfork Land Use Map that was amended by the commission without any public process having been served. She stated the community of Bigfork is concerned about the process that occurred without the benefit of any public input at the land use advisory committee level and planning level. Gonzales said they would like the action to be reconsidered and rescinded. She further said they developed a neighborhood plan that has goals and policies that were designed to create predictability in planning throughout the Bigfork Zoning District and without following the guidelines of the Planning Department we will have planning anarchy.

Al Johnson, 789 Swan River Road said he was not here to criticize the action done; their concerns are they don't want to see creep of industrial zoning beyond what has already been zoned down the road to Streeter's Corner. He stated the Land Use Map represents thousands of hours of work to come up with the plan and over 200 public meetings. Johnson further stated their concerns are they don't want to see additional adjacent parcels of land being zoned inappropriately because it is their belief it should remain SAG5, and they don't want to see this action become a precedent for any other individual to seek to use his land in a way that is not otherwise appropriate in terms of land use planning or zoning. He went on to say that they are asking that the decision be rescinded and stated there is a way that the applicant can do exactly what he wants to do, which is operate a contractors warehouse without changing the zoning. It is a fairly simple process involving a CUP to the existing SAG5 zoning.

Mike Mower, a member of the Flathead County Planning Board said he was interested in the application because he sat through the first meeting when it was denied by the Planning Board. He then stated he is a strong supporter of the neighborhood planning process which he feels the whole valley needs. As a planning board member he supported their neighborhood planning effort and what was recently done he feels could become precedent setting which concerns him; if we are able to by-pass the standard process and go directly to the commission without following process and have changes made he is particularly concerned, when it is clear what the Flathead County Planning Board said as well as the Bigfork Neighborhood Plan. Mower then added the area was never meant to be zoned industrial, that it got in under the wire and we shouldn't make it worse by continuing. He went on to say that in the future if changes are made to a neighborhood plan after it has been through the process that the public should be allowed to weight into it again.

Chuck Gough, 71 Bay Harbor Drive seconded the comments that have been made and pointed out the lack of public input on the change voted for by two of the commissioners. He then asked that the decision be rescinded.

John Bourquin, 1455 Middle Pierce Lane said the Bigfork Neighborhood Plan went through the Steering Committee, BLUAC and the Flathead County Planning Board and Flathead County Planning & Zoning Office, and then to have two out of three commissioners change something is a little disappointing; particularly with things that have the significance of setting precedence in the future. He then commented the decision out of two of the three commissioners really does reap of the "good ole boy system". Bourquin stated that when he first got involved with BLUAC that the committee reaped of the "good ole boy system" which was disappointing to him; although through the election process that has been changed and those on the board with special interests or had their own agenda are no longer on the board.

Chairman Lauman asked Jeff Harris to explain where the process currently is now for the Touris/ Sneed zone change request.

Harris said the zone change request has gone through the Flathead County Planning Board and the next step is to publish the Notice of Public Hearing. The Public Hearing will then be held and it will then be up to the commission to change the designation from SAG5 or to some sort of industrial designation. He noted the Planning Board has recommended a highway industrial zoning designation. The notice signed today is for a public hearing to be held and following the public hearing the commission will make a decision; a 30 day comment period will then begin.

Al Johnson stated precisely the same purpose can be accomplished by allowing him to operate a contractor's warehouse with what is called an "Administrative Conditional Use" which is an accepted use in SAG5 zoning. The difference between industrial or industrial highway is in some ways significant but largely not; it amounts to spot zoning with an industrial use smack in the middle of all the surrounding property being suburban agricultural.

Commissioner Brenneman said he spoke fairly directly when the map amendment was being considered and his contention at that time and remains is that the public process was circumvented very purposefully; so whether or not the case has merits was never really up for consideration in my opinion, because before we changed the map the public should have had a chance to comment on it. He then stated it is particularly disappointing that the applicant's representative who has been a champion for the public process chose to circumvent the very process and sent us letters saying that agreements have been made with the commissioners therefore; we didn't need the public process. Brenneman went on to say his issue was that it needed to go back to the Planning Board and probably back to BLUAC; the commission arbitrarily and capriciously changed the map which seemed like a subversion of the public process.

Chairman Lauman said he helped develop a neighborhood plan and is familiar with the amount of time and energy it takes in putting a neighborhood plan together. He then stated over the course of times since the commission approved the change he has received numerous phone calls and e-mails from those for and against the change and is trying to get a pulse of what is happening in the community; is it people against people or is it neighborhood plan against people. Lauman went on to say he served as Post Master in Bigfork for 19 years and built a house in the area in 1965 and knows the area well.

Shelly Gonzales stated this is about following the process that is established that other developers have followed; that it isn't a personality issue and never has been.

Chairman Lauman stated that he understands that.

Al Johnson said in terms of the will of the community that a great bulk of the thousands of hours that were spent by individual volunteers were spent assessing what in fact is the will of the community. He then explained an extremely detailed questionnaire was sent out with over 1,700 completed forms returned and what the plan represents is not their view of what should happen in Bigfork, but the view of 1,700 respondents and the 200 public meetings held.

**TUESDAY, SEPTEMBER 1, 2009
(Continued)**

Patricia Wagner, 1365 LaBrant Road stated the survey was tallied as strictly as possible with people coming in three times a week to sit in the basement of Bethany Lutheran Church to tally their answers; they heard what they said, they wanted contractors and real estate people off the BLUAC Board and they heard that they wanted to have zoning. The answers were tallied and they came up with a conclusion that was not an easy task; the people were heard and they tried to do what they wanted.

Chairman Lauman stated the comments received would be taken under advisement.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 2, 2009.

WEDNESDAY, SEPTEMBER 2, 2009

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

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

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

THURSDAY, SEPTEMBER 3, 2009

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

8:30 a.m. AOA TAB meeting @ Eagle Transit

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

FRIDAY, SEPTEMBER 4, 2009

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

No meetings scheduled

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