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## MONDAY, MARCH 7, 2011

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

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

Gary Krueger, 805 Church Drive spoke about his concerns regarding burning permits which is before them today. He said in the past agricultural has enjoyed the essential burning they have had during spring time, when no permit was required; yet they were required to follow air quality. As it is he stated agricultural is requesting they be exempted from the burning permit system proposed. They are essential burning and are protected under certain state laws, in that the legislature has determined the city/county taxing authorities, are not allowed to prohibit essential agricultural burning. EPA categorizes agricultural burning, and the burning before you today falls under category 2: open burning which may be conducted during the months of March through November. It was asked if the burn permit system is adopted that essential agricultural burning be exempt. Krueger stated they are sympathetic with fire departments concerns and will still strive to call their fire departments to let them know when burning is happening; they are not interested in burning and allowing their fires to be out of hand.

Mark Welch, a resident in Columbia Falls said he is a private unaffiliated land owner present to speak up for the forgotten man. He stated he feels there is something very dark going on and asked that consideration be made before passing the resolution. Like our forefather he said who came out here to work the land, he is intimately tied up in the land. Welch said he finds it hard to believe that anyone of good will would seek to drive a wedge between the fire departments and landowners, and asked that the fire departments back off. He stated we do respect and support you, and asked that they realize that nobody wants to get a fire out of hand.

Dane Phillip said he feels there is disconnect between the master and servant relationship. My knowledge of the definition of permit or license he stated is that it is something that one needs to obtain in order to not be breaking any laws. He asked what the permit would actually be; if they don't have it will they be doing something illegal. When will it stop; who gives the authority to tell us what we can and can't do. Phillip said the people are starting to wake up and figure out they are no longer the master.

G. W. Ingham, 805 Spring Prairie Road stated he would like to see a copy of the resolution being proposed today, and asked that he be given the background by a commissioner why a permitting system is being proposed right now.

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

### **AWARD BID: VEHICLES/ SHERIFF'S OFFICE**

[10:23:25 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Undersheriff Jordan White, Clerk Kile

Undersheriff White met with the commission and reported their recommendation is to award the bid to DePratu Ford as the lowest bidder.

Mike Pence clarified the proposal is to purchase eight vehicles at \$24,033.35 per unit.

Commissioner Lauman made a **motion** to award DePratu Ford the bid for eight, 2011 Ford F150 Super Crew 4 X 4 trucks. Commissioner Holmquist **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

### **CONSIDERATION OF ADOPTION OF RESOLUTION: ON-LINE BURN PERMITS**

[10:15:08 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Deputy County Attorney Tara Fugina, Fire Service Area Manager Lincoln Chute, Mark Welch, Rick Hagen, Gary Kruger, Steven Knoll, Larry Brosten, Charles Jaquette, G. W. Ingham, David Lesson, Brian Tutvedt, David Tutvedt, Chris Mullenix, Gary Mahugh, Dane Phillips, Jill Cheman, Tom Dunlap, Jesse Best, Clerk Kile

Chute explained the resolution started when DNRC couldn't man the current permit system. He stated conversations were held with the Flathead County Fire Chief's Association who thought it would be best, if each individual district could issue their own permits; yet realizing it would put an extra burden onto them, and the local citizen who would have to try to get a hold of them. Chute explained multiple Montana counties are doing a GIS based burn permit system, which would allow fire departments to see who was planning on burning in order to staff appropriately. Another advantage he noted is individuals with allergies would be able to see who around them is burning, and be able to plan appropriately for their day. He said they also need a way to manage the amount of escape fires they are seeing with the highest concentration of them in March and April.

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**(Continued)**

Fugina said the proposed resolution before them is simply to extend the fire season under the fire protection laws from March 1 through November 30; it would be more of a registration process than permitting process. She said the state fire season is typically from May 1 through September 30 and can be extended. Fugina explained the requirement to enforce the burn permit process would require a county ordinance. It was pointed out currently there are air pollution regulations that deal with this particular issue that were passed by Flathead County Board of Health. She stated the resolution would simply bring to the attention, the fact there is now an online permitting process. People would be able to register for the burn permit and fire enforcement authorities could tap into it if they receive a call regarding smoke being spotted, and not waste county resources. The way it is written makes it a voluntary process.

Chairman Dupont clarified this is completely voluntary and doesn't change the permit process; a requirement to obtain a permit has been a long standing Montana State Statue. If this is enacted it would make it easier for fire departments to check on smoke when it is spotted.

Commissioner Holmquist commented it is voluntary today, but when we pass the resolution that they have to have a burn permit then it would become mandatory; is that correct?

Fugina said not necessarily that they would still have to obtain a permit, and it would be up to the commissioners to decide if the only way to get a permit is to use the service. Under state statue fire districts have the ability to issue their own permits.

Commissioner Holmquist stated she is not against burn permits, but in her opinion said we need to step back and do the process correctly so something is on board that isn't confusing, and the public will have had an opportunity to add their input in order to address concerns. She recommended it be put into an ordinance, so everyone would know what's mandatory and what's not.

Commissioner Holmquist made a **motion** to deny the resolution before them. Commissioner Lauman **seconded** the motion.

Chairman Dupont said this is a good resolution and stated he feels the fire departments need it; it is voluntary he noted and suggested the fee be lowered.

Commissioner Lauman said he agreed in that the fire departments do need it since they chase smoke all the time with time, effort, energy and county resources. He recommended they back up and approach it in a different manner.

**Aye** – Holmquist and Lauman. **Opposed** – Dupont. Motion carried by quorum.

**FINAL PLAT: EAGLE'S CREST HEIGHTS, PHASE 1**

[10:30:48 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney Paul Nicol, Planner Alex Hogle, Trevor Schaefer, Marc Liechti, Clerk Kile

Hogle reported a unique request is before them for a conditional extension agreement for Eagle's Crest Heights, Phase 1. He explained current subdivision regulations allow for a one year extension which Eagle's Crest Heights, Phase 1 has already received, extending their plat to March 13, 2011. Hogle explained there is currently a bill before the Montana State Legislature allowing counties to extend the term of preliminary plat approval upon the mutual agreement of the county and the applicant; if HB 522 is passed the developer has requested an additional two year extension. It was noted the applicant requested a two year extension, and the agreement with the county is for a one year extension if HB 522 is passed. In the case HB 522 is not passed the subdivision plat would be over the approval period and expired.

Commissioner Lauman said he supports the agreement in light of the economic times we are in, and the hardships that have been placed on developers in Western Montana.

Commissioner Holmquist concurred.

Chairman Dupont stated he supports the agreement. He noted the commission would not have anything to extend otherwise and said it would make common sense to allow the extension.

Commissioner Holmquist made a **motion** to accept the conditional extension agreement for Eagle's Crest Heights, Phase 1. Commissioner Lauman **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

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(Continued)

**MONTHLY MEETING W/ DAVE PRUNTY, ROAD DEPT.**

11:00:15 AM

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Road and Bridge Supervisor Ovila Byrd, Clerk Kile

Prunty and Byrd met with the commission and spoke about spring flooding concerns on Del Rey Road at the upper end of Whitefish Lake. Discussion was held relative to Flathead County and Flathead Conservation District working towards a solution together sharing costs to avoid any damage to the narrow county bridge. Prunty reported on the dust cost share program and suggested a two week extension be approved to receive applications. It was noted 29 miles of county roads received the dust application last year, and to date applications for 34 miles have been received. Work statistics were reviewed and the use of using call board employees was discussed. Discussion included needed improvements on Lion Mtn. Loop Road.

**CONSIDERATION OF ADOPTION OF RESOLUTION: LOAD LIMITS**

11:30:21 AM

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Road and Bridge Supervisor Ovila Byrd, Clerk Kile

Prunty reported load limits will be effective on March 14 and are standard spring load limits, with the exception of a change on the North Fork Road which was dropped from 400 lbs. per square inch to 350 lbs. per square inch due to recent improvements made. McCaffery Road was increased from 350 lbs. per square inch to 400 lbs. per square inch.

Commissioner Holmquist made a **motion** to approve Resolution #2286 to set spring load limits. Commissioner Lauman **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

Resolution No. 2286

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

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

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

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

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

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

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

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

350	400	pounds per inch of tire.
350	___	4th St. NW and 4th St. NE in Columbia Falls from 4th Ave. E to 4th Ave. NW.
350	___	Adams Street for the entire length of the road.
350	___	Angel Point Road for the entire length of the road.
350	___	Antelope Trail from Highway 93 to Hodgson Road.
350	___	Ashley Lake Road from Highway 2 to intersection with North Ashley Lake Road
350	___	Auction Road from Highway 93 to the end of the road
350	___	Austin Crossroad for the entire length of the road.
350	___	Bad Rock Road for the entire length of the road
350	___	Bald Rock Road from Rhodes Draw to Church Drive
350	___	Batavia Lane from Highway 2 to Ashley Lake Road
350	___	Beaver Lake Road from Hwy 93 N. to the end of the road.
350	___	Belton Stage Road from Hwy 2 to Hwy 2.
350	___	Berne Road for the entire length of the road.
350	___	Best Way for the entire length of the road
350	___	Bierney Creek Road from Hwy 93 to the end of the road.
350	___	Big Horn Drive from Hwy 2 to Smith Lake Road.
350	___	Bigfork Stage for the entire length of the road.
350	___	Bills Road for the entire length of the road.
350	___	Birch Grove from Helena Flats to Whitefish Stage.
350	___	Bitterroot Drive from Highway 2 to Pleasant Valley Road

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350 \_\_\_ Blackmer Lane for the entire length of the road.  
350 \_\_\_ **400 Blacktail Road from Highway 93 to the end of the road.**  
350 \_\_\_ Blanchard Lake Road from Hwy 93 to Karrow Ave.  
350 \_\_\_ Blankenship Road for the entire length of the road.  
350 \_\_\_ Boon Road from Highway 93 to end of road  
350 \_\_\_ Bowdish Road from US 93 to the end of the road  
350 \_\_\_ Brosten Lane for the entire length of the road.  
350 \_\_\_ Browns Meadow for the entire length of the road.  
350 \_\_\_ Brunner Road from Hwy 2 to S. Hilltop.  
350 \_\_\_ **400 Cemetery Road for the entire length of the road.**  
350 \_\_\_ Chapman Hill for the entire length of the road.  
350 \_\_\_ **400 Church Drive for the entire length of the road.**  
350 \_\_\_ Clark Drive for the entire length of the road.  
350 \_\_\_ **400 Columbia Falls Stage from MT 35 to Rogers Rd**  
350 \_\_\_ Conn Road for the entire length of the road.  
350 \_\_\_ Coram Stage for the entire length of the road.  
350 \_\_\_ Coverdell Road for the entire length of the road  
350 \_\_\_ Creston Hatchery Road from Highway 35 to Lake Blaine Road  
350 \_\_\_ Creston Road for the entire length of the road.  
350 \_\_\_ Deer Creek Road for the entire length of the road.  
350 \_\_\_ Dillon Road for the entire length of the road.  
350 \_\_\_ Dyer Road for the entire length of the road.  
350 \_\_\_ East Edgewood Drive for the entire length of the road.  
350 \_\_\_ East Evergreen Drive for the entire length of the road.  
350 \_\_\_ **East Lakeshore from Big Mountain Road to the end of the road.**  
350 \_\_\_ East Reserve Drive for the entire length of the road.  
350 \_\_\_ Echo Lake Road for the entire length of the road.  
350 \_\_\_ Eckleberry Drive for the entire length of the road.  
350 \_\_\_ Egan Slough Road from Hwy 35 to the end of the road  
350 \_\_\_ Elk Park Road for the entire length of the road  
350 \_\_\_ Fairmont Road for the entire length of the road.  
350 \_\_\_ Farm Road from Lower Valley to MT HWY 82.  
350 \_\_\_ **400 Farm-to-Market from Hwy 93 North, to the intersection of Lodgepole Road.**  
\*350 \_\_\_ FAS 486 (North Fork Road) from end of the oil, north to end of road  
350 \_\_\_ Fern Lane for the entire length of the road.  
350 \_\_\_ Ferndale Drive for the entire length of the road.  
350 \_\_\_ Flathead Lodge Road for the entire length of the road.  
350 \_\_\_ **400 Foothill Road from Lake Blaine Road to Echo Lake Road**  
350 \_\_\_ Forest Hill Road for the entire length of the road.  
350 \_\_\_ Gladys Glen Road for the entire length of the road.  
350 \_\_\_ **400 Good Creek Road from American Timber entrance off of Highway 93**  
350 \_\_\_ Gopher Lane from Highway 2 to Pleasant Valley Road  
350 \_\_\_ Grand Avenue for the entire length of the road.  
350 \_\_\_ Grayling Road from Bierney Creek Rd. to Troutbeck Rd.  
350 \_\_\_ **400 Halfmoon Road north of Highway 40 from Stoltz Lumber Mill entrance going north**  
350 \_\_\_ Hanging Rock Drive from Highway 82 to Holt Drive.  
350 \_\_\_ Helena Flats from Pioneer Road to Hwy 35.  
350 \_\_\_ Hodgson Road from Hwy 93 to Hwy 2.  
350 \_\_\_ Hoffman Draw from Highway 2 to end of road  
350 \_\_\_ Hog Heaven from Highway 29 to end of road  
350 \_\_\_ Holt Drive for the entire length of the road.  
350 \_\_\_ Holt Stage for the entire length of the road.  
350 \_\_\_ Hubbard Dam Road from Highway 2 to Crossover Road  
350 \_\_\_ Idaho Hill Road for the entire length of the road  
350 \_\_\_ J P Road from Whitefish River to Monegan Road.  
350 \_\_\_ Jacqueline Road for the entire length of the road.  
350 \_\_\_ Jellison Road from Jellison Lane north to the end of the road.  
350 \_\_\_ Jensen Road for the entire length of the road.  
350 \_\_\_ Karrow Ave. for the entire length of the road.  
350 \_\_\_ Kelley Road for the entire length of the road.  
350 \_\_\_ Kila Road for the entire length of the road.  
350 \_\_\_ KM Ranch Road for the entire length of the road.  
350 \_\_\_ Kuhns Road for the entire length of the road.  
350 \_\_\_ Kuzmic Lane for the entire length of the road.  
350 \_\_\_ LaBrant Road for the entire length of the road..  
350 \_\_\_ **400 Lake Blaine Road from Highway 35 to Foothills Road**  
350 \_\_\_ Lake Five Road form Hwy 2 to the Belton Stage Road.  
350 \_\_\_ Lakeside Boulevard for the entire length of the road.  
350 \_\_\_ Lindsey Lane for the entire length of the road.  
350 \_\_\_ Lost Creek Drive for the entire length of the road.  
350 \_\_\_ Lost Prairie Road from Highway 2 to Pleasant Valley Road  
350 \_\_\_ **400 Lower Valley Road from Highway 93 to Highway 82**  
350 \_\_\_ Lupfer Road from Highway 93 to the end of the road.  
350 \_\_\_ Luthern Camp Road for the entire length of the road.  
350 \_\_\_ Mable Street for the entire length of the road.  
350 \_\_\_ Managhan Lane from Highway 2 to Batavia Lane  
350 \_\_\_ Many Lakes Drive for the entire length of the road.  
350 \_\_\_ Marquardt Lane from Highway 2 to Kienas Road  
350 \_\_\_ Martin Camp Road Highway 93 for the entire length of the road  
350 \_\_\_ **\*400 McCaffery Road from Hwy 35 to Sullivan Pit.**  
\*350 \_\_\_ McCaffery Road from Sullivan Pit to Echo Lake Road.  
350 \_\_\_ Meadow Lake Blvd for the entire length of the road.  
350 \_\_\_ Mennonite Church Road for the entire length of the road.  
350 \_\_\_ Middle Road for the entire length of the road.  
350 \_\_\_ Monegan Road for the entire length of the road.  
350 \_\_\_ Monte Vista Drive for the entire length of the road.  
350 \_\_\_ Montford Road for the entire length of the road.

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- 350 \_\_\_ Morning View Drive for the entire length of the road.  
350 \_\_\_ North Hilltop Road for the entire length of the road.  
350 \_\_\_ North Somers Road for the entire length of the road.  
350 \_\_\_ Olney Loop Road for the entire length of the road.  
350 \_\_\_ Patrick Creek Road from Foys Canyon Road to the end of the road  
350 \_\_\_ Phanco Lane for the entire length of the road.  
350 \_\_\_ Pleasant Valley Road from Highway 2 to Lost Prairie Road  
350 \_\_\_ Political Hill for the entire length of the road.  
350 \_\_\_ Rabe Road for the entire length of the road.  
350 \_\_\_ Ramsfield Road for the entire length of the road.  
350 \_\_\_ Ranch Road for the entire length of the road.  
350 \_\_\_ Reservoir Road from E. Lakeshore to the end. (Northwoods Drive)  
350 \_\_\_ **400 Rhodes Draw from Farm-to-Market to the end of the road**  
350 \_\_\_ River Bend Drive for the entire length of the road.  
350 \_\_\_ **400 River Rd (CF) for its entire length**  
350 \_\_\_ Riverside Road for the entire length of the road.  
350 \_\_\_ **400 Rocky Cliff Road from Highway 93 to Airport Road**  
350 \_\_\_ Rogers Lake Road from Highway 2 to Sickler Creek Road  
350 \_\_\_ **400 Rogers Road for the entire length of the road.**  
350 \_\_\_ Rose Crossing from Whitefish Stage to Helena Flats.  
350 \_\_\_ School Addition Road for the entire length of the road.  
350 \_\_\_ Schrade Road from Hwy 93 to Whitefish Stage Road  
350 \_\_\_ Shady Lane for the entire length of the road.  
350 \_\_\_ Sickler Creek Road from Highway 2 to Rogers Lake Road. .  
350 \_\_\_ Smith Lake Road from Whalebone Drive to Kila Road  
350 \_\_\_ Snow Line Road from Highway 93 to the end of the road  
350 \_\_\_ Somers Road for the entire length of the road.  
350 \_\_\_ Somers Stage Road from Hwy 93 to the end of the road.  
350 \_\_\_ South Fork Road from US Hwy 2 to Spotted Bear Road.  
350 \_\_\_ South Hilltop Road from Talbot Road to Jellison Road.  
350 \_\_\_ South Woodland Dr. from Woodland Ave. to Kelly Road.  
350 \_\_\_ **400 Spotted Bear Road from Old US 2 to South Fork Road**  
350 \_\_\_ Spring Creek Drive for the entire length of the road.  
350 \_\_\_ Springcreek Road from Hwy 93 to the end of the road.  
350 \_\_\_ Star Meadows Rd for the entire length of the road.  
350 \_\_\_ Stillwater Rd from first 90 degree corner North of West Reserve to the end of the road.  
350 \_\_\_ Stoner Creek Road for the entire length of the road.  
350 \_\_\_ Sullivan Crossoad for the entire length of the road.  
350 \_\_\_ **400 Sunset Drive for the entire length of the road.**  
350 \_\_\_ Swan Hill Road for the entire length of the road.  
350 \_\_\_ Swan River Road from MT 83 to MT 209.  
350 \_\_\_ Tamarack Creek Road from Hwy 93 N. to the end of the road.  
350 \_\_\_ Tamarack Lane from 4th Ave NW to East Edgewood Drive.  
350 \_\_\_ Tavern Lane for the entire length of the road.  
350 \_\_\_ Tetrault Road for the entire length of the road.  
350 \_\_\_ Thompson River Road from Highway 2 to County Line  
350 \_\_\_ Three Mile Drive from West Springcreek to end of the road.  
350 \_\_\_ Timber Lane for the entire length of the road.  
350 \_\_\_ Trap Road for the entire length of the road.  
350 \_\_\_ Truman Creek Road for the entire length of the road.  
350 \_\_\_ Trumble Creek Road for the entire length of the road.  
350 \_\_\_ Twin Acres Drive for the entire length of the road.  
350 \_\_\_ Twin Bridges Road from Lodgepole Road to Farm-to-Market.  
350 \_\_\_ Voerman Road for the entire length of the road.  
350 \_\_\_ Vonderheide Lane for the entire length of the road.  
350 \_\_\_ Walsh Road from Hwy 2 to South Hilltop Road.  
350 \_\_\_ West Evergreen from Highway 2 to Whitefish Stage Road  
350 \_\_\_ West Springcreek from Highway 2 to Three Mile Drive  
350 \_\_\_ West Valley Drive for the entire length of the road.  
350 \_\_\_ Whalebone Drive for the entire length of the road.  
350 \_\_\_ **400 Whitefish Stage from Kalispell City Limits to Reserve**  
350 \_\_\_ Wiley Dike Road for the entire length of the road.  
350 \_\_\_ Wishart Road for the entire length of the road.  
350 \_\_\_ Wolf Creek Road for the entire length of the road.  
350 \_\_\_ Yoeman Hall from Hwy 206 E. to the end of the road.

\* Note changes for 2011.

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

BE IT FURTHER RESOLVED, that this resolution shall be effective March 14, 2011,  
and shall be in effect until load limits are removed by motion of this Board.

Dated this 7<sup>th</sup> day of March, 2011.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

By/s/Pamela J. Holmquist  
Pamela J. Holmquist, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

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**CONSIDERATION OF ADOPTION OF RESOLUTION: AUTHORIZATION FOR TEMPORARY WINTER CLOSURE/  
HILL ON CONN ROAD**

11:32:10 AM

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Road and Bridge Supervisor Ovilla Byrd, Clerk Kile

Prunty explained due to safety concerns with the hill on Conn Road that a portion of the hill will be closed to vehicle traffic during winter months when conditions warrant for it. He noted emergency services would be made aware of the gate closure.

Commissioner Holmquist made a **motion** to adopt Resolution #2287 for temporary winter closure on Conn Road. Commissioner Lauman **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

RESOLUTION NO. 2287

WHEREAS, Section 7-14-2127(2), M.C.A., provides that the Board of County Commissioners may temporarily close a county road or bridge or any part of a county road for maintenance or repair if the board determines that the road or bridge is unsafe;

WHEREAS, a temporary closure is not considered abandonment;

WHEREAS, Conn Road traverses a steep hill just west of its intersection with Trumble Creek Road;

WHEREAS, starting in the winter of 1996, the hill section of road was closed to winter travel;

WHEREAS, starting in the winter of 2005, the hill section of road was again opened to winter travel;

WHEREAS, the Flathead County Road Department had an accident on the hill this winter while performing maintenance; and

WHEREAS, for the public's safety and for the safety of County Road Department employees, the Conn Road hill should be closed to vehicular traffic during winter months when conditions warrant.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, Montana, that when the Flathead County Public Works Director determines that winter conditions make conditions unsafe on the hill section of Conn Road, the Flathead County Public Works Director has the authority to temporarily close that hill section of Conn Road until conditions improve to where it is again safe to travel on the road.

NOW, THEREFORE, IT IS HEREBY FURTHER RESOLVED, by the Board of Commissioners of Flathead County, Montana, when it is determined that a winter road closure is warranted, signs shall be erected indicating that the road is closed and a gate shall be utilized to close the road.

DATED this 7<sup>th</sup> day of March, 2011.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

By/s/James R. Dupont  
Pamela J. Holmquist, Member

ATTEST:

Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

**MEETING W/ SANDY CARLSON, FINANCE DEPT. RE: 911 CIP FUNDING**

11:38:12 AM

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Finance Director Sandy Carlson, OES Manager Scott Sampey, Clerk Kile

Carlson met with the commission and reviewed financial expenditures relating to the 911 Building and related CIP funds, which were analyzed by Carlson, Susan Nicosia with the City of Columbia Falls and Amy Robertson with the City of Kalispell. The findings were as follows:

- The current cash balance in Fund 4026 is (\$216,019.90) and Fund 4025 is \$6,971.43.
- There was a \$400,000 cash transfer from Fund 4025 to the operating Fund (2850) in FY 09/10 with no documentation this was to be paid back.

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- Fund 4025 paid for Big Mountain Communication Site EQPT of \$148,569.00. A grant award letter was received from the State (Homeland Security), however, no evidence was found these funds were ever requested or received. Flathead County is currently trying to contact the state to see if reimbursement is still available.
- Fund 2850 (911 Operating Fund) paid for \$12,873.97 of building charges. (Meter connect, street light and CTA Architects.)
- The 911 Building was over budget by \$675,842.17; cost overruns on computer communications and phone equipment.

The building, its components and equipment totaled \$8.8M; total received from grants and contribution were \$1.5M; \$1.2M was used in protested taxes; \$6.1M was received in bond funds and used up the original cash balance. She explained the 911 Building was over budget by \$675,842.17.

Pence said his recommendation is the balance be covered with PILT.

Commissioner Lauman stated he agreed the balance should be supported with PILT funds.

Discussion continued in regards to cash reserves and expenses.

**CONSIDERATION OF HR TRANSMITTAL: HEALTH PROMOTION COORDINATOR**

[11:39:05 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Holmquist made a **motion** to approve the HR Transmittal for a Health Promotion Coordinator. Commissioner Lauman **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

**CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT TO CREATE RSID #152/ BERNE ROAD**

[11:33:42 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Toby McIntosh, Clerk Kile

Pence explained recent changes were made to the proposed RSID for improvements on Berne Road and the process is being started over; the boundaries were revised and the Resolution of Intent now includes language that refers to using recycled asphalt.

Commissioner Lauman made a **motion** to adopt Resolution #2288 and authorized chair to sign the Notice of Passage of Resolution of Intent for RSID #152/ Berne Road. Commissioner Holmquist **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

RESOLUTION NO. 2288

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 152; DECLARING IT TO BE THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

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

Section 1. Proposed Improvements; Intention To Create District. The County proposes to undertake certain local improvements (the "Improvements") to benefit certain property located in the County. The Improvements consist of the making improvements to approximately 102,120 square feet of Berne Road, as more particularly described in Section 5. The total estimated costs of the Improvements are \$437,716 and the lot owners of the proposed district will responsible for approximately \$69,000 of the total cost, with the rest being paid by Flathead County. Flathead County reserves the right to use recycled asphalt in the construction of the improvements, which would result in a proportional decrease in costs to Flathead County and the property owners. The lot owners' costs of the Improvements are to be paid from the rural special improvement district bonds hereinafter described. It is the intention of this Board to create and establish in the County under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended, a rural special improvement district (the "District") for the purpose of financing the costs of the Improvements and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds drawn on the District (the "Bonds"), the creation and administration of the District, and the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund"). The total estimated costs of the Improvements, including such incidental costs, to be financed by the Bonds are \$69,000. 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 \$69,000.

Section 2. Number of District. The District, if the same shall be created and established, shall be known and designated as Rural Special Improvement District No. 152, of the County of Flathead, Montana.

**MONDAY, MARCH 7, 2011  
(Continued)**

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

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

Section 5. General Character of the Improvements. The general character of the Improvements is the design, engineering and construction for asphalt on top of a gravel sub-base, of approximately 102,120 square feet of Berne Road, and improvements to driveway approaches and road drainage.

Section 6. Engineer and Estimated Cost. Jackola Engineering shall be the engineer for the District. The Engineer has estimated that the cost of the Improvements, including all incidental costs, is \$437,716.

Section 7. Assessment Method - Equal Assessments. All properties in the District will be assessed for their proportionate share of the costs of the project. The total estimated cost to lot owners of the proposed district is \$69,000 and shall be assessed against each lot, tract or parcel of land in the District equally, such that each lot, tract or parcel in the District shall be assessed for the same amount of the cost of the project. The costs of the project per lot, tract or parcel to be assessed shall not exceed \$4,315. The assessment for each lot, tract or parcel of land for the project will be 1/16 of the total costs to lot owners and will not exceed \$4,315.

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

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

Section 9. Method of Financing; Pledge of Revolving Fund; Findings and Determinations. The County will issue the Bonds in an aggregate principal amount not to exceed \$68,000, in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District. This Board further finds it is in the public interest, and in the best interest of the County and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the County to enter into the undertakings and agreements authorized in Section 7-12-2185 in respect of the Bonds.

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

(a) Estimated Market Value of Parcels.

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

(b) Diversity of Property Ownership.

Analysis of the number of property owners, business or family relationships, if any, between property owners, the comparative holdings of property by owners in the District indicated that of the 16 properties, there are 12 different owners. The substantial diversity in ownership makes it less likely that financial difficulties of one or related property owners will require the Revolving Fund to make a loan.

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

The amount of the proposed assessments against each lot, parcel or tract in the District (\$4,312), compares favorably to the estimated market value of each lot, parcel, or tract, which range in value (land only, not including improvements) from approximately \$15,473 to \$118,830. The amount of security for any Revolving Fund loan is more than adequate. Since the estimated market value of each parcel compares favorably to the sum of special assessments any loan from the Revolving Fund loan would be adequately secured.

(d) Delinquencies.

The amount of delinquencies in the payment of outstanding property taxes levied against property in the District is only 1 of the 16 properties. The lack of substantial delinquent taxes suggests that the likelihood of financial difficulties is small, making the necessity for a Revolving Fund loan unlikely.

(e) The Public Benefit of the Improvements.

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

(f) Newly Platted Subdivision.

The District is not a recently platted subdivision or proposed subdivision plat. The lots are not owned by a developer, but are owned by 12 different parties.

**MONDAY, MARCH 7, 2011  
(Continued)**

Section 10. Public Hearing; Protests. At any time within thirty (30) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the County Clerk and Recorder until 5:00 p.m. local time on the expiration date of said 30-day period (April 6, 2011), written protest against the proposed Improvements, or against the creation of the District or both, and this Board will at its next regular meeting after the expiration of the thirty (30) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Monday, the 11<sup>th</sup> day of April, 2011, at 9:30 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Section 11. Notice of Passage of Resolution of Intention. The County Clerk and Recorder is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Daily Interlake, a newspaper of general circulation in the County on March 10, 2011, and March 17, 2011, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the Board of County Commissioners of the County of Flathead, Montana, this 7<sup>th</sup> day of March, 2011.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

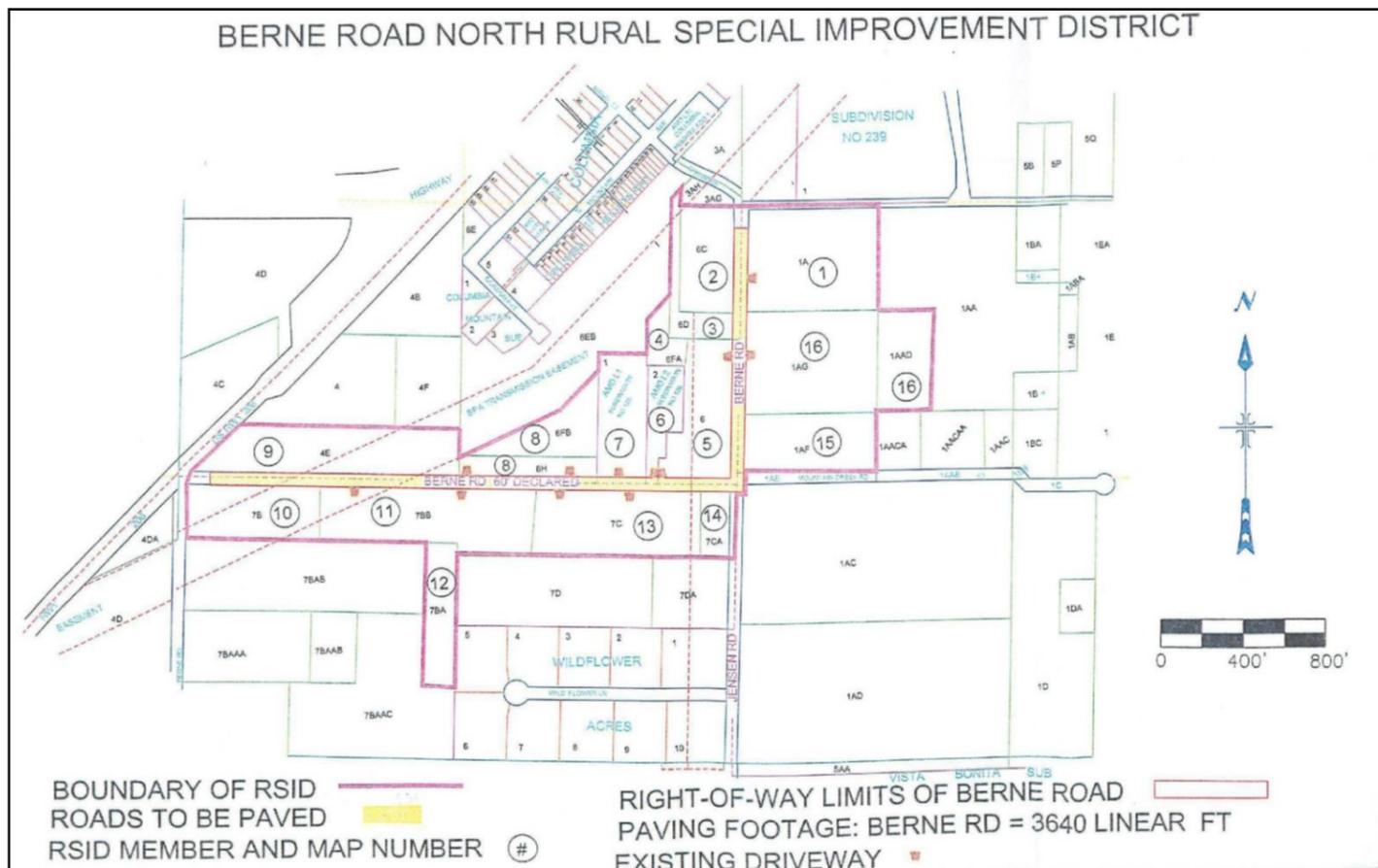
By/s/Dale W. Lauman  
Dale W. Lauman, Member

By/s/Pamela J. Holmquist  
Pamela J. Holmquist, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Diana Kile, Deputy

**EXHIBIT "A" - MAP**



**EXHIBIT B – LEGAL DESCRIPTION**

**BERNE ROAD NORTH RURAL SPECIAL IMPROVEMENT DISTRICT**

This legal description includes tracts of land to be included within the Berne Road Rural Special Improvement District located within the SW1/4 and SE1/4, Section 15, T. 30 N., R. 20 W., Principal Meridian, Montana, more particularly described as follows:

Beginning at the center ¼ corner of Section 15, thence S. 86°29'28" E. along the northerly boundary of New Substation Site shown on Certificate of Survey No. 7821 (County Tract 1A), a distance of 656.89 feet to the northeast corner of said New Substation Site;  
Thence, S. 3°56'12" W. along the easterly boundary of said New Substation Site, a distance of 494.49 feet to the southeast corner of said New Substation Site and the northerly boundary of Tract 1, Certificate of Survey No. 4054 (County Tracts 1AG and 1AAD);

Thence, S. 89°55'23" E. along the northerly boundary of said Tract 1, a distance of 223.30 feet to the northeasterly corner of said Tract 1;

**MONDAY, MARCH 7, 2011  
(Continued)**

Thence, S. 00°33'42" E. along the easterly boundary of said Tract 1, a distance of 494.65 feet to the southeasterly corner of said Tract 1;

Thence, S. 89°55'23" W. along the southerly boundary of said Tract 1, a distance of 228.76 feet to the northeasterly corner of Parcel 1 of Certificate of Survey No. 16799 (County Tract 1AF);

Thence, South along the easterly boundary of said Parcel 1 a distance of 280.75 feet to the northerly boundary of Mountain Creek Road previously known as Hagen Lane;

Thence, N. 89°55'23" W. along the northerly boundary of said Mountain Creek Road, a distance of approximately 569 feet to the easterly right-of-way of Berne Road;

Thence, S. 0°33'42" W. along the easterly boundary of the Berne Road right-of-way, a distance of approximately 80 feet to the southeast corner of the Berne Road right-of-way;

Thence, S. 89°55'23" W. a distance of approximately 40 feet to the centerline of Jensen Road and the easterly boundary of Tract 1 of Certificate of Survey No. 16946 (County Tract 7CA);

Thence, S. 0°33'42" W. along the centerline of Jensen Road and the easterly boundary of said Tract 1, a distance of 319.78 feet to the southeast corner of said Tract 1;

Thence, N. 89°46'58" W. along the southerly boundary of said Tract 1 and a portion of Tract 2, Certificate of Survey No. 16946,(County Tracts 7CA and 7C)a distance of 975.85 feet to the southeast corner of Tract 1, Certificate of Survey No. 17289 (County Tract 7BB);

Thence, continuing N. 89°46'58" W. along the southerly boundary of said Tract 1, a distance of 349.96 feet to the easterly boundary of Tract 3 of Certificate of Survey No. 11235 (County Tract 7BA);

Thence, S. 0°19'48" W. along the easterly boundary of said Tract 3, a distance of 336.34 feet;

Thence, S. 0°21'01" W. continuing along the easterly boundary of said Tract 3, a distance of 336.52 feet to the southeast corner of said Tract 3;

Thence, N. 89°40'24" W. along the southerly boundary of said Tract 3, a distance of 150.00 feet;

Thence, N. 0°20'25" E. along the westerly boundary of said Tract 3, a distance of 672.88 feet to the southerly boundary of Parcel A of Certificate of Survey No. 5519 (County Tract 7BB);

Thence, N. 89°39'48" W. along the southerly boundary of said Parcel A coincident with the northerly boundary of Tract 1 of Certificate of Survey No. 11235, a distance of 1145.47 feet to the easterly right-of-way of Berne Road;

Thence, N. 0°03'48" E. along the easterly right-of-way boundary of Berne Road, a distance of approximately 274 feet to the easterly right-of-way of Highway No. 206;

Thence, N. 43°29'52" E. approximately 80 feet along the easterly boundary of Highway No. 206 to the southwest corner of Parcel C, Book 547, Page 635 (County Tract 4E);

Thence, continuing N. 43°29'52" E. along the easterly boundary of Highway No. 206 and the westerly boundary of said Parcel C, a distance of 315.98 feet to the northwest corner of said Parcel C;

Thence, S. 89°47'30" E. along the northerly boundary of said Parcel C, a distance of 1025.70 feet to the westerly boundary of Tract 1 of Certificate of Survey No. 13784 (County Tract 6EB);

Thence, S. 00°23'14" W. along the westerly boundary of said Tract 1, a distance of 119.20 feet to the northwest corner of Tract 2 of Certificate of Survey No. 13784 (County Tract 6FB);

Thence, N. 63°52'12" E. along the northerly boundary of said Tract 2 and southerly boundary of Tract 1 of Certificate of Survey No. 13784, a distance of 531.72 feet;

Thence, N. 42°48'13" E. continuing along the northerly boundary of said Tract 2 and southerly boundary of said Tract 1, a distance of 260.42 feet to the westerly boundary of Lot 1 of Amended Subdivision No. 126;

Thence, N. 00°03'57" E. along the westerly boundary of said Lot 1 a distance of 82.07 feet to the northwest corner of said Lot 1;

Thence, S. 89°56'03" E. along the northerly boundary of said Lot 1 a distance of 226.60 feet to the northeast corner of said Lot 1 and a point on the westerly boundary of Tract 1-A Certificate of Survey No. 6788 (County Tract 6FA);

Thence, N. 00°06'50" E. along the westerly boundary of said Tract 1-A a distance of 163.32 feet to the northwest corner of said Tract 1-A;

Thence, N. 42°48'13" E. along the northerly boundary of said Tract 1-A a distance of 172.97 feet to the northerly corner of said Tract 1-A and the westerly boundary of Parcel 3 Certificate of Survey No. 3570 (County Tract 6D);

Thence, N. 00°28'44" E. along the westerly boundary of said Parcel 3 a distance of 417.13 feet;

Thence, N. 01°20'52" E. continuing along said westerly boundary a distance of 36.91 feet;

Thence, N. 42°57'57" E. along the northerly boundary of said Parcel 3 a distance of 74.4 feet to the northerly corner of said Parcel 3 and a common corner with Parcel 2 Certificate of Survey No. 3570;

Thence, S. 03°50'40" W. a distance of 88.2 feet to the southwest corner of said Parcel 2;

Thence, S. 85°24'30" E. between said Parcel 2 and Parcel 1 of Certificate of Survey No. 3570 a distance of 300 feet to the center 1/4 corner of Section 15 and the point of beginning of the Berne Road North Special Improvement District.

MONDAY, MARCH 7, 2011  
(Continued)

EXHIBIT C

MEMBER NUMBER	acres	Petition	sec	TRACT_ID	Book/Page, Subdivision No. of Survey No.	ASSESSOR	OWNER	Parcel Address	Mailing Address	CITY	STATE	ZIP	Built Upon	Waived Right	Access to Berne Road
1	7.31	no	15	1A	COS 7821	E010407	Bonneville Power Administrati	995 Berne Road	P.O. Box 3621	Portland	OR	97208	Yes	No	Frontage - driveway off gravel Berne
2	3.44	no	15	6C	COS 3522	none given	Bonneville Power Administrati	Berne Road	P.O. Box 3621	Portland	OR	97208	Yes	No	Frontage - driveway off pavement Berne
3	1.65	no	15	6D	COS 3520	E010308	Bonneville Power Administrati	Berne Road	P.O. Box 3621	Portland	OR	97208	power facilities	No	Frontage
4	1	yes	15	6FA	COS 6788	972091	Benjamin I. Gress	900 Berne Road	900 Berne Road	Columbia Falls	MT	59912	Yes	No	No Frontage - driveway off gravel Berne
5	4.84	no	15	6	COS 13784	313	Clarence G. and Jill K. Taber	860 Berne Rd.	24 Taber Lane	Columbia Falls	MT	59912	Yes	No	Frontage - driveway off gravel Berne
6	1.738	yes	15	L2 Sub. 126	Am. Lot 2 Subdivision 126	983265	Ole T. Toftum	854 Berne Rd.	180 Toftum Ln.	Columbia Falls	MT	59912	Yes	No	Frontage - driveway off gravel Berne
7	3.315	yes	15	L1 Sub. 126	Am. Lot 1 Subdivision 126	2450	James M. Belmore	850 Berne Rd.	P.O. Box 1558	Columbia Falls	MT	59912	Yes	No	Frontage - driveway off gravel Berne
8	4.303	no	15	6H & 6FB	COS 13784	983010	Clarence G. and Jill K. Taber	832 Berne Road	24 Taber Lane	Columbia Falls	MT	59912	Yes	No	Frontage - driveway off gravel Berne
9	6.689	no	15	4E	Book 547, Page 635	945701	Steve R. Charland	750 Berne Rd.	P.O. Box 5067	Kalispell	MT	59903	Yes	No	Frontage - driveway off Hwy. 206
10	5.29	yes	15	7B	COS 5519	601500	RBM Logging and Lumber	685 Berne Rd.	P.O. Box 1105	Columbia Falls	MT	59912	Yes	No	Frontage
11	7.41	yes	15	7BB	COS 5519 and 17289	981300	RBM Logging and Lumber	675 Berne Rd.	P.O. Box 1105	Columbia Falls	MT	59912	Yes	No	Frontage - driveway off gravel Berne
12	2.317	yes	15	7BA	COS 11235	970415	Benjamin A & Joy A. Thompsc	657 Berne Rd.	P. O. Box 1105	Columbia Falls	MT	59912	Yes	No	No Frontage - driveway off gravel Berne
13	6.38	yes	15	7C	COS 17289	238540	Linda S. Smith	1050 Jensen Rd.	1050 Jensen Road	Columbia Falls	MT	59912	yes	No	Frontage - driveway off gravel Berne
14	1.39	yes	15	7CA	COS 16946	11146	Krystal L. Smith	1048 Jensen Rd.	1050 Jensen Road	Columbia Falls	MT	59912	Yes	No	Frontage - driveway off Jensen Rd.
15	4.17	yes	15	1AF	COS 16799	981589	Tyler J and Tammy L Purdy	143 Mountain Cr. Rd.	1033 Conn Road	Columbia Falls	MT	59912	No	No	Frontage
16	10	yes	15	1AG	COS 4054	973656	Mark and Cindy Hagen	905 Berne Road	905 Berne Road	Columbia Falls	MT	59912	Yes	No	Frontage - driveway off gravel Berne
Total	71.242 ac.														

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the County of Flathead, Montana (the "County"), hereby certify that the attached resolution is a true copy of Resolution No. 2288, entitled: **"RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 152; DECLARING IT TO BE THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND"** (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of County Commissioners of the County at a meeting on March 7, 2011, 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 Dupont, Commissioner Lauman & Commissioner Holmquist**; voted against the same: \_\_\_\_\_; abstained from voting thereon \_\_\_\_\_; or were absent; \_\_\_\_\_.

WITNESS my hand officially this 7<sup>th</sup> day of March, 2011.



Paula Robinson, Clerk

By: /s/ Diana Kile  
Deputy

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 152 AND TO ISSUE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 152 BONDS OF THE COUNTY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$69,000, SECURED BY THE RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

FLATHEAD COUNTY, MONTANA

NOTICE IS HEREBY GIVEN that on March 7, 2011, the Board of County Commissioners of Flathead County, Montana (the "County"), adopted a Resolution of Intention to Create Rural Special Improvement District No. 152 (the "District") for the purpose of financing the costs of certain local improvements (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds of the County drawn on the District (the "Bonds"), the creation and administration of the District, and the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund"). The Improvements shall be constructed and installed pursuant to plans and specifications prepared by Jackola Engineering.

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

The Improvements consist of the design, engineering and construction for asphalt on top of a gravel sub-base, on approximately 102,120 square feet of Berne Road, and improvements to driveway approaches and road drainage.

The County would issue the Bonds in an aggregate principal amount not to exceed \$69,000, in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District in the aggregate principal amount of \$69,000 and such payment will be secured by the Revolving Fund. Subject to the limitations of Montana Code Annotated, Section 7-12-2182, the general fund of the County may be used to provide loans to the Revolving Fund or a general tax levy may be imposed on all taxable property in the County to meet the financial requirements of the Revolving Fund.

MONDAY, MARCH 7, 2011  
(Continued)

All properties in the District will be assessed for their proportionate share of the costs of the Paving Improvements. The total estimated cost of the Paving Improvements is approximately \$437,716, with the lot owners responsible for approximately \$69,000 of this cost. The lot owners costs shall be assessed against each lot, tract or parcel of land in the District equally, such that each lot, tract or parcel in the District shall be assessed for the same amount of the cost of the Improvements. There are 16 lots, tracts or parcels in the District. The estimated cost of the Improvements per lot, tract or parcel to be assessed is \$4,312.

On April 11, 2011, at 9:30 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana, the Board of County Commissioners will conduct a public hearing and pass upon all written protests against the creation of the District, or the making of Improvements, that may be filed in the period hereinafter described.

Written protests against the creation of the District and the making of the Improvements may be filed by an agent, person, firm or corporation owning real property within the proposed District whose property is liable to be assessed for the Improvements. For purposes of protest, the owner of a property created as a condominium is collectively the owners of all units having an undivided interest in the common elements. The protest must be filed by the president, vice president, secretary or treasurer of the condominium owners' association, and such protest must be in writing, identify the condominium property, include a declaration or other document that shows how votes of unit owners in the condominium are calculated and be signed by owners of units in the condominium sufficient to constitute an affirmative vote for an undertaking relating to the common elements under the condominium declaration, as more particularly set forth in Section 7-12-2141, M.C.A. Such protests must be delivered to the County Clerk and Recorder at the Flathead County Courthouse, 800 South Main, Kalispell, Montana 59901, no later than 5:00 p.m. local time on April 6, 2011. As provided by law, such protests must be in writing, identify the property in the District owned by the protestor and be signed by all owners of the property. The protest must be delivered to the County Clerk and Recorder, who shall endorse thereon the date of its receipt by her.

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

DATED this 7<sup>th</sup> day of March, 2011.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

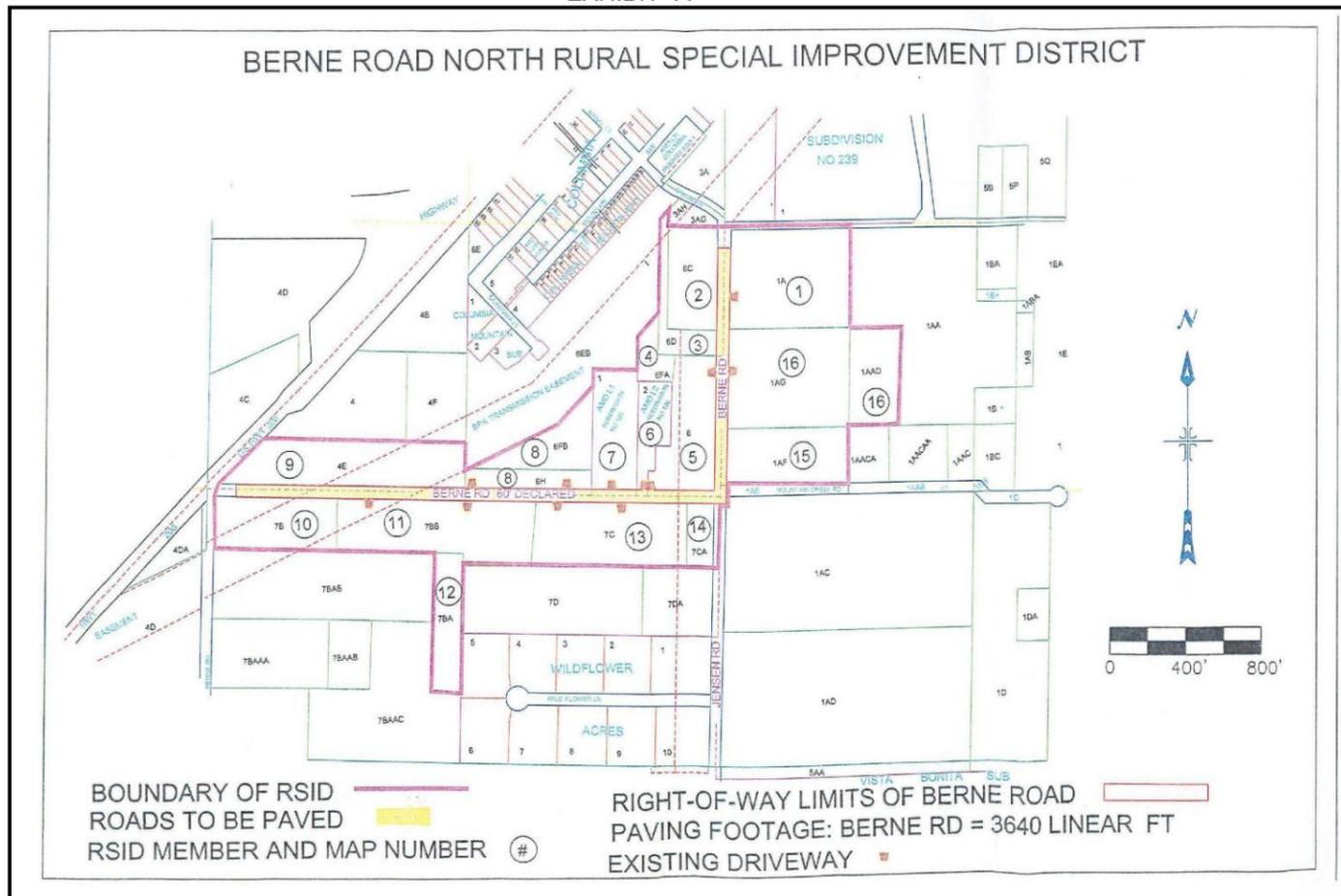
ATTEST:  
Paula Robinson, Clerk

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

By/s/Diana Kile  
Diana Kile, Deputy

Publish on March 10 and March 17, 2011.

EXHIBIT "A"



8:30 a.m. Weed & Parks Board meeting @ Weed & Parks Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 8, 2011.

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## TUESDAY, MARCH 8, 2011

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

### NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 9, 2011.

\*\*\*\*\*

## WEDNESDAY, MARCH 9, 2011

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

**11:00 a.m. County Attorney meeting @ Co. Atty's Office**  
**1:15 p.m. Commissioner Dupont: 911 meeting @ FECC**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 10, 2011.

\*\*\*\*\*

## THURSDAY, MARCH 10, 2011

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

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

### **PUBLIC HEARING: CREATION OF RSID #151/ BERNE ROAD**

[9:00:36 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Fugina explained a Notice of Passage of Resolution of Intent was approved to create RSID #151/ Berne Road. She said since that time there has been a change made to the RSID boundaries, and the possibility of using recycled asphalt was added which could bring down the cost of the RSID.

**Chairman Dupont opened the public hearing to anyone wishing to speak in regards to creation of RSID #151/ Berne Road.**

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

### **AUTHORIZE DAVE PRUNTY/ ROAD DEPT. AS SIGNATORY FOR NORTH FORK GRAVEL CRUSHING CONTRACT BETWEEN USFS & ROAD DEPT.**

[9:15:08 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Commissioner Lauman made a **motion** to allow Public Works Director Dave Prunty to execute the contract with the USFS for crushing of gravel at the Demersville pit in the North Fork. Commissioner Holmquist **seconded** the motion. **Aye –** Dupont, Lauman and Holmquist. Motion carried unanimously.

THURSDAY, MARCH 10, 2011  
(Continued)

**DOCUMENT FOR SIGNATURE: DPHHS CORRECTION TO CFDA NUMBER/ HEALTH DEPT.**

[9:17:07 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Clerk Kile

Pence explained the correction to the WIC Contract is to correct the CFDA number from 10.5777 to 10.557.

Commissioner Holmquist made a **motion** to approve changing the CFDA number on the contract. Commissioner Lauman **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

**CONSIDERATION OF PRINTING BID: SHERIFF'S OFFICE**

[9:16:50 AM](#) & [10:55:42 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Clerk Kile

Discussion was held relative to the additional cost to the county to purchase colored business cards.

Commissioner Holmquist made a **motion** to deny the print bid contract. Commissioner Lauman **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

Discussion continued in regards to setting a limit on the purchase price of business cards and setting a county standard.

Commissioner Holmquist made a **motion** to approve the print bid from Insty Prints for \$238.94 for 4 sets of multi colored business cards and to set a dollar amount on future purchases of them for the entire county. Commissioner Lauman **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

**MONTHLY MEETING W/ SCOTT SAMPEY, OES & LINCOLN CHUTE, FIRE SERVICE AREA MANAGER**

[9:32:12 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, OES Director Scott Sampey, OES Deputy Director Cindy Mullaney, Fire Service Area Manager Lincoln Chute, Clerk Kile

Sampey advised the commission he is keeping his eye on the situation in Kalispell with potential EMS employee cutbacks being discussed. He reported Dr. Richard Briles, EMS Medical Director is continuing to run case reviews with all EMS providers.

Mullaney reported a close eye is being kept on the weather with a 67% chance of flooding in Northwest Montana according to the National Weather Service. She stated they have been advised technical assistance can be requested from the Corp of Engineers out of Spokane, Washington prior to any emergency declaration in place. Once a declaration is in place direct assistance can be requested for equipment and materials with little or no cost to the county.

Discussion was held relative to flooding concerns, rotating out old sandbags currently being stored, monitoring streams, updating evacuation procedures, derailment of 19 BNSF railcars and sending staff to a type 3 team meeting to be held in Kalispell.

Chute spoke about concerns related to the Swan Hill repeater, work on the Annual Operating Plan and procedures for the burn permit process. He reported the draft is out for the Community Wildfire Protection Plan.

Sampey explained when the 911 Center consolidation occurred the agreement did not specify when the entities needed to start contributing to the 911 Center, which put them six months behind. He noted the shortage exists also because they took on everyone's employees along with their seniority and vacation time, unemployment insurance rates are higher than expected, radio tower maintenance and training costs are expensive, which are all big items that were not looked at in detail.

Chairman Dupont noted the new system is certainly not a money saver; it was done in order to provide improved service.

THURSDAY, MARCH 10, 2011  
(Continued)

**MONTHLY MEETING W/ SANDY CARLSON, FINANCE DEPT.**

[9:54:36 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Finance Director Sandy Carlson, Clerk Kile

Carlson reviewed the following cash balance report.

FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY11 beginning cash)	YTD CASH BALANCE AS OF FEB 28, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2011	PROJECTED DIFFERENCE	CASH RESERVE %
1000	GENERAL FUND	7,243,651	2,086,609	9,330,260	2,865,361	2,122,048	2,150,243	28,195	29.68%
2120	POOR FUND	281,083	71,616	352,699	97,014	56,077	73,958	17,881	26.31%
2130	BRIDGE FUND	958,380	260,948	1,219,328	493,361	343,132	205,640	(137,492)	21.46%
2140	WEED	610,132	159,213	769,345	35,028	234,705	140,373	(94,332)	23.01%
2160	COUNTY FAIR	988,860	311,314	1,300,174	336,886	142,092	(34,095)	(176,187)	-3.45%
2180	DISTRICT COURT	733,628	204,694	938,322	303,048	249,244	162,405	(86,839)	22.14%
2190	COMP INS	860,000	230,965	1,090,965	149,352	(36,163)	230,369	266,532	26.79%
2210	PARK	605,366	162,659	768,025	207,721	156,173	151,963	(4,211)	25.10%
2220	LIBRARY	1,453,828	405,311	1,859,139	348,884	281,742	392,575	110,833	27.00%
2280	AREA ON AGING	243,576	42,203	285,779	40,566	91,437	91,317	(119)	37.49%
2290	4H/EXT	119,011	27,314	146,325	53,209	20,574	26,216	5,643	22.03%
2300	SHERIFF	8,897,258	1,776,161	10,673,419	1,256,160	2,022,096	2,402,028	379,932	27.00%
2370	RETIREMENT	3,199,368	868,314	4,067,682	657,980	969,523	1,295,671	326,148	40.50%
2380	GROUP INS	3,286,589	947,412	4,234,001	851,876	289,857	1,285,277	995,420	39.11%
2396	JUV DETENTION	648,783	193,932	842,715	208,718	198,753	203,064	4,311	31.30%
TOTAL COUNTYWIDE NON-VOTED		30,129,513	7,738,665	37,868,178	7,905,164	7,141,291	8,777,005	1,635,715	29.13%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY11 beginning cash)	YTD CASH BALANCE AS OF FEB 28, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2011	PROJECTED DIFFERENCE	CASH RESERVE %
2110	ROAD FUND	8,184,629	2,422,672	10,607,301	3,576,613	2,342,810	2,468,191	125,382	30.16%
2251	PLANNING	477,656	87,283	564,939	100,674	51,733	83,303	31,571	17.44%
TOTAL OUTSIDE CITIES NON-VOTED		8,662,285	2,509,955	11,172,240	3,677,287	2,394,542	2,551,495	156,952	29.46%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY11 beginning cash)	YTD CASH BALANCE AS OF FEB 28, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2011	PROJECTED DIFFERENCE	CASH RESERVE %
2270	HEALTH FUND	2,106,271	635,965	2,742,236	579,196	649,503	795,157	145,653	37.75%
TOTAL LEVIED FUNDS		2,106,271	635,965	2,742,236	579,196	649,503	795,157	145,653	37.75%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY11 beginning cash)	YTD CASH BALANCE AS OF FEB 28, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2011	PROJECTED DIFFERENCE	CASH RESERVE %
2200	MOSQUITO	248,211	42,251	290,462	60,676	105,536	31,942	(73,595)	12.87%
2272	EMS PROGRAM	283,160	56,867	340,027	115,806	112,462	63,973	(48,489)	22.59%
2273	SPECIAL EMS PROGRAM	431,850	47,635	479,485	32,713	87,669	47,635	(40,035)	11.03%
2372	PERMISSIVE MED LEVY	1,141,330	-	1,141,330	-	642,866	-	(642,866)	0.00%
2382	SEARCH & RESCUE LEVY	200,031	57,668	257,699	57,176	97,813	52,766	(45,047)	26.38%
2990	TRANSPORTATION	2,621,627	589,437	3,211,064	338,008	274,009	648,264	374,256	24.73%
3001	911 GO BOND DEBT SERVICE	414,869	54,182	469,051	-	135,810	335,427	199,616	80.85%
TOTAL COUNTYWIDE VOTED/EXEMPT		5,341,078	848,040	6,189,118	604,379	1,456,166	1,180,006	(276,159)	22.09%
FUND	FUND NAME	APPROPRIATION	CASH RESERVES (\$ needed for 1st 4mos FY11)	TOTAL REQUIRED	RESOURCES AVAILABLE (FY11 beginning cash)	YTD CASH BALANCE AS OF FEB 28, 2011	PROJECTED CASH BALANCE AS OF JUNE 30, 2011	PROJECTED DIFFERENCE	CASH RESERVE %
2260	EMERGENCY/DISASTER	340,000	113,098	453,098	453,098	455,267	113,098	(342,170)	33.26%
TOTAL OUTSIDE CITIES VOTED		340,000	113,098	453,098	453,098	455,267	113,098	(342,170)	33.26%

Carlson reviewed the negative balance of \$229,000 from the 911 Center. Following discussion the commission unanimously agreed to pay the county's assessment in July/August or January/ February. Other negative cash balances included RSVP, Badrock RSID, Hungry Horse Fire and Ranch Water and Sewer. Carlson reported she posted FY2009 financials in order to meet compliance requirements for employment benefits.

**MEETING W/ DEBBIE PIERSON, GRANT WRITER RE: POTENTIAL SPONSORSHIP OF GREEN ACRES EMERGENCY GRANT APPLICATION**

[10:23:03 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Andy Hyde, Clerk Kile

Pierson reported a request has been received from Green Acres asking Flathead County to sponsor a grant application for emergency funds for a portion of a failed septic system. She explained \$14,600 would come from the CDBG Program income funds and \$33,491 would be from Green Acres replacement funds that are being held with a finance company.

Hyde reviewed the proposed sewer layout and noted the system which has failed is for spaces 21-26. He noted the proposed project would be a large percentage of the overall project, and as funds become available the remaining project would be completed. Hyde explained they are applying for emergency funds from TSEP and DNRC; the trailer court itself isn't eligible to receive the funds so they need a sponsor.

Pierson noted there are other pieces that need to fall into place, yet the role of the county is for consideration of Flathead County sponsoring the application, which would make the county responsible for the administration and management of it with support from Neighbor Works. She explained the next step would be to prepare a letter of agreement that would be submitted with the proposal to the emergency funding agency.

Commissioner Lauman made a **motion** to support sponsorship of Green Acres emergency grant application. Commissioner Holmquist **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

THURSDAY, MARCH 10, 2011  
(Continued)

**DOCUMENT FOR SIGNATURE: CONTRACT AMENDMENT/ KOOPAL**

[10:30:46 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Clerk Kile

Pierson reviewed the minor changes to language in the contract with Mike Koopal in order to comply with DEQ and other related grant contracts held by Flathead County.

Commissioner Holmquist made a **motion** to approve the contract amendment with Mike Koopal. Commissioner Lauman **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

**BOARD APPOINTMENT: SOMERS RURAL FIRE DISTRICT**

[10:33:43 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to appoint Delores Webb to the Somers Rural Fire District. Commissioner Holmquist **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: SERVICE PROVIDER DESIGNATION FORM**

[10:33:59 AM](#)

Members present:

Chairman James R. Dupont  
Commissioner Dale W. Lauman  
Commissioner Pamela J. Holmquist

Others present:

Assistant Mike Pence, Clerk Kile

Pence explained the service provider designation document is an annual renewal that designates Flathead Valley Chemical Dependency Clinic as the service provider for Flathead County.

Commissioner Lauman made a **motion** to approve the service provider document. Commissioner Holmquist **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

**2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Sr. Center**  
**6:00 p.m. Fair Board meeting @ Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 11, 2011.

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**FRIDAY, MARCH 11, 2011**

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

**NO MEETINGS SCHEDULED**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 14, 2011.

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