
MONDAY, APRIL 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.

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

MONTHLY MEETING W/ MARK CAMPBELL, FAIRGROUNDS

[9:00:42 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Fairground Operations Manager Mark Campbell, Clerk Kile

Campbell met with the commission and briefly summarized the following projects at the fairgrounds.

- Exterior and gate/entrance improvements
- Began review of lighting in the Trade Center and Expo Building for possible retro-fit of fixtures to higher efficiency fluorescent lighting
- Reactivated ground water testing near site of underground storage tank removed in 2002
- Working on marketing components of the fair
- Preparing to accept entries in all competitions on-line and in-person
- Issuing commercial exhibitor and concession agreements
- Finalizing layout of carnival spaces
- Holding monthly meetings with the Sheriff Posse and Search & Rescue
- Continuing community outreach with area service clubs
- Working with Kalispell tourism on a bid for a large youth wrestling event

Other items discussed included horse racing and entertainment, which will be from the Newsboys and Little Big Town with general admission tickets lowered to \$20 this year.

OPEN RFQ: FLATHEAD WASTEWATER MANAGEMENT GROUP

[9:15:06 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Clerk Kile

Responses to requests for qualifications were received from the following: Stelling Engineers Inc., RLK-Hydro, Inc. and Advanced Environmental Services.

Commissioner Holmquist made a **motion** to accept the RFQ's for review. Commissioner Lauman **seconded** the motion. **Aye** –Dupont, Lauman and Holmquist. Motion carried unanimously.

PUBLIC HEARING: CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT TO CREATE RSID #152 (BERNE ROAD)

[9:30:01 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, Linda Smith, Toby McIntosh, Clarence Taber, Clerk Kile

Fugina reported the Board of Commission passed on March 7, 2011 a Resolution of Intent to Create RSID #152 for the purpose of improvements on Berne Road. It was noted no protest letters were received.

Chairman Dupont opened the public hearing to anyone wishing to speak in regards to creation of RSID #152.

Linda Smith read the following letter:

I own property that fronts on Jensen and Berne Road. In 2008, I along with a group of my neighbors who use Jensen and Berne Road for access to their properties began the process of creating an RSID to pave these roads. We were interested in paving the roads to improve air quality and provide major benefits to those of us who use the dusty roads and live in the area served by the roads. The original project area included Jensen Road from Kelly Road to the intersection of Berne Road, and Berne Road from Hwy. 206 to the intersection of Columbia Mtn. Road, and the first ¾-mile of Jensen Road beginning at Hwy. 206. The total length was approximately 2.4 miles. The original proposal contained approximately 115 parcels including those fronting on the northerly portion of Martini Road. Thanks to direction from Mike Pence and commitment from the road users, we spent many hours:

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- Determining which landowners use the road
- Determining which parcels had waived their right to protest the RSID
- Mapping the RSID area
- Compiling the petition for signatures
- Going door to door explaining the process, distributing information and gathering signatures on the petition
- We involved an engineer to provide assistance and to prepare an estimate
- We attended other proposed RSID public meetings and consulted with others attempting to create an RSID's
- We held a public informational meeting for our proposed RSID
- We held many committee meetings, sent out questionnaires and analyzed the information returned
- We arranged for dust abatement on the southerly portion of Jensen Road
- We hired a consultant to core drill the roads
- Provided a geo-technical analysis investigation report
- Provided a pavement design and 12 supporting landowners paid the cost of \$3,650.00

After much opposition from those who live on Martini Lane and have alternative access to Hwy. 206 by way of Kelley Road, 14 parcels were dropped from the RSID.

After further discussions and polling road users the proposed RSID project was changed again to include Berne Road only. Parcels on Jensen Road were dropped, as including them did not result in the majority of the road users supporting the project through the signing of the petition.

At a meeting we held with the commissioners in January of 2010, the commission agreed to provide a traffic study to determine non-local use of the proposed area of Berne Road, which the county would be reimbursed for upon implementation of the RSID. The traffic study results provided in November 2010, that 78.6 percent of the use on Berne Road is by those not within the proposed RSID.

With the information from the traffic study, the engineer's estimate was revised and the RSID proposal was submitted to the commissioners in December 2010. The RSID boundary was adjusted to exclude a parcel that did not front on Berne Road, and included a parcel that was previously omitted. The proposal was re-submitted in January 2011 to reflect these changes. The total number of parcels in the RSID is now 16 with 10 of the road users signing the petition in support of the RSID.

A sizeable investment has been made to move this project to this stage; I personally have spent hundreds of hours. My purpose to move the project forward is twofold, as I am attempting to meet county preliminary plat requirements for paving 200 feet of Berne Road, or provide for the implementation of the RSID to pave the road. In retrospect, paving 200 feet of Berne Road would have been easier and a less costly option. Thank you for your support in paving of this section of the county road.

Clarence Taber, 24 Taber Lane stated he would be affected by the RSID and said times are financially tough right now with the economy, even for successful people trying to make ends meet. He explained his property has five power easements on it with a giant transmission line and the majority of his land cannot be subdivided. Taber said he wished his land was dividable and would applaud paying extra taxes if it was. A natural gas transmission line is also under his property with numerous underground electrical lines; 90 percent of his property is covered by easements. He stated at the public meetings held he asked to be involved in the process all the way along and was not updated, involved or informed of a lot of the meetings, and knew nothing about the proposal being broke down to a smaller scale. He noted at the public meeting held he was told if there was not enough support for it, it would be dropped. He explained he felt the project was borne by an assignment by Flathead Leadership or something thereof that guided this thing to start. The problem is we are paying our share of this and the county is paying a share of it; yet when the Smith's or others along the route subdivide then that subdivision should also pay their fair share of the RSID prorated over the life of it. Taber asked that the commission consider the unfair tax burden to him as a citizen and resident of the county and vote against the RSID; if the vote is in favor of the RSID, he asked that subdivisions that are developed be assessed an equal amount that the neighbors would be carrying. If that cannot be done do not support the RSID he stated.

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

Commissioner Lauman stated he still supports the idea of creating RSID's as a way to improve public roads. The county is doing the best they can and do not have funds to pave roads and these RSID's do serve a purpose along with their dust abatement program implemented a couple years ago.

Commissioner Holmquist questioned the change from 115 tracts down to 16 tracts.

Pence explained Jensen Road is the larger road being focused on; this is a piece of what was a neighborhood generated project. He noted he did not think a meeting was held per say on just Berne Road, although several were held on the bigger project.

Smith said she called Mr. Taber many times regarding meetings held.

Taber said he asked to be involved in the process and wanted to know when every meeting was held; he was notified of some along the way. He explained when it came to him it did not matter since they already had the support needed.

Pence noted no formal protests were received.

Smith stated 10 signatures on the petition were received out of the 16 parcels; three of them are neutral (federal government ownership/ Bonneville Power Administration).

Discussion was held relative to latecomer's agreements, development along the road and procedures for filing protests.

Commissioner Lauman made a **motion** to adopt Resolution of Intent for Berne Road #2288A. Commissioner Holmquist **seconded** the motion. **Aye** – Dupont and Lauman. **Opposed** – Holmquist. Motion carried by quorum.

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(Continued)

RESOLUTION NO. 2288A

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 152; CREATING 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 (the "Board") of Flathead County, Montana (the "County"), as follows:

Section 1. Passage of Resolution of Intention. This Board, on March 7, 2011, adopted Resolution No. 2288 (the "Resolution of Intention"), pursuant to which this Board declared its intention to create a rural special improvement district, designated as Rural Special Improvement District No. 152 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, the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund") and the establishment of a reserve account securing the Bonds in the District fund (the "Reserve Account").

Section 2. Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published and mailed in all respects in accordance with law, and on April 11, 2011, this Board conducted a public hearing on the creation or extension of the District and the making of the Improvements. There were no protests made during the period ended 30 days after the first date of publication of the notice of passage of the Resolution of Intention (the "Protest Period"). That meeting was the first regular meeting of the Board following the expiration of the Protest Period, and on April 11, 2010, passed this resolution.

Section 3. Protests. Within the Protest Period, no protests were filed with the County Clerk and Recorder concerning the lots, tracts, or parcels in the District.

Section 4. Creation of the District; Insufficiency of Protests. As no protests were received within the Protest Period (and are therefore insufficient), the District is hereby created on the terms and conditions set forth in, and otherwise in accordance with, the Resolution of Intention. The findings and determinations made in the Resolution of Intention are hereby ratified and confirmed, including, without limitation, the findings and determinations relating to the Revolving Fund and Reserve Account.

Section 5. Reimbursement Expenditures.

5.1. Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the County for project expenditures paid by the County prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the County adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

5.2. Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iii) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Improvements have been paid by the County before the date 60 days before the date of adoption of this resolution.

5.3. Declaration of Intent. The County reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of \$69,000 after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

5.4. Budgetary Matters. As of the date hereof, there are no County funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the \$69,000 of Improvements to be paid for by the lot owners, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the County's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

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5.5. Reimbursement Allocations. The County's Treasurer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the County to make prior payment of the costs of the Improvements. Each allocation shall be evidenced by an entry on the official books and records of the County maintained for the Bonds or the Improvements and shall specifically identify the actual original expenditure being reimbursed.

PASSED AND ADOPTED by the Board of County Commissioners of Flathead County, Montana, this 11th day of April, 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/Opposed
Pamela J. Holmquist, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

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. 2288A, entitled: "RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 152; CREATING 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 April 11, 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**; voted against the same: **Commissioner Holmquist**; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 11th day of April, 2011.

Paula Robinson,
Flathead County Clerk and Recorder



By/s/Diana Kile
Diana Kile, Deputy

OPEN BIDS: 2011 CRACK SEAL PROGRAM

10:00:43 AM

Members present:

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

Others present:

Assistant Mike Pence, Ryan Mitchell, Nathan Zito, Clerk Kile

Bids were received with bid bonds enclosed from Z & Z Seal Coating and Harddrives Construction.

Mitchell noted the job went to bid budgeted as a \$100,000 project.

Harddrives Construction	71,000.0 linear feet	\$ 1.408
Z & Z Seal Coating	91,911.8 linear feet	\$ 1.088

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

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OPEN BIDS: COURTHOUSE FURNITURE RESTORATION

[10:15:50 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Recording Manager Monica Eisenzimer, Clerk Kile

Bid received with bid bond enclosed from Ridgeline Furniture Restoration for a total price of \$16,760.00.

- Restoration of 24 pieces of oak barrister bookcases and one oak library table. \$4,588.00
- Restoration of eight oak bentwood side chairs, one oak wrap around office chair, three high back office chairs and one oak stool \$2,972.00
- Restore six ornate metal roller bookcases, eight single roller bookcases and one covered roller bookcase. \$9,200.00

Commissioner Lauman made a **motion** to take the bid under consideration. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC MEETING: CAB-7 PROPERTY TAX REDUCTION/ COLUMBIA FALLS ALUMINUM COMPANY

[10:17:57 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 approve publication of the notice of public meeting for a tax reduction request from CFAC. Commissioner Holmquist **seconded** the motion. **Aye** –Dupont, Lauman and Holmquist. Motion carried unanimously.

NOTICE OF PUBLIC MEETING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Sections 15-24-2102 and 76-15-103, M.C.A., that a joint meeting between the Board of Commissioners and Flathead County School District #6 Board of Trustees will be held to consider the application of Columbia Falls Aluminum Company, LLC, seeking a reduction of the taxable value of its property because the facility is currently idle and has been idle since October 31, 2009. If the application is granted, the reduction will be by 95% of the taxable value of commercial real property improvements, personal property, or any combination of that property, other than land, that is subject to taxation. Columbia Falls Aluminum Company, LLC, is located at 2000 Aluminum Drive, Columbia Falls, Montana.

The public meeting will be held on the **9th day of May, 2011, at 7:00 o'clock p.m.**, in the School District #6 Administration Board Room, 501 6th Avenue West, Columbia Falls, Montana. At the public meeting, the Board of Commissioners and Flathead County School District #6 Board of Trustees will give members of the public an opportunity to be heard regarding the application for tax reduction of the Columbia Falls Aluminum Company, LLC facility.

DATED this 11th day of April, 2011.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 14 and April 28, 2011.

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

[10:18:51 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 publication of the call for bids request for the Flathead County Weed & Parks Department. Commissioner Lauman **seconded** the motion. **Aye** –Dupont, Lauman and Holmquist. Motion carried unanimously.

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CALL FOR BIDS

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

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

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

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

Sealed bids are to be marked "**Weed Control Bid**" and must be in the office of the County Clerk and Recorder, 800 South Main, West Annex Bldg., Kalispell, Montana 59901, at or before **10:30 o'clock a.m.**, on **May 2, 2011**. Bids will be opened and read immediately thereafter in the Commissioners' Chambers, West Annex, 800 South Main, Kalispell, Montana.

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

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

Dated this 11th day of April, 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 April 14 and April 21, 2011.

BOARD APPOINTMENT: KALISPELL CITY PLANNING BOARD AND ZONING COMMISSION

[10:19:40 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 appoint Rory Young to the Kalispell City Planning Board and Zoning Commission. Commissioner Lauman **seconded** the motion. **Aye** –Dupont, Lauman and Holmquist. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: HEALTH BENEFIT PLAN AMENDMENT #11

[10:20:17 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, H.R. Director Raeann Campbell, Clerk Kile

Campbell explained the document would amend the health benefit plan to allow for representation from a third party in the event there would be a conflict of interest.

Commissioner Lauman made a **motion** to approve the document for signature for Health Benefit Plan Amendment #11. Commissioner Holmquist **seconded** the motion. **Aye** –Dupont, Lauman and Holmquist. Motion carried unanimously.

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(Continued)

DOCUMENT FOR SIGNATURE: PROFESSIONAL SERVICES CONTRACT/ SCHAEFER

[10:22:53 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 approve the document for signature for professional services. Commissioner Holmquist **seconded** the motion. **Aye** –Dupont, Lauman and Holmquist. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 12, 2011.

TUESDAY, APRIL 12, 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.

BI-MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE

[10:00:39 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, 4-H Youth Director Karole Sommerfield, Clerk Kile

Sommerfield reported local 4-H clubs would participate in the million trees project where 1,000 seedlings will be planted in Lone Pine State Park with grant funds received from Plum Creek. She spoke about after school programs, their pending trip to Pennsylvania with 4-H kids, Annual County Congress event, increasing 4-H club enrollment and improvements at Loon Lake.

DOCUMENT FOR SIGNATURE: 48 NORTH ENGINEERING AGRICULTURAL TECHNICAL SUMMARY REPORT CHANGE ORDER NO. 1/ FLATHEAD COUNTY RIVER COMMISSION

[10:15:27 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Grant Writer Debbie Pierson, Health Dept. Director Joe Russell, Clerk Kile

Pierson reported the change order pertains to an additional services request regarding the [Agricultural Impact Report](#) written to provide support for the [DEQ/EPA TMDL efforts in Flathead County](#). The report is funded through a DEQ 319 grant and associated with the Flathead River Commission.

Commissioner Holmquist made a **motion** to accept 48 North Engineering's Agricultural Technical Summary Report change order. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: EASEMENT ON MERIDIAN RAILS TO TRAILS BIKE PATH

[10:16:15 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planner Alex Hogle, Randy Ogle, Clerk Kile

Hogle noted there is a need for clarification of legal access onto the Bielz property over an existing roadway near Dern Road on Highway 2. He explained the bike path is being utilized as a driveway to their residence; prior to the bike path being constructed, they had been utilizing the old rail bed as their access.

Ogle explained the access has been used for a long period of time; long before it was dedicated to the bike path. He noted as the Bielz were applying for a loan the title company discovered they did not have an easement for access over the area that has been used for many years.

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Commissioner Lauman made a **motion** to authorize the chair to sign the easement presented. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

CONSIDERATION OF PRINT BID: HOME HEALTH

10:18:10 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 print bid from Kalispell Copy Center for five sets of 2 part NCR Medicare forms drilled with three holes for Home Health. Commissioner Lauman **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: BUDGET AMENDMENT/ ADMINISTRATIVE

10:20:10 AM

Members present:

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

Others present:

Assistant Mike Pence, Finance Director Sandy Carlson, Finance Technician Wendy Marquardt, Clerk Kile

Marquardt stated the budget amendment is due to findings where revenue was over or under stated and will bring them into line in order to get a better view of cash balances at the end of the fiscal year.

Commissioner Lauman made a **motion** to approve Budget Amendment Resolution #2289. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

BUDGET AMENDMENT
RESOLUTION # 2289

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2010-2011, 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 2010-2011; 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 12th day of April, 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

TUESDAY, APRIL 12, 2011
(Continued)

DATE OF ISSUE:		4/12/2011	BUDGET ENTRY		VOUCHER NO.:	
DATE OF RECORD:			RESOLUTION #2289			
Fund	Dept	ACTIVITY	OBJECT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
1000	0200	450200	396	Burial Service	10,000.00	
1000	0211	341009		Convenience Fees		2,100.00
1000	0211	341020		Attorney Fees		2,000.00
1000	0211	351012		JP Civil Fines	25,485.00	
1000	0211	351014		Bond Forfeitures		9,640.00
1000	0211	351016		Restitution Handling Fees		2,117.00
2110	0218	335210		30% Reimb PPTax/HB20/SB417	3,000.00	
2120	0201	450141	396	Burial Service	30,000.00	
2130	0219	335210		30% Reimb PPTax/HB20/SB417	1,500.00	
2130	0219	430244	231	Gas Oil Diesel		10,000.00
2130	0219	430244	354	Architectural Engineering		15,000.00
2130	0219	430244	357	Professional Services		4,000.00
2130	0219	430244	398	Contracted Services		5,000.00
2130	0219	430244	900	Capital Outlay		91,783.00
2150	0201	440600	398	Other Contracted Serv	80.00	
2160	0238	311010		Property Tax		17,089.00
2160	0238	383000		Transfer In		67,900.00
2180	0262	341050		Dist Crt Clerk Fees		15,000.00
2190	0202	335210		30% Reimb PPTax/HB20/SB417	1,000.00	
2211	0259	346080		Park Subdiv Charges	278,000.00	
2211	0259	460430	932	Capital Outlay	8,500.00	
2251	0231	341070		Planning Fees	52,000.00	
2251	0231	411010	110	Salaries		24,000.00
2251	0231	411010	220	Oper Supplies		1,000.00
2251	0231	411010	321	Printing Forms		3,000.00
2251	0231	411010	380	Training Services		1,000.00
2251	0231	521001	820	Transfer to		15,000.00
2272	0222	335210		30% Reimb PPTax/HB20/SB417	185.00	
2300	0209	335210		30% Reimb PPTax/HB20/SB417	15,894.00	
2370	0200	335210		30% Reimb PPTax/HB20/SB417	4,000.00	
2380	0200	335210		30% Reimb PPTax/HB20/SB417	3,000.00	
2395	0202	341047		Non-Std Document Fee		25,000.00
2901	0201	333040		PILT		666,715.00
2901	0201	521000	820	Transfer to	215,000.00	
2995	0201	430235	357	Prof Serv		30,000.00
2995	0201	430235	398	Other Contracted Serv		420,000.00
2995	0201	430235	933	Cap Out-Bike Path	490,000.00	
4004	0227	440700	900	Capital Outlay	20,000.00	
4008	0238	521000	820	Transfer to	67,900.00	
4012	0201	331991		ARRA/EECBG		271,800.00
4012	0201	371010		Investment Earnings		28,000.00
4012	0201	383000		Transfer In		500,000.00
4012	0201	410120	900	Capital Outlay	125,000.00	
4012	0201	411200	900	Capital Outlay	300,000.00	
4014	0231	383000		Transfer in	15,000.00	
4026	0221	383000		Transfer In		232,405.00
4026	0221	420750	357	Prof Serv	21,162.64	
4026	0221	420750	398	Other Contracted Serv	11,366.79	
4026	0221	420750	900	Capital Outlay	2,303.62	
Explanation		To correct budgeted amounts for accurate FY11 cash projections; to establish budgeted revenues/expenditures for FY11.			1,700,377.05	2,459,549.00

TUESDAY, APRIL 12, 2011
(Continued)

CONSIDERATION OF H.R. TRANSMITTALS: CLINIC OPERATIONS MANAGER/ COMMUNITY HEALTH CENTER & ADMINISTRATIVE ASSISTANT & BUS DRIVERS/ EAGLE TRANSIT

[10:22:09 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, H. R. Director Raeann Campbell, Health Dept. Director Joe Russell, Clerk Kile

Russell stated the present coordinator in the Health Department has taken over more day-to-day management responsibilities and it no longer is appropriate for her to stay in the position as a coordinator.

Commissioner Lauman made a **motion** to approve the H.R. Transmittal for a Clinic Operations Manager for the Health Center. Commissioner Holmquist **seconded** the motion. **Aye** - Dupont, Lauman and Holmquist. Motion carried unanimously.

Campbell noted the Eagle Transit H.R. Transmittals are to add three positions, an Administrative Assistant and two .5 FTE bus drivers. She explained the grant funded positions would be effective July 1, 2011.

Commissioner Holmquist made a **motion** to approve the H.R. Transmittals from Eagle Transit. 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

[10:30:23 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

Mullaney reported a mass casualty and fatality exercise would be held at Glacier Park International Airport with the goal being to test the county's emergency plan and make sure plans written are what they need to be. She explained the exercise would help them to expose potential problems with communication and cooperation.

Discussion was held relative to preparation in the event of flooding and distribution/availability of sandbags to residence. Other items discussed included concerns with a dike that the Corp of Engineers will be looking at, concerns regarding a water well that Kalispell has rights to in the front lawn of the new 911 building, settling in the building affecting chiller units and potential EMS concerns in Kalispell.

Chute spoke about damage caused to buildings and emergency communication radio antennas with the heavy snow fall this winter and recent wet snow followed by freezing temperatures. He noted he is continuing to work with Plum Creek in regards to them donating land for a fire hall in the North Ashley Lake area; once a building is there Marion Fire District has agreed to annex the area into their district, which will give residence a quicker response time and cut their insurance in half. In other business, Chute reported he would attend the State Fire Wardens Convention that is held every other year.

Discussion was also held relative to the benefits of pursuing a mutual aid agreement with Salish and Kootenai tribes

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 13, 2011.

WEDNESDAY, APRIL 13, 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 April 14, 2011.

THURSDAY, APRIL 14, 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.

THURSDAY, APRIL 14, 2011
(Continued)

MONTHLY MEETING W/ B. J. GRIEVE, PLANNING & ZONING OFFICE

[9:00:23 AM](#)

Members present:

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

Others present:

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

Grieve reviewed with the commission individual projects each planner is working on and noted there will be two unique items to the fiscal year work plan: updating Flathead County's Growth Policy and fixing snafus that have been identified in zoning. He also spoke about ADA compliance standard concerns, local billboard regulations and their role as the Planning and Zoning Office in the event of significant flooding this spring. A community decay violations report was summarized along with a quarterly activity report and fee revenue statistics. Grieve explained as a cost saving measure to the office they will no longer send out printed versions of subdivision regulations or updates to them.

CONSIDERATION OF EXTENSION: GLACIER INTERNATIONAL BUSINESS PARK

[9:31:23 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Planner Alex Hogle, Olaf Ervine, Clerk Kile

Hogle reported the extension request received from the applicant complies with subdivision regulations effective August 1, 2007 and noted the extension would be for one year.

Commissioner Lauman made a **motion** to approve the extension request for Glacier International Business Park. Commissioner Holmquist **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

CONSIDERATION OF PRINT BID: WEED & PARKS

[9:34:58 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 print bid from O'Neil Printers for \$84.50 for record books. Commissioner Lauman **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

AWARD BID: COURTHOUSE FURNITURE RESTORATION

[9:36:34 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 award the furniture restoration bid to Ridgeline Furniture Restoration. Commissioner Lauman **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

LIFT LOAD LIMITS

[9:37:33 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Road Foreman Jim Mohn, Clerk Kile

Commissioner Holmquist made a **motion** to lift load limits on Auction Road, Cemetery Road, Farm Road, Forest Hill Road, Grand Drive, Lower Valley Road, North Somers Road, School Addition Road, Snow Line Lane, Somers Road, Somers Stage Road and Wiley Dike Road. Commissioner Lauman **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

THURSDAY, APRIL 14, 2011
(Continued)

CONSIDERATION OF DESIGNATION OF VETERANS' INTERMENT SUPERVISOR

[9:40:22 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 designate the Clerk & Recorder as the Veterans' Interment Supervisor. Commissioner Holmquist **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

MONTHLY MEETING W/ SANDRA CARLSON, FINANCE DEPT.

[10:00:35 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Finance Director Sandra Carlson, Clerk Kile

Carlson reviewed a cash balance report with the commission and noted budgets reviews would start next week.

PUBLIC HEARING: SWAN PEAK HOMESTEAD PUD

[10:15:09 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Planner Allison Mouch, Eric Mulcahy, Jim Taylor, Clerk Kile

Mouch noted the PUD is located along the east side of Bigfork Stage Road and encompasses four tracts of land. It was explained the request is to implement a PUD overlay on the current underlying zoning, which is R-1, SAG5 and SAG10. All the other permitted uses of the underlying zoning would remain with the only difference being lot sizes with the permitted uses of the underlying zoning remaining the same. Mouch stated the subdivision that goes along with the PUD will not be requesting any additional density; the reduction in lot size is so developed tracts can be moved to the west side of the property and still maintain the east side in open space. As part of the PUD, the proposal is for a mixed conservation easement on approximately 50 acres, and approximately 8 acres in parkland that will be part of the subdivision. It was stated the PUD was reviewed based on six review criteria with six findings of fact for the PUD specifically as well as seven conditions of PUD approval.

Chairman Dupont opened the public hearing to anyone wishing to speak in regards to Swan Peak Homestead PUD.

Eric Mulcahy, representative for the applicant spoke in favor of the PUD and stated they are in total agreement with the planning boards and staffs recommendations. He noted they are fine with the conditions proposed by the planning board, which were addressed in order to fit their needs for a conservation easement.

Ramona Niewoehner sent an e-mail in regards to traffic and dust concerns on Bigfork Stage Road.

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

Commissioner Lauman expressed his concern in regards to a comment from Fish Wildlife and Parks about shrubs and fruit producing trees that he stated is an unenforceable situation that he would like to strike.

Mouch clarified Fish Wildlife and Parks made the recommendation and BLUAC suggested that it be incorporated as a condition of the PUD in the CC&R document, which the planning board did not agree.

Commissioner Lauman made a **motion** to approve Resolution #2290 that will conditionally approve the proposed PUD in the Bigfork Zoning District. Commissioner Holmquist **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

RESOLUTION NO. 2290

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following the publication of legal notice, on the 14th day of April, 2011, to consider a proposal for a Planned Unit Development (PUD) in the Bigfork Zoning District ;

WHEREAS, the Board of Commissioners did hear public comment on the proposed Planned Unit Development at that hearing;

WHEREAS, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed Planned Unit Development;

THURSDAY, APRIL 14, 2011
(Continued)

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 3.31.020.4, Flathead County Zoning Regulations, hereby conditionally approves the proposed Planned Unit Development (PUD) in the Bigfork Zoning District to overlay approximately 123 acres in its entirety, 120 of which are part of a proposed major subdivision. The PUD would enable the minimum lot size to be reduced in each applicable zone and would enable lots to be clustered on the western portion of the site. The reduction in minimum lot size would, in return, allow permanent open space to be set aside. A residential subdivision, consisting of 17 lots, is proposed on 50 of the 120 acres. The bulk of the remaining acreage, consisting of approximately 53 acres, would be placed in a conservation easement under the administration of the Montana Land Reliance. Approximately 8 acres would be dedicated as parkland and 9 acres would be utilized for internal subdivision roads and utility easements. Aside from the minimum lot size requirements, all permitted uses, conditional uses, bulk requirements, and dimensional requirements would comply with the underlying zoning classifications.

BE IT FURTHER RESOLVED that the property to be overlaid is described in Sections 29 and 30, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana. It is described as Tract 4BAA and 4BA: Parcel A & B of Certificate of Survey No. 16588, located in the South half of the North half of the Southwest Quarter (S½N½SW¼) of Section 30; Tract 5: the North Half of the Southeast Quarter (N½SE¼) of Section 30; and Tract 2C: the West half of the Northwest Quarter of the Southwest Quarter (W½W½NW¼SW¼) of Section 29. The property is located north of Bigfork, between Bigfork Stage Road and Swan Hill Drive, Bigfork, Montana.

BE IT FURTHER RESOLVED that the applicant shall submit a final plan showing compliance with the proposed overlay prior to redesignation of the property as a Planned Unit Development.

DATED this 14th day of April, 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

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

PRELIMINARY PLAT: SWAN PEAK HOMESTEAD

[10:23:57 AM](#)

Members present:

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

Others present:

Assistant Mike Pence, Deputy County Attorney Peter Steele, Planner Allison Mouch, Eric Mulcahy, Jim Taylor, Clerk Kile

Mouch entered into record Swan Peak Homestead FPP 10-02; an application submitted by A & C Horn Trust with technical assistance from Sands Surveying and Carver Engineering for a planned unit development (PUD), major subdivision on 123.8 acres that would create 17 residential lots as a cluster development with the approximate density of one dwelling unit per 7 acres. The proposed subdivision and PUD are located along the east side of Bigfork Stage Road, approximately ½ mile north of the town center of Bigfork. A 3.7 acre homestead tract is included, as part of the PUD and 53.59 acres of open space would be set aside in a permanent conservation easement. Mouch noted the applicant has offered to pave more than is actually required, however what is required through the regulations will be assessed from the end of existing pavement on Bigfork Stage to the south and if the applicant wishes to pave more he can pave to the very north boundary of the subdivision property.

Commissioner Lauman made a **motion** to adopt the staff report and approve preliminary plat as amended by the Planning Board for Swan Peak Homestead. Commissioner Holmquist **seconded** the motion. **Aye** – Dupont, Lauman and Holmquist. Motion carried unanimously.

SWAN PEAK HOMESTEAD SUBDIVISION CONDITIONS OF APPROVAL

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626B. All road names shall appear on the final plat. Street addressing shall be approved by Flathead County. [Section 4.7.18(g)(iv), 4.7.28(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road Department indicating the approach for Swan Peak Drive onto Bigfork Stage Road has been built and received final inspection and final approval. [Section 4.7.18, FCSR]
3. The applicant shall comply with all reasonable fire suppression and access requirements of the Bigfork Fire District and the Department of Natural Resources (DNRC). Letters from both the fire chief and DNRC stating that the plat meets the applicable requirements of the district shall be submitted with the application for Final Plat. [Section 4.7.28(b), FCSR]
4. 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]
5. 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]

THURSDAY, APRIL 14, 2011
(Continued)

6. With the application for final plat, the applicant shall provide a Road Users' Agreement which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.17(e), FCSR]
7. 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, 4.7.22, 4.7.23 FCSR]
8. 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]
9. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.24, FCSR]
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]
11. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.28(c), FCSR]
12. All utilities shall be placed underground. [Section 4.7.25, FCSR]
13. 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]
14. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
15. 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.)]
16. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.27 FCSR]
17. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.4.22 FCSR]
18. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. [Section 4.4.20 FCSR]
19. The applicant shall be required to pave 354 feet of Bigfork Stage Road; application of paving shall continue from the end of the existing pavement south of the subject property.
20. A 10 foot bike/pedestrian easement shall be shown on the face of the final plat along the portion of subdivided property fronting Bigfork Stage Road [Section 4.7.21 FCSR].
21. 8.056 acres of open space shall be dedicated as parkland to be maintained by the Swan Peak Homeowner's Association in accordance with the provisions of Section 4.7.26(c)(i) and (ii) FCSR, and shall be designated on the face of the final plat.
22. The applicant shall furnish proof of a completed 60-foot road and utility easement across Tract 4BAA to ensure legal and physical access can be provided to lots within the proposed subdivision, should Tract 4BAA ever change hands in the future.
23. The 53.594 acres of open space voluntarily placed under permanent conservation easement with Montana Land Reliance shall be identified on the face of the final plat.
24. An official Memorandum of Understanding between Swan Hill Road Association (SHRA) and Swan Peak Homestead (SPH) ensuring the availability and conditions of emergency access onto Swan Hill Drive shall be signed by both parties and submitted with the final plat application materials.
25. 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.
26. A stop sign shall be placed at the intersection of Swan Peak Drive and Bigfork Stage Road as a traffic control measure for vehicles existing the subdivision.
27. 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 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.

THURSDAY, APRIL 14, 2011
(Continued)

MEETING W/ ALLEGIANCE RE: HEALTH PLAN

11:15:15 AM

Members present:

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

Others present:

Assistant Mike Pence, H. R. Director Raeann Campbell, Allegiance Representatives Aaron Bay & Stephanie Randall

Campbell noted the meeting is to review the pros and cons of remaining with a grandfathered plan under the new health care reform verses a non-grandfathered plan; designation of grandfathered status is the first step towards PPACA compliance.

Bay explained PPACA has created benefit mandates that must occur on the first plan year after September 23, 2010, whether grandfathered or non-grandfathered; the mandates and plan amendments must occur effective on the upcoming plan year.

- Extending dependent child eligibility to age 26, regardless of marital status, student status or financial support
- Removing all pre-existing condition exclusionary requirements on individuals less than 19 years of age
- Removing most, if not all annual dollar limits on the plan
- No lifetime limits on essential benefits

If the plan chosen does not stay grandfathered the additional mandates as well are to provide preventive care services as defined by the Department of Health and Human Services on a first dollar basis with no cost sharing, and revising the plans claims and appeals language to fit the new mandated claims and appeals procedures, including external review of many plan appeal issues.

Bay explained in detail the benefits of grandfathered verses non-grandfathered.

General discussion was held relative to the proposed changes, increased costs, wellness benefits, restrictions and government regulations.

2:00 p.m. Commissioner Holmquist: Health Board meeting @ Earl Bennett Bldg.
2:00 p.m. 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 April 15, 2011.

FRIDAY, APRIL 15, 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.

8:30 a.m. Commissioner Dupont: Port Authority meeting @ MWED
1:30 p.m. Commissioner Holmquist: Flathead County Wastewater Mgmt. Group RFQ Committee Meeting @ Earl Bennett Bldg., Conf. Room C

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 18, 2011.
