
MONDAY, APRIL 23, 2012

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Lauman, Commissioner Scott 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 April 24, 2012.

TUESDAY, APRIL 24, 2012

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

10:00 a.m. Quarterly Jail Facility Tour/Meeting
12:00 p.m. Commissioner Holmquist: CDC Board meeting @ Three Rivers Bank
3:00 p.m. Refuse Board meeting @ Solid Waste District Conference Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 25, 2012.

WEDNESDAY, APRIL 25, 2012

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

[9:00:03 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Mary Gibson, Jane Lopp, Clerk Kile

Chairman Lauman opened public comment on matters within the Commissions' Jurisdiction.

Mary Gibson asked that they reconsider their decision regarding use of PILT money to upgrade the HVAC system in the Library. She explained there is a real need to have the air conditioning system upgraded. Gibson said she is unsure that the correct information was given to them regarding the funds the Library currently has. In order to do this on their own would be a terrible challenge she added as there are other needs with increased use of the Library.

Jane Lopp stated she has been a Library patron since 1958 and is also a Library Board trustee. She said as a citizen she spends time at the Library which is too hot in the summer and cold in the winter. She explained their HVAC system has gotten to the point of no return. She said the money the Library has for capital improvements has been saved and scrimped to improve the environment for Library patrons. Lopp stated the HVAC system is part of the core foundation of the building and a one time expense. She added her understanding of PILT money is that it is used for one time costs which would be an appropriate expenditure.

Kristen Hamilton, 420 Hilltop Avenue said she has been a Flathead Valley resident for the past 22 years and is also the current president of the Flathead County Library Foundation. She explained she as well as her children use the Library frequently. Hamilton encouraged the commission to consider using PILT money for an HVAC system. She said it is her understanding PILT money was used to renovate the Courthouse which is beautiful now, and stated the Library is a beautiful building used by 700 people a day; young people, old people, people looking for employment and for educational classes. She explained the Library is a year around facility that everyone uses and an adequate HVAC is in the best interest of the community.

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

QUARTERLY MEETING W/ MARCIA SHEFFELS, SUPT. OF SCHOOLS

[9:16:12 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Superintendent of Schools Marcia Sheffels, Clerk Kile

Sheffels reviewed the following quarterly meeting report with the commission.

Routine business for January-March:

- Brought all school district administrators together for the annual calendar-planning meeting—(schools' vacation times will be mostly in sync for 2012-2013 academic year—a FIRST)
- Submitted to Treasurer apportionments for state and county school monies
- Did all teacher evaluations for Deer Park according to their collective bargaining agreement
- Conducted the annual county-wide spelling bee (winners sent to state-Evergreen, Swan River, Stillwater Christian, alternate, Whitefish) (Grades 5-8)

WEDNESDAY, APRIL 25, 2012
(Continued)

- Reviewed educator certification (reconciling each district's fall *Annual Data Collection Report* of faculty with our registered certificates) - notified schools of faculty members whose license expires June 30, 2012 (Teachers must be currently licensed in the area they are teaching for the school district to stay fully accredited and receive entitlement money for "highly qualified".)
- Sent updated list of home school students (537) to resident district schools who must notify the families of federally-funded programs available
- Sent paper order forms to rural schools, cooperatives, private schools, county offices, city offices (December), put order out to bid (February), awarded bids (\$68,000)
- Sent forms out to all schools for second enrollment count required by state for budgeting process—figuring the ANB—forms returned and entered in Office of Public Instruction data base (Maefairs) —reconciled with a second, teacher-entered, state data base (AIM)
- Sent memo to schools with bus inspection schedule for 2nd semester (done twice a year)
- Calculated (state- formula) first semester transportation payments for busing districts—county pays half; state pays half (Schools' claims for transportation funds must reconcile with the routes they had approved by the County Transportation Committee in June and with forms submitted to the state.) (138)
- Calculated first semester individual transportation contracts (111 for 1st semester)
- Provided rural school accounting co-op services on Black Mountain
- Ran background checks for schools —paperwork, fingerprint, send print cards and paperwork to state, notify applicant of results (16), update substitute list
- Worked with OPI on CRTs (Criterion Referenced Tests) administered every March
- Reviewed preliminary plat applications, responded with school impact and bus transportation information
- Recorded findings from schools' audit reports as they come in for FY ending June 30, 2011
- Began process of Hawkins Scholarship applications (130 applicants)
- Hosted monthly finance meetings for two cooperatives (CS of S is fiscal host)
- Submitted the necessary paperwork for the recent bond election in Whitefish (school history, school boundaries, acreage of district, population of district, land transfers, current board members and dates of commencement and termination, the statewide facility guaranteed mill value per ANB, the district's debt service mill value per ANB, market value, taxable value, limit of indebtedness, nature and amount of indebtedness existing, etc.
- Attended monthly meetings of Northwest Montana Association of School Superintendents, Flathead County Special Education Cooperative, Northwest Montana Educational Cooperative, Crossroads School (elem. ED youngsters) Council, occasional school board meetings, county committee meetings

Discussion was held relative to training of school board trustees.

MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE DISTRICT

[9:36:44 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Public Works Director Dave Prunty, Operations Manager Solid Waste Jim Chilton, Clerk Kile

Prunty reported the Solid Waste Board held a kick off meeting with neighboring property owners to discuss future expansion of Solid Waste properties. In other business, he spoke about March ground watering results, refuse operations and gate tonnage.

Discussion was held relative to Lower Lost Prairie Road and the need to officially close the road temporarily for repair.

OPEN BIDS: DUST COST SHARE PROGRAM 2012/ ROAD DEPT.

[10:02:04 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Deputy County Attorney Peter Steele, Public Works Director Dave Prunty, Stephen Holliday, Rich Wigness, David Steely, Clerk Kile

Bids received with bid bonds enclosed from:

LHC Inc.	\$325,745.42
Lyman Dust Control	\$257,407.22
Montana Dust Control, LLC	\$247,839.87
W.E. Dust Control & De-icing	\$250,573.40

Commissioner Holmquist made a **motion** to take the dust cost share bids under consideration. Commissioner Scott **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

CONSIDERATION OF JAG GRANT/ SHERIFF'S OFFICE

[10:00:30 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Sheriff Chuck Curry, Undersheriff Dave Leib, Deputy County Attorney Peter Steele, Clerk Kile

Curry stated the Sheriff's Office is applying for the Edward Byrne Memorial Justice Assistant Grant made available yearly. He explained the grant is being submitted to purchase 27 AED'S (Automated External Defibrillators) for \$38,489 for use in patrol vehicles. He said currently they have eight and this would allow each patrol vehicle to have an AED for use when they are the first responder on medical calls.

Commissioner Holmquist made a **motion** to acknowledge the Jag Grant application to purchase AED's for \$38,489. Commissioner Scott **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

**WEDNESDAY, APRIL 25, 2012
(Continued)**

TAKE ACTION: MOUNTAIN VIEW AMENDED PLAT OF AMENDED PLAT OF LOT 13, BLOCK 1

[10:08:10 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Planner Alex Hogle, Clerk Kile

Hogle stated Mountain View Amended Plat of Amended Plat of Lot 13, Block 1 received preliminary plat approval in 2008. A one year extension was requested and granted and expired on April 17, 2012. He explained the owner was notified and no response was received.

Chairman Lauman read into the record that Mountain View Amended Plat of Amended Plat of Lot 13, Block 1 is declared a dead file.

DOCUMENT FOR SIGNATURE: AE2S CONTRACT/ POST CONSTRUCTION WATER QUALITY SAMPLING FOR BIGFORK STORMWATER PROJECT

[10:10:06 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Grant Writer Debbie Pierson, Sue Hanson, Alan Wendt, Clerk Kile

Pierson noted the document is a contract with AE2S to do post construction water quality sampling in Bigfork at the construction site not to exceed \$2,500.00.

Commissioner Scott made a **motion** to approve signature of the contract with AE2S. Commissioner Holmquist **seconded** the motion. **Aye** – Lauman, Scott and Holmquist. Motion carried unanimously.

FIRST READING OF AMENDMENT TO ORDINANCE NO. 4/ PARK RULE ENFORCEMENT

[10:11:05 AM](#) & [10:23:39 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Deputy County Attorney Peter Steele, Clerk Kile

Chairman Lauman completed the first reading of the proposed amendment to Ordinance No. 4/ Park Rule Enforcement.

Commissioner Holmquist made a **motion** to accept the First Reading of Proposed Amendment Ordinance No. 4; the Second Reading is to be held on May 10, 2012 at 9:30 a.m. Commissioner Scott **seconded** the motion. **Aye** – Lauman, Scott and Holmquist. Motion carried unanimously.

PROPOSED AMENDMENTS TO ORDINANCE NO. 4
FLATHEAD COUNTY PARK RULE ENFORCEMENT

WHEREAS, the Board of Commissioners of Flathead County is authorized, pursuant to § 7-16-2322, M.C.A., to adopt an ordinance to govern and control the use of the County Park facilities and to assure their enjoyment for the members of the public;

WHEREAS, the Board of Commissioners determined that rules and regulations to govern and control the use of the County Park facilities were necessary and, therefore, adopted Ordinance No. 4, Park Rule Enforcement, on August 26, 1985; and

WHEREAS, the Flathead County Weed and Parks Board has recommended the following proposed amendments to Ordinance No. 4 be adopted by the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that, effective 30 days after the second reading and final adoption, scheduled on May 10, 2012 at 9:30 a.m., the following amendments (additions are in bold and italics, deletions are lined through) to Ordinance No. 4 shall be in force and effect:

SECTION ONE
DEFINITIONS

Swimming Area. Swimming area shall mean the duly designated area within a lake or other body of water which shall be marked by red and ~~yellow~~ **white or blue and white** buoys and within said buoys shall be the designated swimming area and outside of said buoys shall not be a designated swimming area.

SECTION TWO
WARDEN

The Warden is hereby vested with the power and authority necessary to enforce the provisions of this Ordinance.

The Warden shall serve at the will and the pleasure of the County Park Board and may **not** be a peace officer as defined in Section 46-1-201, M.C.A.

**WEDNESDAY, APRIL 25, 2012
(Continued)**

**SECTION 3
RULES AND REGULATIONS**

Section Number		Bond Fees
0-2	No person shall permit a pet animal to run at large in a designated public recreation area, but must restrain all pet animals and keep them under control and on a leash at all times.	35.00 125.00
0-2.1	No dogs shall be allowed at Conrad Complex or Hillcrest Parks in Kalispell; Camelot Park in Evergreen; Aero Lane, Carlyle Johnson, or Potoczny Parks in Bigfork; Lake Park Addition in Whitefish; or Volunteer Park in Lakeside.	On leash 85.00 Off leash 125.00
0-5.1	No person shall place any vehicle, trailer, camper, boat, on park property to display for sale or leave unattended overnight.	85.00
0-9	No person shall disturb or remove the topsoil cover. This prohibits digging for worms, burying of garbage, and allowing pets to dig holes, or prospecting.	85.00
0-17	Swimming areas, when designated, are limited to red and yellow white buoys, or blue and white buoys. No person shall swim from such designated swimming area to any area beyond that which is so marked or limited. No person shall disturb, deface, remove or relocate such buoys unless authorized by the County Park Board. No boat shall be operated within fifty (50) feet of the exterior boundary of a designated swimming area.	85.00
0-18	No power boat shall be operated or beached within a designated swimming area nor shall be operated with its motor in operation so that any portion of such boat approaches closer than twenty (20) fifty (50) feet to any swimmer. The term "swimmer" as used herein shall not mean any water skier then engaged in water skiing and using said boat as towing power. This regulation is applicable only in water areas which are within one hundred (100) feet of the nearest shoreline and shall not apply to emergency or lifesaving situations.	85.00
0-19	No operator of a power boat shall tow any water skier so that such water skier is caused to approach within twenty (20) fifty (50) feet from any swimmer in the water. No water skier, while afloat on water skis, shall approach any swimmer in the water within twenty (20) fifty (50) feet or ski within the bounds of any designated swim area.	85.00

BE IT FURTHER RESOLVED, a copy of the foregoing amendments to Ordinance No. 4 shall immediately be posted and made available to the public.

DATED this 25th day of April, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By: _____
Dale W. Lauman, Chairman

By: _____
Diana Kile, Deputy

DISCUSSION AND DOCUMENT FOR SIGNATURE: LEGAL SERVICES PARTNERSHIP PROGRAM/ N.W. MONTANA COMMUNITY ACTION PARTNERSHIP

[10:17:11 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Danielle Bundrock, Clerk Kile

Commissioner Holmquist noted when this proposal came before them earlier on March 13; it was tabled until a full commission was present. She explained she hasn't changed her mind and stated N.W. Montana Community Action Partnership is a great organization; yet doesn't feel the county can subsidize them at this time.

Commissioner Scott commented that according to the numbers provided for LSPP serves about 65 percent; he stated he thought the full amount mentioned in the letter was disproportionate with that. Scott added if there were to be any funds it would be commensurate with the amount of service provided per county, so in lieu of what the other counties have contributed that would reduce the amount dramatically.

Commissioner Holmquist made a **motion** to not provide assistance to Legal Services Partnership Program (LSPP) N.W. Montana Community Action Partnership. Chairman Lauman **seconded** the motion.

Commissioner Scott said he recognizes the importance of the service to the underserved community and the fact that often times we in the county require our citizens to present certain documentations and legal processes that they themselves are not aware of, can't provide or have knowledge of and do need service; there is no place for them to go other than through these types of services provided. He stated in service to the underserved citizens in our community this is an important matter. Scott added he doesn't agree with the full amount asked, but thought it could be something less.

Commissioner Holmquist said there is a service available at the Justice Center at the Self Help Law Center where assistance is available.

**WEDNESDAY, APRIL 25, 2012
(Continued)**

General discussion was held relative to the services provided at the Self Help Law Center.

Steele explained the staff person at the Self Help Law Center cannot give legal advice and is only able to assist citizens in looking things up and offering legal forms.

Aye - Lauman and Holmquist. **Opposed** - Scott. Motion carried by quorum.

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

[10:23:48 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Deputy County Attorney Peter Steele, Clerk Kile

Commissioner Scott made a **motion** to authorize publication of the chemical call for bids request. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

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, Milestone or equivalent/generic, Opensight or equivalent/generic, Banvel or Dicamba or equivalent/generic, Roundup or equivalent/generic, Vista or equivalent/generic and Perspective or equivalent/generic. 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, Kalispell, Montana 59901, at or before **5:00 o'clock p.m.**, on **May 14, 2012**. Bids will be opened and read at **11:30 o'clock a.m.**, on **May 21, 2012**, in the Commissioners' Office at the Courthouse, Third Floor, 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 25th day of April, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 30 and May 7, 2012.

DOCUMENT FOR SIGNATURE: WMW ENGINEERING CONTRACT/ RSID #153 (MONEGAN ROAD)

[10:24:53 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Public Works Director Dave Prunty, Clerk Kile

Prunty reported the contract with WMW Engineering is for design, engineering and to take them through the bidding process along with construction monitoring.

Commissioner Holmquist made a **motion** to approve the contract document for signature with WMW Engineering for RSID #153/ Monegan Road. Commissioner Scott **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: GRAVEL CRUSHING/ ROAD DEPT.

[10:25:48 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Public Works Director Dave Prunty, Clerk Kile

Commissioner Scott made a **motion** to authorize publication of the gravel crushing call for bids. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

WEDNESDAY, APRIL 25, 2012
(Continued)

CALL FOR BIDS

Notice is hereby given that sealed bids for the crushing and stockpiling of two different gravel materials at one Flathead County gravel pit will be received by the County Board of Commissioners of Flathead County, Montana.

The work contemplated consists of crushing and stockpiling the following:

-
- A. Approximately 75,000 tons of Surface Course Aggregate at the Old Steel Bridge Pit. Crushed material to meet Montana Public Works Standard Specifications, 6th Edition, 2010, Section 02510, Asphalt Concrete Pavement, Surface Course Aggregate, Type B. The Contractor is referred to the attached mix design and shall be responsible for ensuring that the aggregate being crushed will produce a final product in compliance with the specifications. All required testing shall be conducted by the Contractor. The aggregate shall be placed in three stockpiles: 1. Crushed Course, 2. Crushed Fines, 3. Natural Fines.
- B. Approximately 16,000 tons of 3/8 inch Seal Coat Aggregate at the Old Steel Bridge Pit. Crushed material to meet Montana Public Works Standard Specifications, 6th Edition, 2010, Section 02504, Asphalt Seal Coat, 3/8" Seal Coat Aggregate. All required testing shall be conducted by the Contractor.

These two materials are being bid as one project. Only one contract will be awarded for this work.

Work must commence on July 2, 2012. Equipment mobilization may begin earlier if desired. The County intends to utilize Seal Coat Aggregate starting August 13, 2012 and may utilize surface course aggregate as it is stockpiled. Contractor shall perform sieve analysis every 1,000 tons. Contractor shall perform all required testing. Crushed material to be weighed by scales on a belt conveyor, and/or cross section survey of stockpile to be done by County to verify quantities.

Actual amounts to be crushed shall be determined based upon unit prices. All required testing shall be conducted by the contractor. All material up to 4 feet shall be crushed. Any material over 4 feet will be considered oversize. Material and pit area may be viewed by making an appointment with the Road Department. The exact location of material to crush and stockpile locations will be designated by the Flathead County Road Department at the time of crushing. Bidders are encouraged to contact the Flathead County Road Department if there are any questions or to set up a time to view the crushing site.

Bid proposals must be submitted on a form to be provided for the purpose, addressed to the Board of County Commissioners, Flathead County Clerk and Recorder, 800 South Main, Room 302, Kalispell, Mt. 59901, and submitted in a **sealed envelope plainly marked, "Proposal for Crushing and Stockpiling Gravel."** Contractor is required to provide their Special Fuel User Permit Number on the bid form and on the sealed envelope below the bid title referenced above.

No proposal will be considered unless accompanied by a proposal security in the amount of ten percent (10%) of the bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the production and sale of said materials. 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 a bid bond executed by a surety corporation authorized to do business in Montana.

A performance bond will be required for the faithful performance of the successful contractor in the full amount of the bid.

Specifications, forms of contract, proposal blanks, and full instructions are on file and may be obtained at the Clerk and Recorder's office in the Courthouse at 800 South Main, Kalispell, MT 59901.

Flathead County shall assess liquid damages of \$100 per day for failure of the contractor to complete the contract in sixty (60) days. This allows thirty (30) days for the contractor to file a public notice of moving and the State change of location notice. Extenuating circumstances will be considered by the County Commissioners for extension of the contract without penalty.

The successful bidder must contract to pay prevailing wage rates set by the Montana Department of Labor and will be subject to withholding of 1% of all payments for transmittal to the Department of Revenue to pay the Public Contractor's 1% Gross Receipt Tax. The Contractor and all subcontractors will be required to have a certificate of registration from the Employment Relations Division of the Montana Department of Labor and Industry in the proper classification. The successful bidder must contract to give preference to the employment of bona fide residents of Montana in the performance of the work. A resident bidder will be allowed a preference against the bid of any nonresident bidder from any state or county that enforces a preference for resident bidders equal to the preference given in the other state or county.

All sealed bids, **plainly marked** as such, must be in the hands of the County Clerk and Recorder, 800 South Main, Room 302, Kalispell, MT 59901, **on or before 10:00 a.m. on May 14, 2012.** Bids will be opened and read immediately thereafter, in the Commissioner's Chambers at the County Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

The award of a 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 25th day of April, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 30 and May 7, 2012.

WEDNESDAY, APRIL 25, 2012
(Continued)

DOCUMENT FOR SIGNATURE: PECCIA & ASSOCIATES ENGINEERING CONTRACT / 2012 CRACK SEAL PROGRAM

[10:27:45 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Public Works Director Dave Prunty, Clerk Kile

Prunty stated the Crack Seal Program started three years ago and the contract is for engineering services that will create documents and take them through the bidding process and construction oversight.

Commissioner Holmquist made a **motion** to approve the document for signature for engineering services. Commissioner Scott **seconded** the motion. **Aye** – Lauman, Scott and Holmquist. Motion carried unanimously.

Discussion was held relative to rotating engineering firms used.

CONSIDERATION OF LAKESHORE PERMIT EXTENSION: MONTANA EAGLE DEVELOPMENT

[10:35:22 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Deputy County Attorney Peter Steele, Planner Bailey Minnich, Clerk Kile

Minnich reported the extension request is for Lakeshore Permit FLP 11-17 for Montana Eagle Development. She noted the permit was originally issued on May 25, 2011 to install a pump out station in association with the Lakeside Marina. The permit is set to expire on May 25, 2012. The applicant has submitted a request for a one year extension.

Commissioner Scott made a **motion** to approve the extension request to May 25, 2013. Commissioner Holmquist **seconded** the motion. **Aye** – Lauman, Scott and Holmquist. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT EXTENSION: DAVENPORT & GOETZ

[10:35:57 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Planner Bailey Minnich, Clerk Kile

Minnich reported the extension request is for Lakeshore Permit FLP 11-08 for Davenport and Goetz. She noted the permit was originally issued on April 18, 2011 to excavate accumulated washed in lake bottom material. The permit is set to expire on April 18, 2012. The applicant has submitted a request for a one year extension.

Commissioner Holmquist made a **motion** to approve the extension request to April 18, 2013 for Davenport & Goetz. Commissioner Scott **seconded** the motion. **Aye** – Lauman, Scott and Holmquist. Motion carried unanimously.

CONSIDERATION OF EMERGENCY LAKESHORE PERMIT: SLITER

[10:36:57 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Planner Bailey Minnich, Clerk Kile

Minnich reported FLEW 12-03 is an emergency Lakeshore Permit on Flathead Lake at 326 Flathead Road to redistribute gravel deposited in the area and restack existing rock protection.

Commissioner Holmquist made a **motion** to approve the Emergency Lakeshore Permit for Sliter. Commissioner Scott **seconded** the motion. **Aye** – Lauman, Scott and Holmquist. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT EXTENSION: SMITH

[10:38:45 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Planner Bailey Minnich, Clerk Kile

Minnich reported the extension request is for Lakeshore Permit FLP 11-16 for Smith. She noted the permit was originally issued on April 20, 2011 for placement of a lift station for a personal watercraft. The permit is set to expire on April 20, 2012. The applicant has submitted a request for a one year extension.

Commissioner Scott made a **motion** to approve the extension request to April 20, 2013. Commissioner Holmquist **seconded** the motion. **Aye** – Lauman, Scott and Holmquist. Motion carried unanimously.

DOCUMENTS FOR SIGNATURE: NOTICE AND RESOLUTION FOR SALE OF BONDS/ RSID #152 (BERNE ROAD)

[10:39:43 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Deputy County Attorney Tara Fugina, Deputy County Attorney Peter Steele, Public Works Director Dave Prunty, Clerk Kile

Fugina noted the documents include a resolution authorizing the bond sale for \$49,310 over 15 years. She explained three of the lots out of 16 are owned by Bonneville Power Association which is an agency of the federal government which makes the county obligated to pay the assessment out of the general fund. Fugina stated the bonds are capped at 5.75 percent interest.

WEDNESDAY, APRIL 25, 2012
(Continued)

Commissioner Scott made a **motion** to adopt Resolution #2288B calling for the sale of bonds for RSID #152 and authorized publication of the call for sale of bonds for Berne Road. Commissioner Holmquist **seconded** the motion. **Aye –** Lauman, Scott and Holmquist. Motion carried unanimously.

RESOLUTION NO. 2288B

RESOLUTION RELATING TO \$49,310.00 RURAL SPECIAL IMPROVEMENT DISTRICT BONDS (RURAL SPECIAL IMPROVEMENT DISTRICT NO. 152); AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF

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

Section 1. Recitals.

(a) This Board has duly and validly created and established in the County under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended (the "Act"), Rural Special Improvement District No. 152 (the "District"), for the purpose of financing costs of certain public improvements of special benefit to the properties within the District (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, 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 paid and financed by the District are \$49,310.00, which costs of the Improvements are to be paid from the proceeds of the Bonds, and which are to be payable 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 \$49,310.00.

(b) It is necessary that the Bonds be issued and sold in an aggregate principal amount of \$49,310.00 to finance the costs of the Improvements within the District, including incidental costs, described in Subsection (a). The costs of the Improvements and costs incidental thereto are currently estimated as \$49,310.00.

Construction	\$ 37,176.00
Engineering and Testing	\$ 7,650.00
County Administration	\$ 2,242.00
Revolving Fund Deposit	\$ 2,242.00
Total	\$ 49,310.00

(c) The County is authorized by Montana Code Annotated, Section 7-12-2172(1) to sell the Bonds at a price less than the principal amount thereof, but including interest thereon to the date of delivery, if this Board determines that such sale is in the best interests of the District and the County. This Board further determines to fix the minimum price for the Bonds at \$49,310.00, plus interest accrued thereon to the date of delivery.

Section 2. Findings and Determination to Pledge the Revolving Fund. In the Resolution Creating Rural Special Improvement District No. 152, adopted on April 11, 2011, this Board found it to be 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 authorized the County to enter into the undertakings and agreements authorized in the Act in respect of the Bonds, based on the factors required to be considered under Section 7-12-2185 of the Act. Those findings and determinations are hereby ratified and confirmed. It is hereby covenanted and recited that the County has the power under the Act to pledge the Revolving Fund to payment of the principal of and interest on the Bonds.

Section 3. Terms of the Bonds. This Board hereby authorizes the issuance and sale of Rural Special Improvement District Bonds, Series 2012 (Rural Special Improvement District No. 153) of the County in the aggregate principal amount of \$49,310.00 (the "Bonds") for the purpose of financing the Improvements. The Bonds shall be dated, as originally issued, as of May 21, 2012, and shall bear interest payable semiannually on January 1 and July 1 of each year, commencing January 1, 2013, at a rate or rates designated by the successful bidder at public sale and approved by this Board. If issued as serial bonds, the Bonds shall mature on July 1 in each of the following years and amounts:

Year	Amount	Year	Amount
2013	\$4,000	2021	\$3,000
2014	4,000	2022	3,000
2015	4,000	2023	3,000
2016	4,130	2024	3,000
2017	3,000	2025	3,000
2018	3,000	2026	3,000
2019	3,000	2027	3,000
2020	3,000		

Bidders will have the option of combining the Bonds maturing on and after 2013 through and including 2020 and on and after 2021 through and including 2027 into one or more term bonds. If any Bonds are issued as term bonds, such term bonds will be subject to annual mandatory sinking fund redemption on each July 1, concluding no later than 2027, at a redemption price equal to the principal amount of such Bonds or portions thereof to be redeemed with interest accrued thereon and payable on January 1 and July 1 to the redemption date, in installments and in the same amounts and on the same dates as the bonds would have matured if they were not included in a term bond. The Bonds shall be issuable only as fully registered bonds and shall be executed by the manual or facsimile signatures of the Chair of the Board of County Commissioners, the County Treasurer, and the County Clerk and Recorder. The Bonds shall be secured by the Revolving Fund.

Section 4. Public Sale. The Bonds shall be sold at a public competitive sale, the sealed bids for which shall be submitted to the County Clerk and Recorder until 10:15 a.m., M.D.T., on Monday, May 14, 2012, at which time bids will be opened and tabulated by the Clerk and Recorder. The tabulation of bids will be presented to the County Commissioners at a meeting immediately thereafter. This Board will consider the bids and, if a responsive and acceptable bid is received, award the sale of the Bonds. Award of sale will be made to the bidder with the lowest true interest cost ("TIC") by the Board. The County will receive sealed bids for the Bonds and the Bonds will be sold in accordance with the Official Terms and Conditions attached hereto as Exhibit A (which is hereby incorporated and made a part hereof). The County Clerk and Recorder is authorized and directed to cause notice of the sale to be published, as required by Montana Code Annotated, Sections 7-12-2172, 7-7-4252 and 17-5-106, in the *Daily Inter Lake* once each week for two successive weeks preceding the week which contains the date of sale.

WEDNESDAY, APRIL 25, 2012
(Continued)

The notice of sale shall be published in substantially the form set forth as Exhibit B to this resolution and this Board hereby adopts the terms and conditions set forth in such notice of sale as the terms and conditions of the sale of the Bonds.

Section 5. Continuing Disclosure. Bidders and other participating underwriters in the primary offering of the Bonds need not comply with paragraph (b) (5) of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule"), because the aggregate principal amount of the Bonds and any other securities required to be integrated with the Bonds is less than \$1,000,000. Consequently, the County will not enter into any undertaking to provide disclosure of any kind with respect to the Bonds.

PASSED AND ADOPTED by the Board of County Commissioners of Flathead County, Montana, this 25th day of April, 2012.

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Calvin L. Scott
Calvin L. Scott, Member

By/s/Diana Kile
Diana Kile, Deputy

EXHIBIT A

TERMS AND CONDITIONS

\$49,310.00 Rural Special Improvement District Bonds
(Rural Special Improvement District No. 152)

FLATHEAD COUNTY, MONTANA

NOTICE IS HEREBY GIVEN that Flathead County, Montana (the "County"), will sell to the lowest and best bidder for cash, as evidenced by sealed bids, the above-described Bonds drawn against the funds of Rural Special Improvement District No. 152 in the principal amount of \$49,310.00. Bids for the purchase of the Series 2009 Bonds must be submitted as written sealed bids. Bids for the purchase of the Bonds will be received until 10:15 a.m., M.D.T., on Monday, May 14, 2012, in the Flathead County Courthouse, 800 S. Main Street, Kalispell, Montana, at which time the bids will be opened and tabulated. The Board of County Commissioners of the County will meet immediately thereafter in the Courthouse to consider the bids and to award the sale of the Bonds.

Purpose and Security

The Bonds will be issued for the purpose of financing the cost of construction of certain local improvements (the "Improvements") within or for the benefit of Rural Special Improvement District No. 152, in accordance with the provisions of Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended. The Bonds will be special, limited obligations of the County and do not constitute general obligations of the County. The Bonds are payable primarily from the collection of a special tax or assessment which is a lien against the assessable real property within the respective District benefitted by the Improvements to be undertaken therein or therefor. The special assessments are payable in equal, semi-annual installments of principal and interest over a 15-year term, with unpaid installments of the special assessments bearing interest at a rate equal, from time to time, to the sum of (i) the average rate of interest borne by the then outstanding Bonds, plus (ii) one-half of one percent (0.50%) per annum.

The Bonds are further secured by the Rural Special Improvement District Revolving Fund of the County (the "Revolving Fund"). The County will agree to make a loan from the Revolving Fund to the sinking fund established for the District to make good any deficiency then existing in the principal and interest subaccounts therein and to provide funds for the Revolving Fund by levying a tax or making a loan from the County's general fund to the extent authorized by law, and if necessary to reduce other property tax levies to meet any applicable levy limits.

Date and Type

The Bonds will be dated, as originally issued, as of May 21, 2012, and will be issued as negotiable investment securities in registered form as to both principal and interest.

Maturities and Redemption

If issued as serial bonds, the Bonds shall mature, subject to redemption, on July 1 in the following years and amounts:

Year	Amount	Year	Amount
2013	\$4,000	2021	\$3,000
2014	4,000	2022	3,000
2015	4,000	2023	3,000
2016	4,130	2024	3,000
2017	3,000	2025	3,000
2018	3,000	2026	3,000
2019	3,000	2027	3,000
2020	3,000		

Bidders will have the option of combining the Bonds maturing on and after 2013 through and including 2020 and on and after 2021 through and including 2027 into one or more term bonds. If any Bonds are issued as term bonds, such term bonds will be subject to annual mandatory sinking fund redemption on each July 1, concluding no later than 2027, at a redemption price equal to the principal amount of such Bonds or portions thereof to be redeemed with interest accrued thereon and payable on January 1 and July 1 to the redemption date, in installments and in the same amounts and on the same dates as the bonds would have matured if they were not included in a term bond.

WEDNESDAY, APRIL 25, 2012
(Continued)

Redemption

Mandatory Redemption. If on any interest payment date there will be a balance in the sinking fund constituting the aggregation of the district funds (the "Sinking Fund") after payment of the principal and interest due on all Bonds drawn against it, either from the prepayment of special assessments levied in the District or from the transfer of surplus money from the Construction Account to the Principal Account, outstanding Bonds, or portions thereof, in an amount which, together with the interest thereon to the interest payment date, will equal the amount of such funds on deposit in the Sinking Fund on that date are subject to mandatory redemption on that interest payment date. The redemption price shall equal the amount of the principal amount of the Bonds to be redeemed plus interest accrued to the date of redemption.

Optional Redemption. The Bonds maturing on and after July 1, 2018, are subject to redemption, in whole or in part, at the option of the County from sources of funds available therefor other than those described under "Mandatory Redemption" on July 1, 2017, and any date thereafter from the proceeds of refunding rural special improvement district bonds or warrants. The redemption price shall equal the principal amount of the Bonds to be redeemed plus interest accrued to the date of redemption, without premium.

Selection of Bonds for Redemption. If less than all of the Bonds are to be redeemed, Bonds shall be redeemed in order of the stated maturities thereof. If less than all Bonds of a stated maturity are to be redeemed, the Bonds of such maturity shall be selected for redemption in \$1,000.00 principal amounts (except that one bond maturing in 2016 will be in the principal amount of \$4,310.00) selected by the Registrar by lot or other manner it deems fair.

Interest Payment Dates, Rates

Interest will be payable each January 1 and July 1, commencing January 1, 2013, to the registered owners of the Bonds as such appear in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month. All Bonds of the same stated maturity must bear interest from date of original issue until paid at a single, uniform rate. No interest rate may exceed five and seventy-five hundredths percent (5.75%) per annum, and the difference between the highest and lowest rates of interest may not exceed one percent and seventy five hundredths (1.75%) per annum. Each rate must be expressed in an integral multiple of 1/8 or 1/20 of 1%. No supplemental or "B" coupons or additional interest certificates will be permitted.

Bond Registrar, Transfer Agent and Paying Agent

The County shall select a bond registrar, transfer agent and paying agent (the "Registrar") in connection with the Bonds. The bond register will be kept, transfers of ownership will be effected and principal of and interest on the Bonds will be paid by the Registrar. The County will pay the charges of the Registrar for such services. The County reserves the right to remove the Registrar and to appoint a successor. The County will pay the costs of printing the Bonds, the fees and charges of the Registrar.

Delivery

Within 40 days after the sale, the County will deliver to the Registrar the printed Bonds ready for completion and authentication. The original purchaser of the Bonds must notify the Registrar, at least five business days before issuance of the Bonds, of the persons in whose names the Bonds will be initially registered and the authorized denominations of the Bonds to be originally issued. If notification is not received by that date, the Bonds will be registered in the name of the original purchaser and, if serial bonds, will be issued in denominations corresponding to the principal maturities of the Bonds. Payment for the Bonds must be received by the County in immediately available funds at its designated depository on the day of closing. As a condition of delivery, the purchaser must certify to the County in writing the initial reoffering prices of the Bonds.

Qualified Tax-Exempt Obligations

The Bonds will be designated by the County as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and financial institutions described in Section 265(b)(5) of the Code may treat the Bonds for purposes of Sections 265(b)(2) and 291(e)(1)(B) of the Code as if they were acquired on August 7, 1986.

Type of Bid and Good Faith Deposit

Sealed bids for not less than \$49,310.00 (100% of par) and accrued interest on the principal sum of \$49,310.00 must be received at the office of the Clerk and Recorder, 800 South Main, Kalispell, MT, prior to the time stated above. Bidders must bid for all or none of the Bonds. Each bid must be unconditional. Except for a bid by or on behalf of the Board of Investments of the State of Montana, a good faith deposit (the "Deposit") in the form of money, cashier's check, certified check, bank money order, or bank draft drawn and issued by a federally chartered or state chartered bank insured by the federal deposit insurance corporation or a financial surety bond in the sum of \$986.00 payable to the order of the County is required for a bid to be considered. If money, cashier's check, certified check, bank money order, or bank draft is used, it must accompany the bid and be delivered to the County Clerk and Recorder. If a financial surety bond is used, it must be from an insurance company licensed and qualified to issue such a bond in the State of Montana and such bond must be submitted to the County Clerk and Recorder prior to the opening of the bids. The financial surety bond must identify each bidder whose Deposit is guaranteed by such financial surety bond. If the Bonds are awarded to a bidder utilizing a financial surety bond, then that purchaser is required to submit its Deposit to the County in the form of a cashier's check (or wire transfer such amount as instructed by the County) not later than 1:00 p.m., M.D.T., on the next business day following the award. If such Deposit is not received by that time, the financial surety bond may be drawn by the County to satisfy the Deposit requirement. No interest on the Deposit will accrue to the purchaser. The Deposit will be applied to the purchase price of the Bonds. In the event the purchaser fails to honor its accepted bid, the Deposit will be retained by the County as liquidated damages. The Deposit of the unsuccessful bidders will be returned immediately on award of the Bonds to the purchaser or after rejection of all bids.

Award

The bid authorizing the lowest true interest cost (total interest on all Bonds from their date of delivery to their maturities, less any premium or plus any discount), will be deemed the most favorable. In the event that two or more bids state the lowest true interest cost, the sale of the Bonds will be awarded by lot. The Board will consider sealed bids. No oral bid will be considered. The County reserves the rights to reject any and all bids, to waive informalities in any bid and to adjourn the sale.

WEDNESDAY, APRIL 25, 2012
(Continued)

Continuing Disclosure

Bidders and other participating underwriters in the primary offering of the Bonds need not comply with paragraph (b) (5) of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule"), because the aggregate principal amount of the Bonds and any other securities required to be integrated with the Bonds is less than \$1,000,000.00. Consequently, the County will not enter into any undertaking to provide disclosure of any kind with respect to the Bonds.

Dated: April 25, 2012.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Calvin L. Scott
Calvin L. Scott, Member

By/s/Diana Kile
Diana Kile, Deputy

EXHIBIT B
NOTICE OF BOND SALE

\$49,310.00 Rural Special Improvement District Bonds
(Rural Special Improvement District No. 152)

FLATHEAD COUNTY, MONTANA

NOTICE IS HEREBY GIVEN that the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County"), will receive sealed bids for the purchase of \$49,310.00 Rural Special Improvement District Bonds (Rural Special Improvement District No. 152) (the "Bonds") in the Clerk and Recorder's Office in the Flathead County Courthouse, 800 S. Main Street, Kalispell, Montana, until 10:15 a.m., M.D.T., on Monday, May 14, 2012, at which time the bids will be opened and tabulated. The bids will be presented to the Board at its regular meeting immediately thereafter on the same day, at which time the Board will consider the bids received, and if a responsive and acceptable bid is received, the Board will award sale of the Bonds to the responsive bidder whose bid reflects the lowest true interest cost (TIC). The Bonds will be issued for the purpose of financing the cost of construction of certain local improvements (the "Improvements") within or for the benefit of Rural Special Improvement District No. 152; and paying costs associated with the sale and issuance of the Bonds. The Bonds shall mature, subject to redemption, on July 1 in the following years and amounts (unless combined into one or more term bonds):

Year	Amount	Year	Amount
2013	\$4,000	2021	\$3,000
2014	4,000	2022	3,000
2015	4,000	2023	3,000
2016	4,130	2024	3,000
2017	3,000	2025	3,000
2018	3,000	2026	3,000
2019	3,000	2027	3,000
2020	3,000		

The Bonds shall be issuable only as fully registered bonds and shall be executed by the manual or facsimile signatures of the Board Chair, the County Treasurer, and the County Clerk and Recorder. The Bonds shall be secured by the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund").

Serial bonds shall be in the denomination of \$1,000.00 each or any integral multiple thereof of single maturities (except that one bond maturing in 2016 will be in the principal amount of \$4,130.00). Bidders will have the option of combining the Bonds maturing on and after 2013 through and including 2020 and on and after 2021 through and including 2027 into one or more term bonds. If any Bonds are issued as term bonds, such term bonds will be subject to annual mandatory sinking fund redemption on each July 1, concluding no later than 2027, at a redemption price equal to the principal amount of such Bonds or portions thereof to be redeemed with interest accrued thereon and payable on January 1 and July 1 to the redemption date, in installments and in the same amounts and on the same dates as the bonds would have matured if they were not included in a term bond.

The Bonds shall be dated, as originally issued, as of May 21, 2012, and shall bear interest payable semiannually on January 1 and July 1 of each year, commencing January 1, 2013, at a rate or rates designated by the successful bidder at public sale and approved by this Board; provided that interest rates must be in level or ascending order, no supplemental or B coupons or additional interest certificates shall be permitted and rates shall be expressed in integral multiples of 1/8 or 5/100 of one percent. The Bonds with stated maturities on or after July 1, 2018 will be subject to redemption on July 1, 2017, and any date thereafter, at the option of the County, in whole or in part, at a redemption price equal to the principal amount thereof to be redeemed plus interest accrued to the redemption date, without premium. The Bonds are also subject to mandatory redemption on an interest payment date if the amounts in the Sinking Fund, either from prepayment of assessments or transfers from the Construction Account to the Principal Account, are sufficient to pay outstanding Bonds, or portions thereof, with interest thereon to that interest payment date.

The Bonds will be sold for not less than \$49,310.00 (100% of par) with accrued interest on the principal amount of the Bonds to the date of their delivery. The Board reserves the right to reject any and all bids, to waive any informality in any bid, and to adjourn the sale. A good faith deposit in the form of money, cashier's check, certified check, bank money order, or bank draft drawn and issued by a federally chartered or state chartered bank insured by the Federal Deposit Insurance Corporation or a financial surety bond in the sum of 2% of the aggregate principal amount of the Bonds (\$986.00) payable to the order of the County is required for each bid to be considered, as further specified in the Official Terms and Conditions of Sale.

**WEDNESDAY, APRIL 25, 2012
(Continued)**

Copies of the Official Terms and Conditions of Sale may be obtained from the Flathead County Clerk and Recorder, 800 S. Main, Kalispell, MT 59901, telephone (406) 758-5537.

Dated: April 25, 2012.

ATTEST: By/s/Dale W. Lauman
Dale W. Lauman, Chairman
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 30 and May 7, 2012.

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. 2288B, entitled: "RESOLUTION RELATING TO \$49,310.00 RURAL SPECIAL IMPROVEMENT DISTRICT BONDS (RURAL SPECIAL IMPROVEMENT DISTRICT NO. 152); AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of County Commissioners of the County at a meeting on April 25, 2012, and that the meeting was duly held by the Board of County Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

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

WITNESS my hand officially this 25th day of April, 2012.

Paula Robinson, Clerk

By/s/Diana Kile
Deputy



NOTICE OF BOND SALE

\$49,310.00 Rural Special Improvement District Bonds
(Rural Special Improvement District No. 152)

FLATHEAD COUNTY, MONTANA

NOTICE IS HEREBY GIVEN that the Board of County Commissioners (the "Board") of Flathead County, Montana (the "County"), will receive sealed bids for the purchase of \$49,310.00 Rural Special Improvement District Bonds (Rural Special Improvement District No. 152) (the "Bonds") in the Clerk and Recorder's Office in the Flathead County Courthouse, 800 S. Main Street, Kalispell, Montana, until 10:15 a.m., M.D.T., on Monday, May 14, 2012, at which time the bids will be opened and tabulated. The bids will be presented to the Board at its regular meeting immediately thereafter on the same day, at which time the Board will consider the bids received, and if a responsive and acceptable bid is received, the Board will award sale of the Bonds to the responsive bidder whose bid reflects the lowest true interest cost (TIC). The Bonds will be issued for the purpose of financing the cost of construction of certain local improvements (the "Improvements") within or for the benefit of Rural Special Improvement District No. 152; and paying costs associated with the sale and issuance of the Bonds. The Bonds shall mature, subject to redemption, on July 1 in the following years and amounts (unless combined into one or more term bonds):

Year	Amount	Year	Amount
2013	\$4,000	2021	\$3,000
2014	4,000	2022	3,000
2015	4,000	2023	3,000
2016	4,130	2024	3,000
2017	3,000	2025	3,000
2018	3,000	2026	3,000
2019	3,000	2027	3,000
2020	3,000		

The Bonds shall be issuable only as fully registered bonds and shall be executed by the manual or facsimile signatures of the Board Chair, the County Treasurer, and the County Clerk and Recorder. The Bonds shall be secured by the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund").

Serial bonds shall be in the denomination of \$1,000.00 each or any integral multiple thereof of single maturities (except that one bond maturing in 2016 will be in the principal amount of \$4,130.00). Bidders will have the option of combining the Bonds maturing on and after 2013 through and including 2020 and on and after 2021 through and including 2027 into one or more term bonds. If any Bonds are issued as term bonds, such term bonds will be subject to annual mandatory sinking fund redemption on each July 1, concluding no later than 2027, at a redemption price equal to the principal amount of such Bonds or portions thereof to be redeemed with interest accrued thereon and payable on January 1 and July 1 to the redemption date, in installments and in the same amounts and on the same dates as the bonds would have matured if they were not included in a term bond.

WEDNESDAY, APRIL 25, 2012
(Continued)

The Bonds shall be dated, as originally issued, as of May 21, 2012, and shall bear interest payable semiannually on January 1 and July 1 of each year, commencing January 1, 2013, at a rate or rates designated by the successful bidder at public sale and approved by this Board; provided that interest rates must be in level or ascending order, no supplemental or B coupons or additional interest certificates shall be permitted and rates shall be expressed in integral multiples of 1/8 or 5/100 of one percent. The Bonds with stated maturities on or after July 1, 2018 will be subject to redemption on July 1, 2017, and any date thereafter, at the option of the County, in whole or in part, at a redemption price equal to the principal amount thereof to be redeemed plus interest accrued to the redemption date, without premium. The Bonds are also subject to mandatory redemption on an interest payment date if the amounts in the Sinking Fund, either from prepayment of assessments or transfers from the Construction Account to the Principal Account, are sufficient to pay outstanding Bonds, or portions thereof, with interest thereon to that interest payment date.

The Bonds will be sold for not less than \$49,310.00 (100% of par) with accrued interest on the principal amount of the Bonds to the date of their delivery. The Board reserves the right to reject any and all bids, to waive any informality in any bid, and to adjourn the sale. A good faith deposit in the form of money, cashier's check, certified check, bank money order, or bank draft drawn and issued by a federally chartered or state chartered bank insured by the Federal Deposit Insurance Corporation or a financial surety bond in the sum of 2% of the aggregate principal amount of the Bonds (\$986.00) payable to the order of the County is required for each bid to be considered, as further specified in the Official Terms and Conditions of Sale.

Copies of the Official Terms and Conditions of Sale may be obtained from the Flathead County Clerk and Recorder, 800 S. Main, Kalispell, MT 59901, telephone (406) 758-5537.

Dated: April 25, 2012.

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on April 30 and May 7, 2012.

CONSIDERATION OF ADOPTION OF RESOLUTION: ESTABLISH FIRE SEASON 2012

[10:42:55 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney Peter Steele, Public Works Director Dave Prunty, Clerk Kile

Commissioner Holmquist made a **motion** to establish fire season 2012 and adopt Resolution 2330. Commissioner Scott **seconded** the motion. **Aye** – Lauman, Scott and Holmquist. Motion carried unanimously.

RESOLUTION NO. 2330

WHEREAS, The Board of Commissioners, Flathead County, Montana, has the authority, pursuant to Section 7-33-2205, M.C.A., to establish fire seasons annually, during which no person may ignite or set any forest fire, slash burning fire, land-clearing fire, or debris burning fire within areas of the County which they so designate, without the individual or other person desiring to ignite or set any of the above mentioned fires, having obtained an official written permit for such a fire from the recognized protection agency for that protection area;

WHEREAS, burning permits are typically required during the May 1 through September 30 State Forest Fire Season; and

WHEREAS, the Board of Commissioners, Flathead County, Montana has determined that the following fire season and the fire protection areas, as below set forth, should be set.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby establishes a fire season for the year 2012 to run from May 1 to September 30, 2012, inclusive.

BE IT FURTHER RESOLVED, that the protection area to which this resolution applies is the entire Flathead County area, except the three Incorporated Cities in Flathead County and the areas inside the City Limits thereof. This does and shall include all private, State and Federal lands within Flathead County, outside the Cities.

BE IT FURTHER RESOLVED that the recognized protection agencies for the designated protection areas are the Rural Fire Districts, and Fire Service Areas authorized under State law to provide fire protection within their districts and the Department of Natural Resources and Conservation, Glacier National Park, and Flathead National forest, authorized to provide fire protection on certain private, Federal and State land.

BE IT FURTHER RESOLVED, that any person desiring to ignite or set any forest fire, slash-burning fire, land-clearing fire or debris-burning fire within the jurisdictional area of any of the above enumerated protection agencies during the May 1 to September 30 period, or any extension thereof, must first obtain an official written permit from that particular agency.

WEDNESDAY, APRIL 25, 2012
(Continued)

BE IT FURTHER RESOLVED, that this resolution will take effect on May 1, 2012.

PASSED AND ADOPTED this 25th day of April, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By/s/Calvin L. Scott
Calvin L. Scott, Member

ATTEST:
Paula Robinson, Clerk
ATTEST:

By/s/Diana Kile
Diana Kile, Deputy

CONSIDERATION OF ADOPTION OF RESOLUTION: AMEND RESOLUTION NO. 2232A/ CREATION OF RSID #153 (MONEGAN ROAD)

[10:43:55 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Pamela J. Holmquist, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy County Attorney Peter Steele, Public Works Director Dave Prunty, Clerk Kile

Fugina noted Resolution 2322A would clarify boundaries.

Commissioner Scott made a **motion** to adopt amended Resolution 2232B for creation of RSID \$#153/ Monegan Road. Commissioner Holmquist **seconded** the motion. **Aye** – Lauman, Scott and Holmquist. Motion carried unanimously.

RESOLUTION NO. 2322B

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 153; AMENDING THE DISTRICT BOUNDARIES CONTAINED IN RESOLUTION NO. 2322A TO ACCURATELY REFLECT THE DISTRICT CREATED

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

Rural Special Improvement District No. 153 ("the District") was created by Flathead County Resolution No. 2322A on March 5, 2012. At that time, the Board of County Commissioners excluded a parcel or lot from the District as it will not receive the same benefit that other lots or parcels in the District will receive because the parcel or lot is not accessed by either Monegan Road or JP Road.

Attached and incorporated herein by reference are the adjusted metes and bounds and boundary map that exclude this parcel from the District, and which delineate the official boundaries of the District as intended by the Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of Flathead County, Montana, this 25th day of April, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By/s/Calvin L. Scott
Calvin L. Scott, Member

ATTEST:
Paula Robinson, Clerk
ATTEST:

By/s/Diana Kile
Diana Kile, Deputy

MONEGAN ROAD RSID

The following is a legal description by metes and bounds of that property included in the boundaries of the proposed Monegan Road RSID.

Beginning at the common section corner of Sections 4, 3, 9 and 10, T30N, R21W, PMM, Flathead County, which is the true point of beginning.

Thence N 00° 17' 36" E, 1317.75 feet to the south east corner of Tract 2, COS 13844

Thence N 89° 32' 51" W, 1317.14 feet to the south west corner of Tract 2, COS 13844

Thence N 00° 79' 50" W, 1318.21 feet to the north west corner of Tract 1, COS 13844

Thence N 89° 53' 35" W 1288.59 feet to the center section corner of Section 4, T30N, R22W, PMM, Flathead County, Montana

Thence S 00° 16' 48" W, 1317.86 feet

Thence N 89° 51' 26" W, 2643.3 feet to the common north section corner of Sections 4 and 5, T30N, R22W, PMM, Flathead County, Montana

Thence N 00° 07' 43" E, 658.21 feet

Thence N 89° 47' 07" W, 1320.95 feet

Thence N 00° 03' 27" W, 663.85 feet

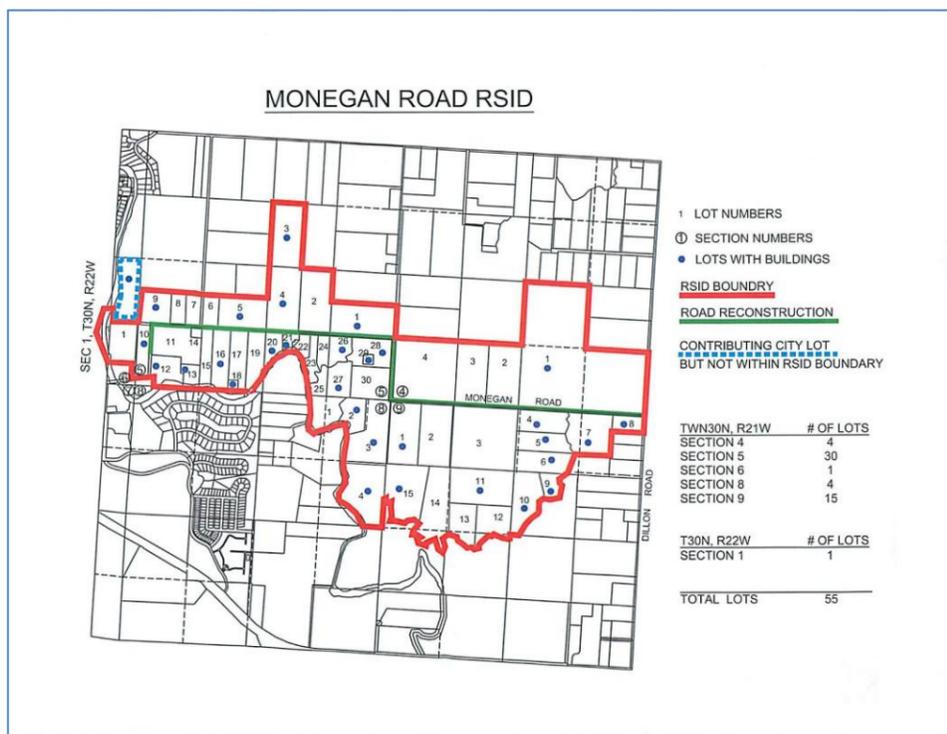
Thence N 89° 44' 07" W, 660.56 feet

WEDNESDAY, APRIL 25, 2012
(Continued)

Thence N 00° 04' 51" W, 1325.86 feet
Thence N 89° 48' 13" W, 660.84 feet
Thence S 00° 06' 00" E, 1985.05 feet to the north east corner of Tract 2, COS 6534
Thence N 89° 46' 51" W, 1318.80 feet to the north west corner of Tract 1, COS 6534
Thence N 89° 46' 51" W, 1359.37 feet to NW corner of Tract 1, COS 3611
Thence S 00° 11' 45" E, 661.04 feet
Thence N 89° 54' 44" W, 529.9 feet
Thence N 00° 00' 37" W, 264.27 feet
Thence along Whitefish River as follows:
Thence S 38° 23' 42" W, 83.42 feet
Thence S 27° 39' 11" W, 129.62 feet
Thence S 37° 59' 22" W, 81.48 feet
Thence S 40° 42' 09" W, 117.10 feet
Thence S 47° 47' 55" W, 145.62 feet
Thence S 44° 50' 08" W, 59.49 feet
Thence S 39° 15' 24" W, 56.41 feet
Thence S 31° 48' 49" W, 67.53 feet
Thence S 21° 22' 14" W, 71.56 feet
Thence S 04° 28' 13" W, 61.86 feet
Thence S 10° 41' 53" E, 48.25 feet
Thence S 27° 53' 33" E, 62.41 feet
Thence S 43° 23' 31" E, 50.51 feet
Thence S 53° 44' 78" E, 48.1 feet
Thence S 62° 09' 55" E, 56.94 feet
Thence S 73° 10' 51" E, 54.24 feet
Thence S 84° 09' 43" E, 116.25 feet
Thence S 75° 37' 11" E, 63.18 feet
Thence S 55° 57' 37" E, 120.56 feet
Leaving the Whitefish River
Thence S 89° 59' 44" E, 409.33 feet
Thence S 00° 12' 49" W, 345 feet
Thence N 79° 59' 39" E, 456.08 feet along the center line of JP Road
Thence S 89° 44' 15" E, 74.85 feet
Thence S 00° 5' 29" E, 194.55 feet
Thence S 89° 45' 00" E, 936.95 feet to the south east corner of south west ¼, south west ¼ of Section 5
Thence S 89° 54' 03" E, 1078.92 feet to the center of the Whitefish River
Thence along the center line of the Whitefish River as follows:
Thence N 28° 43' 12" E, 267.33 feet
Thence N 35° 32' 51" E, 164.64 feet
Thence N 35° 59' 00" E, 190.86 feet
Thence N 43° 17' 20" E, 177.37 feet
Thence N 56° 09' 48" E, 228.56 feet
Thence N 85° 31' 00" E, 224.77 feet
Thence S 44° 57' 15" E, 167.51 feet
Thence S 18° 41' 31" E, 36.98 feet
Thence S 18° 41' 31" E, 103.31 feet
Thence S 25° 45' 50" E, 114.18 feet
Thence S 12° 52' 12" E, 306.51 feet
Thence S 02° 06' 45" E, 244.17 feet
Thence S 07° 09' 48" W, 200.56 feet
Thence S 55° 52' 30" E, 146.17 feet
Thence N 56° 02' 27" E, 177.23 feet
Thence N 72° 07' 41" E, 514.84 feet
Thence S 09° 48' 56" E, 293.29 feet
Thence S 05° 32' 43" W, 310.45 feet
Thence S 03° 13' 16" W, 178.53 feet
Thence S 11° 07' 22" E, 481.81 feet
Thence S 29° 06' 04" W, 258.93 feet
Thence S 03° 58' 37" E, 148.04 feet
Thence S 63° 36' 07" E, 216.87 feet
Thence S 50° 29' 24" E, 232.80 feet
Thence S 29° 23' 03" E, 293.60 feet
Leaving Whitefish River
Thence N 89° 39' 55" E, 402.61 feet to the center ¼ of Section 8, T30N, R21W, PMM, Flathead County, Montana
Thence N 00° 12' 57" E, 592.03 feet to the approximate center line of Walker Creek
Thence along the Walker Creek center line as follows:
Thence N 60° 44' 06" E, 53.44 feet
Thence S 03° 46' 16" E, 109.64 feet
Thence N 66° 40' 33" E, 95.70 feet
Thence N 66° 20' 15" E, 19.06 feet
Thence S 01° 21' 15" W, 63.76 feet
Thence S 03° 01' 49" E, 141.37 feet
Thence S 12° 47' 44" E, 105.79 feet
Thence S 16° 45' 27" W, 97.23 feet
Thence N 89° 53' 29" E, 129.98 feet
Thence S 79° 29' 31" E, 167.22 feet
Thence N 86° 02' 00" E, 24.96 feet
Thence N 32° 58' 35" E, 57.96 feet
Thence N 76° 02' 20" E, 138.70 feet
Thence S 53° 03' 33" E, 132.89 feet
Thence S 35° 29' 38" W, 185.87 feet
Thence S 09° 16' 37" W, 80.11 feet
Thence N 87° 26' 22" E, 84.84 feet
Thence S 58° 17' 00" E, 99.95 feet
Thence S 56° 46' 41" W, 79.88 feet
Thence S 19° 48' 07" E, 82.27 feet
Thence S 73° 07' 47" E, 167.41 feet
Thence N 10° 42' 19" E, 69.74 feet

**WEDNESDAY, APRIL 25, 2012
(Continued)**

Thence N 63° 42' 36" E, 187.51 feet
 Thence S 20°00' 09" E, 224.74 feet
 Thence S 56° 17' 58" E, 111.15 feet
 Thence N 22° 54' 05" E, 124.62 feet
 Thence N 20° 21' 47" W, 186.74 feet
 Thence N 48° 50' 02" E, 150.72 feet
 Thence S 76° 00' 01" E, 183.22 feet
 Thence S 19° 08' 03" E, 81.01 feet
 Thence S 58° 19' 40 " E, 120.28 feet
 Thence S 53° 04' 49" E, 123.59 feet
 Thence N 82° 07' 24" E, 96.27 feet
 Thence S 55° 50' 06" E, 69.19 feet
 Thence N 71° 11' 42" E, 100.71 feet
 Thence N 10° 12' 10" W, 59.58 feet
 Thence N 37° 02' 23" E, 94.76 feet
 Thence N 43° 31' 19" E, 195.31 feet
 Thence S 75° 57' 49" E, 62.15 feet
 Thence N 43° 38' 42" E, 61.49 feet
 Thence S 70° 24' 01" E, 205.58 feet
 Thence S 83° 03' 48" E, 137.04 feet to the east property line of Parcel B, COS 13935
 Thence N 00° 12' 57" W to the south east corner of the south west ¼, north east ¼ corner of Section 9, T30N, R21W, PMM, Flathead County, Montana
 Thence S 89° 44' 00" E, 170.52 feet to the center line of Walker Creek
 Thence along the center line as follows:
 Thence N 27° 19' 33" E, 260.55 feet
 Thence N 36° 43' 07" E, 166.97 feet
 Thence N 50° 35' 53" E, 165.20 feet
 Thence N 02° 40' 59" W, 213.94 feet
 Thence N 48° 26' 36" E, 118.80 feet
 Thence S 85° 17' 40" E, 148.30 feet
 Thence N 75° 00' 41" E, 200.62 feet
 Thence N 07° 17' 53" E, 260.63 feet
 Thence N 50° 35' 49" W, 69.81 feet
 Thence N 08° 54' 16" W, 84.38 feet
 Thence N 50° 35' 44", 165.37 feet to the north property line of Parcel D of COS 13807
 Thence N38° 29' 00"E, 194.00 feet
 Thence N 12° 09' 00" E, 215 feet
 Thence N 23° 44' 00"W, 65 feet
 Thence N 03° 34' 00", 20.21 feet to the north boundary line of Parcel A, COS 13807
 Thence S 89° 45' 28", 773.19 feet to the SE corner of Tract A, COS 5464
 Thence N 00° 32' 02" W, 530.2 feet to the SW corner of tract 1, COS 9228
 Thence N 89° 45' 28"E, 688.36 feet to the center line of Dillon Rd
 Thence N 00° 38' 25" W, 330.98 feet to the true point of beginning.



11:00 a.m. County Attorney meeting @ Co. Atty's Office
12:00 p.m. Commissioner Holmquist: MWED Board meeting @ Glacier Bank

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 26, 2012.

THURSDAY, APRIL 26, 2012

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

4:00 p.m. Commissioner Holmquist: BLUAC meeting @ Bethany Lutheran

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 27, 2012.

FRIDAY, APRIL 27, 2012

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Lauman, Commissioner Scott 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 April 30, 2012.
