
MONDAY, SEPTEMBER 17, 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.

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

MONTHLY MEETING W/ MARK CAMPBELL, INTERIM AOA DIRECTOR

[9:00:09 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Calvin L. Scott, Interim AOA Director Mark Campbell, Clerk Kile

Campbell reviewed the following AOA report with the commission.

AOA Administration

- AOA Advisory Board meeting was held September 13th. Key areas of discussion were; election information and support to seniors, reviewed conceptual plans for AOA building, update on hiring of AOA Director process.
- AOA Director interviews are scheduled for Tuesday with 4 candidates.
- Completing State quarterly reports for grants.

Eagle Transit

- Glacier Park transit program has been finalized for the season. Ridership off slightly from the previous years with approximately 133,000 customers served. Evaluating operations and taking steps to improve for next season.
- August ridership = 7,335 compared with 7,128 in 2011. Elderly ridership of 142 individuals. Ridership to date is 13,685, down 3% from 2011.
- Adding a new stop with opening of the Reserve to FVCC connector road.
- Beginning to prepare for winter driving conditions.

Nutrition

- August numbers have not been totaled yet. FY 12 totals for on-site congregate meals at Kelly Road were 11,891, an increase of 1.5%. Growth of 3% average was seen at all congregate sites.
- No other issues or concerns at this time. The program is consistent and steady.

I & R

- Two employees are seeking a switch of positions. I&R Tech 1.0 FTE to OA II .5 FTE We are proceeding as it will make a better situation for both.
- State training is being conducted this week with two people attending.

RSVP

- Visit and review of operations by Amy Busch, State Coordinator. All went smoothly and she was a big help to Sue Holst in refining processes.
- Wendy Jeske has left for full-time employment. Refilling the .5 FTE position now.

Senior Mobile Home Repair

- Advisory meeting was held Tuesday, 9/11. Beginning donation request cycle now.

MONTHLY MEETING W/ MARK CAMPBELL, FAIRGROUNDS

[9:15:30 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Calvin L. Scott, Assistant Mike Pence, Fairgrounds Director Mark Campbell, Clerk Kile

Campbell reviewed the following Fairgrounds report with the commission.

Current Projects

- Completed re-lighting of Expo Building with energy efficient fluorescent fixtures.
- Have finished putting away equipment and material from annual fair. Transitioned into facility rental mode.
- Fair Master planning process was on-hold during Fair week. Will begin meeting with stakeholders in October/November.
- Dead maple trees along W. Wyoming will be removed in conjunction with City Tree/Forestry program this fall.

NW Montana Fair & Rodeo

- Finalizing and balancing revenue accounts from Fair. Most accounts, as of end of August, were near or at budgeted expectations. Expenses are still being paid and will have a full financial picture of the Fair by next month.
- Total attendance during fair was 79,954, up 1.8%.

Fairgrounds

- Elections have moved back into the Country Fair Kitchen. Early plans for more efficiency with parking and building operations during November balloting.
- Event activity has picked up quickly. Multiple events being held on weekends through November.

Upcoming Events and Activities

- Fish and Wildlife public meeting – Sept 18th
- Taste of Home – Sept 20th
- Fair Board meeting – Sept 20th
- 4-H Awards Banquet – Sept 22nd
- Women's Expo – Sept 22nd
- Flathead Quilters Show – Sept 28-29th
- League of Cities and Towns – Oct 3rd
- Kalispell Ski Swap – Oct 6 – 7th
- Log Jam – Oct 6th

Discussion was held relative to carnival concerns.

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(Continued)

PUBLIC HEARING: RISING MOUNTAINS ASSISTED LIVING PUD

[9:30:39 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Calvin L. Scott, Assistant Mike Pence, Planner Alex Hogle, Sally Proctor, Lee Proctor, Char Dale, Bill Dale, Michael Fraser, Wilson Higgs, M. K. Felt, Clerk Kile

Hogle entered into record Staff Report FFPUD 12-02; a request to establish a SAG-5 residential PUD over a five-acre portion of property located within the Bigfork Zoning District, approximately three miles north of Bigfork near Coverdale Road. The proposal would establish ability for the property to be developed with a community residential facility that would serve as an assisted living facility for 28 senior residents, and ultimately up to 36 residents. Hogle noted the current existing agricultural uses will not be impaired, nor will the use of small flying aircraft in the area.

Chairman Lauman opened the public hearing to anyone wishing to speak in regards to the proposed PUD for Rising Mountains Assisted Living.

Michael Fraser, technical support for the applicants spoke on behalf of the applicant regarding the reason the PUD was requested, as well as the background of the proposal. He pointed out this is a residential facility, and not a medical facility.

Bill Dale, applicant for the project stated the community support for this project has been remarkable, and said he along with his wife look forward to providing a beautiful place for Bigfork senior citizens to stay.

Sally Proctor explained her driveway will run parallel to the driveway of the facility. She stated she isn't opposed to the project, yet where it is being proposed will change the whole integrity of the area and the reason they built their home there. Proctor said the proposal seems misplaced with all the additional traffic it will bring.

Lee Proctor said he understands this is a great project for Bigfork and suggested the facility be built closer to town.

Char Dale said this would be the third facility they have built, and stated senior citizens will now be able to stay in their own community. She pointed out the facility would not obstruct the Proctor's view.

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

Commissioner Scott noted the Planning Board recommended approval, and the proposal is within the permitted use. He stated I see no reason to restrict the application.

Chairman Lauman said he understands the neighbors concerns of having open space, yet noted facilities like this need to be located somewhere. He added there is a lot of support from Bigfork area citizens.

Commissioner Scott made a **motion** to approve Resolution 2342 approving the PUD. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Scott. Motion carried by quorum.

RESOLUTION NO. 2342

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following the publication of legal notice, on the 17th day of September, 2012, to consider a proposal for a Planned Unit Development (PUD) in the Bigfork SAG-5 (Suburban Agricultural) 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;

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 5.25 acres and zoned SAG-5 (Suburban Agricultural). The PUD is intended to establish a Class 3 Community Residential Facility as a permitted use on the property, and the facility would be accessed from Coverdell Road and served by the public water and sewer services of the Bigfork Water and Sewer District. 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 located in Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. It is further described on the attached Exhibit A. The property is located on the north side of Coverdell Road approximately three miles north of Bigfork and in the south-eastern corner of the property located at 195 Coverdell Road, Bigfork. The area to be overlaid with a PUD is zoned SAG-5 (Suburban Agricultural).

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 17th day of September, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Absent
Pamela J. Holmquist, Member

By/s/Diana Kile
Diana Kile, Deputy

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

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(Continued)**

EXHIBIT A

A tract of land in the Northwest 1/4 of Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows: Commencing at the southwest corner of the NW 1/4 of Section 13 T27N, R20W, P.M.M.; thence S89°40'29" along the south boundary of the NW 1/4 of Section 13 a distance of 60.23 feet to a point on the easterly right of way of Montana Highway 35; thence N00°59'45"E along said right of way a distance of 30.00 feet, the intersection of the right of way of Montana Highway 35 and the north right of way of Coverdell Road, a county road; thence along the north right of way of Coverdell Road S89°40'29"E a distance of 1,068.43 feet, to the TRUE POINT OF BEGINNING; thence N00°43'05" a distance of 738.70 feet; thence N89°42'53"E a distance of 304.47 feet, thence S00°43'05"E a distance of 768.17 feet, thence N89°40'29"W a distance of 303.57 feet to the TRUE POINT OF BEGINNING.

**PLANNED UNIT DEVELOPMENT REPORT #FPPUD-12-02
RISING MOUNTAINS ASSISTED LIVING OF BIGFORK**

1. The Rising Mountains Assisted Living of Bigfork Planned Unit Development (PUD) has been reviewed and approved as a zoning overlay to the underlying "SAG-5 Suburban Agricultural" zoning designation, to allow for a single Class 3 Community Residential Facility (a 36-bed assisted living facility) within the PUD area on the subject property and exclude all other types of permitted and conditional uses typically included in the underlying "SAG-5 Suburban Agricultural" zoning. Any changes to the PUD plan as reviewed will be required to undergo review by the Flathead County Planning Office and Flathead County Planning Board, and receive approval from the Flathead County Commissioners.
2. The permitted use as well as bulk and dimensional requirements of the proposed Rising Mountains Assisted Living of Bigfork SAG-5 PUD overlay should be clearly identified, incorporated and/or referenced within future documents pertaining to the subject property and the subsequent subdivision to inform the public and future landowners of the unique zoning classification applicable to the property as a result of this plan review (pursuant to Table 1 above).
3. The following statement shall be placed on the face of the final plan:
 - a. *The only permitted use within the PUD plan area is a Class 3 Community Residential Facility. With the exclusion of all listed permitted and conditional uses, all other development standards and bulk and dimensional requirements) of the underlying "SAG-5 Suburban Agricultural" zoning designation shall apply to the development and use of the property.*
4. As required by Section 3.31.030(6)(B), the following statement shall be placed on the face of the final plan:
 - b. *I, _____, owner and developer of the property set forth above, do hereby agree that I will develop the above property as a Planned Unit Development in accordance to the submitted PUD Plan.*

Signature Property Owner/Developer

Approved this _____ day of _____, 20 __, by the Flathead County Commissioners.

Attest: _____
Clerk & Recorder
5. The applicant shall submit the PUD Final Plan application pursuant to Section 3.31.030(6) of the Flathead County Zoning Regulations, meeting all applicable requirements therein.
6. The Rising Mountains Assisted Living of Bigfork PUD Final Plan shall receive approval from the Flathead County Commissioner prior to operation of the Class 3 Community Residential Facility.
7. The following statement shall be placed on the face of the final plan:
 - c. *This PUD is located in an agricultural area where potential noise, dust, odors, and irregular hours of operation are common-place due to activities associated with agricultural pursuits. As such the right to farm on adjoining properties shall not be restricted as a result of the development or occupancy of this PUD.*

DOCUMENT FOR SIGNATURE: EMERGENCY SOLUTIONS GRANT WORK PLAN/ COMMUNITY ACTION PARTNERSHIP

[9:57:45 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Calvin L. Scott, Assistant Mike Pence, Jane Nolan, Danielle Maiden, Clerk Kile

Jane Nolan summarized the Emergency Solutions Grant Work Plan with the commission that she said is a requirement of the grant. She noted their proposal is to give \$14,500 to the Samaritan House for maintenance and operations.

Commissioner Scott made a **motion** to approve the use of the Emergency Solutions Grant Work Plan. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Scott. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: CREATION OF LITTLE MOUNTAIN PROPERTIES RSID

[10:00:28 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Fugina summarized the proposal to create Little Mountain Properties RSID #154 that will improve private roads in a subdivision. She noted there would be no contribution from Flathead County for the improvements, and the cost of the project will be paid by property owners through an RSID.

Commissioner Scott made a **motion** to approve Resolution 2341 for creation of Little Mountain Properties RSID #154. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Scott. Motion carried by quorum.

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(Continued)

RESOLUTION NO. 2341

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 154; DECLARING IT TO BE THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

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

Section 1. Proposed Improvements; Intention To Create District. The County proposes to undertake certain local improvements (the "Improvements") to benefit certain property located in the County. The Improvements consist of the making improvements to the roads in Little Mountain Properties subdivision, as more particularly described in Section 5. The total estimated costs of the Improvements are \$257,110 and the lot owners of the proposed district will be responsible for all of the total cost. The costs of the Improvements are to be paid from the rural special improvement district bonds hereinafter described. It is the intention of this Board to create and establish in the County under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended, a rural special improvement district (the "District") for the purpose of financing the costs of the Improvements and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds drawn on the District (the "Bonds"), the creation and administration of the District, and the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund"). The total estimated costs of the Improvements, including such incidental costs, to be financed by the Bonds are \$257,110. The Bonds are to be payable primarily from special assessments to be levied against property in the District, which property will be specially benefitted by the Improvements in an amount not less than \$257,110.

Section 2. Number of District. The District, if the same shall be created and established, shall be known and designated as Rural Special Improvement District No. 154, of the County of Flathead, Montana.

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

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

Section 5. General Character of the Improvements. The general character of the Improvements is the design, engineering and construction for asphalt on top of a gravel sub-base, of the roads in Little Mountain Properties subdivision, and improvements to driveway approaches and road drainage.

Section 6. Engineer and Estimated Cost. WMW Engineering, PC shall be the engineer for the District. The Engineer has estimated that the cost of the Improvements, including all incidental costs, is \$257,110.

Section 7. Assessment Method - Equal Assessments. All properties in the District will be assessed for their proportionate share of the costs of the project. The total estimated cost to lot owners of the proposed district is \$257,110 and shall be assessed against each lot, tract or parcel of land in the District equally, such that each lot, tract or parcel in the District shall be assessed for the same amount of the cost of the project. The costs of the project per lot, tract or parcel to be assessed shall not exceed \$15,124. The assessment for each lot, tract or parcel of land for the project will be 1/17 of the total costs to lot owners and will not exceed \$15,124.

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

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

Section 9. Method of Financing; Pledge of Revolving Fund; Findings and Determinations. The County will issue the Bonds in an aggregate principal amount not to exceed \$257,110, in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District. This Board further finds it is in the public interest, and in the best interest of the County and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the County to enter into the undertakings and agreements authorized in Section 7-12-2185 in respect of the Bonds.

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

(a) Estimated Market Value of Parcels.

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

(b) Diversity of Property Ownership.

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Analysis of the number of property owners, business or family relationships, if any, between property owners, the comparative holdings of property by owners in the District indicated that of the 17 properties, there are 15 different owners. The substantial diversity in ownership makes it less likely that financial difficulties of one or related property owners will require the Revolving Fund to make a loan.

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

The amount of the proposed assessments against each lot, parcel or tract in the District (\$15,124), compares favorably to the estimated market value of each lot, parcel, or tract, which range in value (land only, not including improvements) from approximately \$58,462 to \$110,027. The amount of security for any Revolving Fund loan is more than adequate. Since the estimated market value of each parcel compares favorably to the sum of special assessments any loan from the Revolving Fund loan would be adequately secured.

(d) Delinquencies.

There are no delinquencies in the payment of outstanding property taxes in the District. The lack of delinquent taxes suggests that the likelihood of financial difficulties is small, making the necessity for a Revolving Fund loan unlikely.

(e) The Public Benefit of the Improvements.

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

(f) Newly Platted Subdivision.

The District is not a recently platted subdivision or proposed subdivision plat. The lots are not owned by a developer, but are owned by 15 different parties.

Section 10. Public Hearing; Protests. At any time within thirty-two days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the County Clerk and Recorder until 5:00 p.m. local time on the expiration date of said 32-day period (October 22, 2012), written protest against the proposed Improvements, or against the creation of the District or both, and this Board will at its next regular meeting after the expiration of the thirty-two days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Tuesday, the 23rd day of October, 2012, at 9:00 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Section 11. Notice of Passage of Resolution of Intention. The County Clerk and Recorder is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Daily Interlake, a newspaper of general circulation in the County on September 20, 2012, and September 27, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the Board of County Commissioners of the County of Flathead, Montana, this 17th day of September, 2012.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

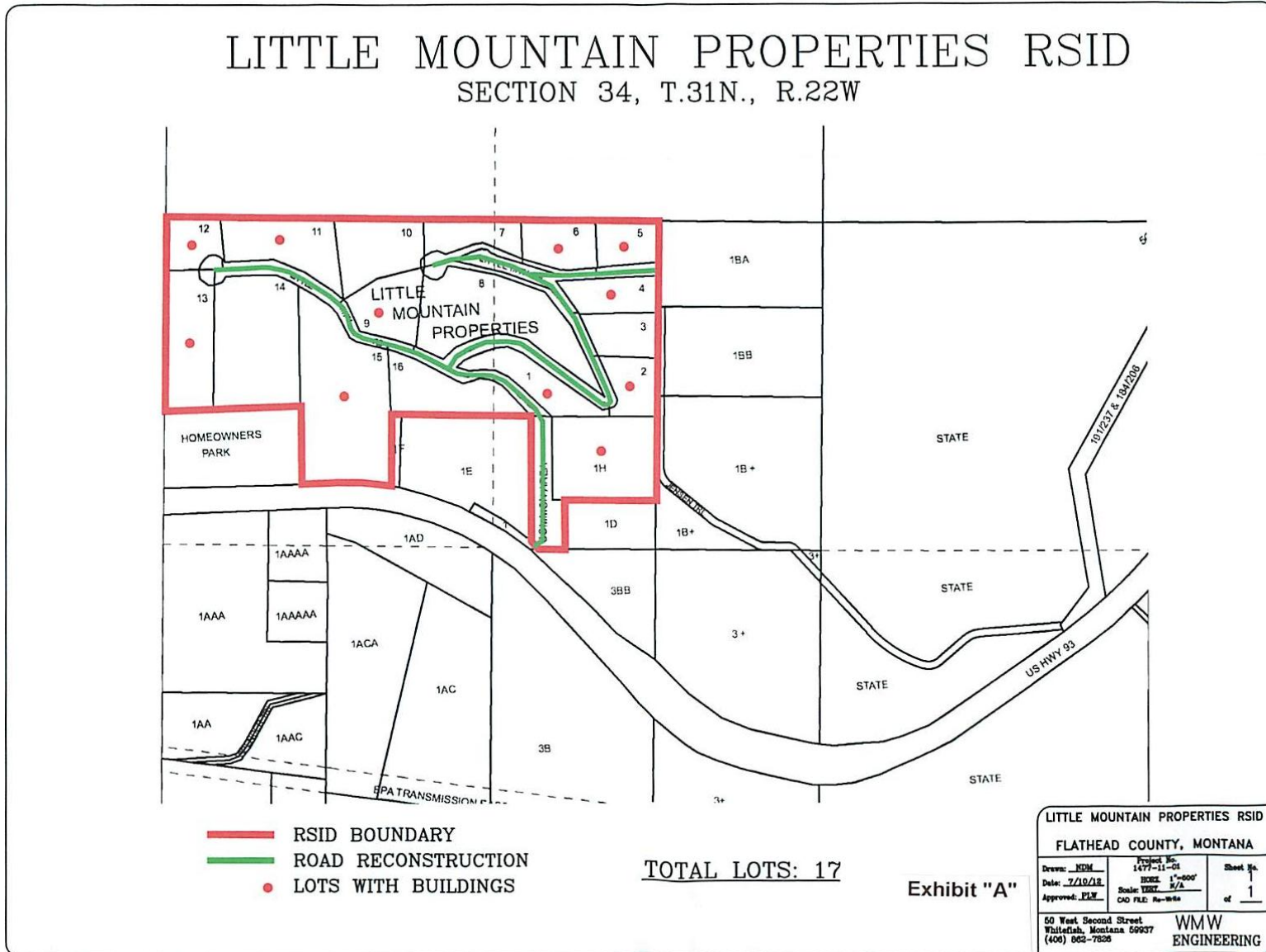
By/s/Absent
Pamela J. Holmquist, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

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Little Mountain Properties RSID
Metes & Bounds Description

Beginning at the west ¼ corner of section 34, T31N, R22W, PM, M Flathead County, Montana, which is the true point of beginning.

Thence S 00° 00' 55" W a distance of 794.04 feet

Thence N 87° 42' 54" E a distance of 544.72 feet

Thence S 00° 00' 55" W a distance of 320 feet to the southwest corner of Lot 15, Little Mountain Properties

Thence along the US Highway 93 right-of-way a distance of 353.18 feet to the southeast corner of Lot 15, Little Mountain Properties

Thence N 00° 03' 04" E a distance of 308.81 feet

Thence S 89° 55' 07" E a distance of 540.10 feet

Thence S 00° 04' 53" W a distance of 499.88 feet to the right-of-way of Highway 93

Thence along said right-of-way southeasterly a distance of 49.7 feet

Thence S 89° 45' 11" E a distance of 138.88 feet

Thence N 00° 06' 49" E a distance of 200.06 feet

Thence S 89° 47' 45" E a distance of 365.00 feet to the southeast corner of Tract 1 COS 4231

Thence N 00° 04' 30" E a distance of 1,121.27 feet to the northeast corner of Lot 5, Little Mountain Properties

Thence N 89° 54' 15" W a distance of 1,981.61 feet to the true point of beginning.

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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. 2341, entitled: "RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 154; DECLARING IT TO BE THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of County Commissioners of the County at a meeting on September 17, 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 Scott** _____; voted against the same: _____; abstained from voting thereon _____ or were absent: **Commissioner Holmquist**.

WITNESS my hand officially this 17th day of September, 2012.

Paula Robinson, Clerk

By/s/Diana Kile
Deputy



NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 154 AND TO ISSUE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 154 BONDS OF THE COUNTY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$254,540, SECURED BY THE RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

FLATHEAD COUNTY, MONTANA

NOTICE IS HEREBY GIVEN that on September 17, 2012, the Board of County Commissioners of Flathead County, Montana (the "County"), adopted a Resolution of Intention to Create Rural Special Improvement District No. 154 (the "District") for the purpose of financing the costs of certain local improvements (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds of the County drawn on the District (the "Bonds"), the creation and administration of the District, and the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund"). The Improvements shall be constructed and installed pursuant to plans and specifications prepared by WMW Engineering, PC.

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

The Improvements consist of the design, engineering and construction for asphalt on top of a gravel sub-base, of the roads in Little Mountain Properties subdivision, and improvements to driveway approaches and road drainage.

The County would issue the Bonds in an aggregate principal amount not to exceed \$257,110, in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District in the aggregate principal amount of \$257,110 and such payment will be secured by the Revolving Fund. Subject to the limitations of Montana Code Annotated, Section 7-12-2182, the general fund of the County may be used to provide loans to the Revolving Fund or a general tax levy may be imposed on all taxable property in the County to meet the financial requirements of the Revolving Fund.

All properties in the District will be assessed for their proportionate share of the costs of the Paving Improvements. The total estimated cost of the Paving Improvements is approximately \$257,110, with the lot owners responsible for all of this cost. The lot owners' costs shall be assessed against each lot, tract or parcel of land in the District equally, such that each lot, tract or parcel in the District shall be assessed for the same amount of the cost of the Improvements. There are 17 lots, tracts or parcels in the District. The estimated cost of the Improvements per lot, tract or parcel to be assessed is \$15,124. If an increase occurs in the number of benefited lots, tracts, or parcels within the boundaries of the District during the term of bonded indebtedness that is payable from the assessments, the County shall recalculate the amount assessable to each lot, tract, or parcel. The County shall comply with § 7-12-2151(4)(b) and §§ 7-12-2158 through 7-12-2160, M.C.A., in recalculating the amount and adopting the recalculated amount.

On October 23, 2012, at 9:00 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, 800 South Main, Kalispell, Montana, the Board of County Commissioners will conduct a public hearing and pass upon all written protests against the creation of the District, or the making of Improvements, that may be filed in the period hereinafter described.

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Written protests against the creation of the District and the making of the Improvements may be filed by an agent, person, firm or corporation owning real property within the proposed District whose property is liable to be assessed for the Improvements. For purposes of protest, the owner of a property created as a condominium is collectively the owners of all units having an undivided interest in the common elements. The protest must be filed by the president, vice president, secretary or treasurer of the condominium owners' association, and such protest must be in writing, identify the condominium property, include a declaration or other document that shows how votes of unit owners in the condominium are calculated and be signed by owners of units in the condominium sufficient to constitute an affirmative vote for an undertaking relating to the common elements under the condominium declaration, as more particularly set forth in Section 7-12-2141, M.C.A. Such protests must be delivered to the County Clerk and Recorder at the Flathead County Courthouse, 800 South Main, Kalispell, Montana 59901, no later than 5:00 p.m. local time on October 22, 2012. As provided by law, such protests must be in writing, identify the property in the District owned by the protestor and be signed by all owners of the property. The protest must be delivered to the County Clerk and Recorder, who shall endorse thereon the date of its receipt by her.

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

DATED this 17th day of September, 2012.

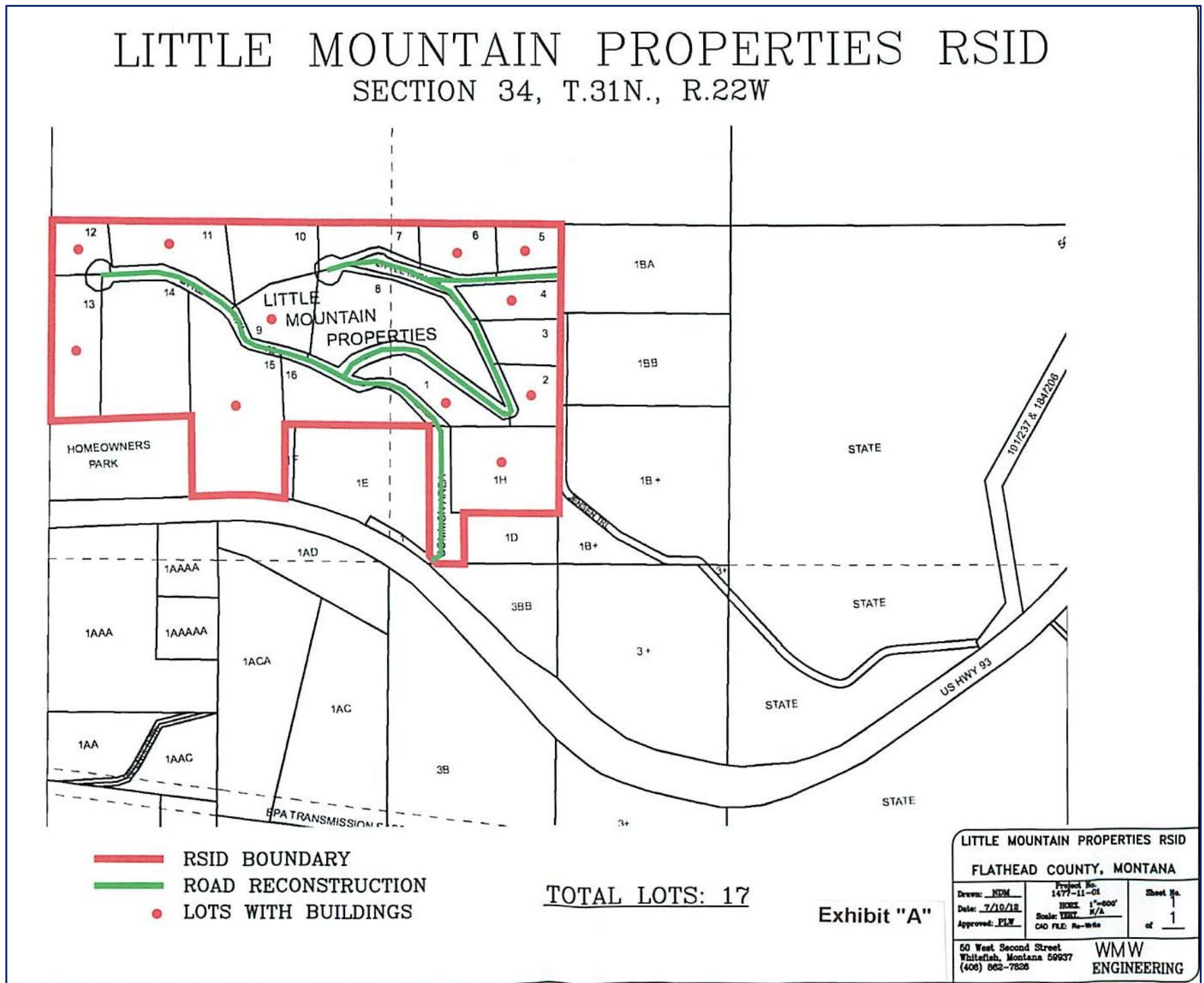
BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish on September 20 and September 27, 2012.



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(Continued)

DOCUMENT FOR SIGNATURE: PROFESSIONAL SERVICES AGREEMENT/ EXAMINING LAND SURVEYOR, BURTON

[10:02:53 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Peter Steele, Clerk Kile

Commissioner Scott made a **motion** to approve the professional services agreement with Burton. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Scott. Motion carried by quorum.

PRELIMINARY PLAT: SUBDIVISION NO. 284

[10:03:39 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Calvin L. Scott, Assistant Mike Pence, Deputy County Attorney Peter Steele, Planner Bailey Minnich, Eric Mulcahy, Clerk Kile

Minnich entered into record Staff Report FSR 12-03; an application submitted by Den Gar Properties, LLC with technical assistance from Sands Surveying for a first minor subdivision intended to create three commercial lots. The lots range in size between 2.3 acres and 3.4 acres located at 5015 Hwy. 93 South near Happy Valley. The property is currently zoned B-2 General Business. She pointed out two slightly negative findings that pertained to a bike pedestrian easement and the property being located in the wildland urban interface that are addressed in conditions.

Commissioner Scott asked for clarification regarding any new entrances onto Highway 93.

Minnich explained currently Oh's Body Shop has their own approach, and the other two lots have a shared access that is currently in place.

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

Commissioner Scott made a **motion** to approve preliminary plat of Subdivision No. 284. Chairman Lauman **seconded** the motion. **Aye** – Lauman and Scott. Motion carried by quorum.

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be approved by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall comply with all reasonable fire suppression and access requirements of the Whitefish Rural Fire District. A letter from the fire chief stating the plat meets the applicable requirements of the district shall be submitted with the application for final plat. [Section 4.7.26(b), FCSR]
3. 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 and implemented shall be submitted with the final plat. [Section 4.7.13(g) and 4.7.25, FCSR]
4. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23, FCSR]
5. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed as applicable by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, 4.7.20, 4.7.22 FCSR]
6. The mail delivery site(s) 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 4.7.28, FCSR]
7. 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 4.7.22, FCSR]
8. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator 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 4.7.26(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23, FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]
10. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
11. 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 4.0.16 FCSR]
12. 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 4.1.13 FCSR]
13. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]
14. The following statements shall be placed on the face of the final plat:
 - f. This subdivision is located in the Wildland Urban Interface area where wildfires can and do occur. [Section 4.7.27(a)(ii)(A), FCSR]

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(Continued)**

- g. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27(a)(ii)(B), FCSR]
 - h. Firewise defensible space standards shall be incorporated around all primary structures and improvements. [Section 4.7.27(a)(ii)(C), FCSR]
 - i. All road names are assigned by the Flathead County Address Coordinator. House numbers shall be clearly visible from the internal road. House space numbers shall be at least four inches in height per number. [Section 4.7.27(a)(ii)(D), FCSR]
15. Actions called for in the 'Fire Prevention Control and Fuels Reduction Plan' shall be implemented prior to the approval of the Final Plat. The local fire protection authority shall inspect the subdivision and provide written documentation that all thinning, clearing and other mitigation measures described in the plan have been implemented. [Section 4.7.27(b)(iii) FCSR]
16. A 15 foot wide bike/pedestrian path easement shall be shown on the face of the final plat along US Highway 93. [Section 4.7.19(b) FCSR]

MONTHLY MEETING W/ DAVE PRUNTY, ROAD DEPT.

[10:15:20 AM](#)

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

Prunty reviewed the following report from the Road and Bridge Department.

Monthly statistics for the Road and Bridge Department

- **Causeway Lane on Echo Lake**
 - Operationally staff is assessing the damage due to wave action and water depth.
 - There are sections of the shoulder that will need to be repaired with pit-run and crush. Some paving will be replaced also.
 - Working with FWP and FCPZ to obtain needed permits or exemptions.
 - Planning on starting repairs in a week or so when the water level drops to a sufficient level.
 - Opening of road can occur after repairs are made, and subgrade materials under road have drained sufficiently to regain base structure.
- **Gravel pit purchase**
 - The Road Advisory Committee strongly recommended staff investigate the gravel pit for sale on Trumble Creek Road north of the airport. We have reviewed the pit permit, made a site visit and will dig a few test holes for lab analysis this week. There is approximately 330,000 cubic yards of material remaining.
 - The list price of the property is \$239,000 for 11.18 acres.
 - A buy/ sell contract is currently being drafted and will be contingent upon approval by the Commissioners, available funds, and an acceptable appraisal price.
 - Staff is searching for an appraiser who can provide the needed appraisal.

DISCUSSION RE: ADAMS STREET/ GRAYLING ROAD MAINTENANCE

[10:21:35 AM](#)

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

Prunty reviewed the request received from Spurwing Estates HOA to maintain the extension of Adams Street and Grayling Road. He explained the county currently maintains Grayling Road to the top of the hill and Adams Street to the intersection with Brass Road. It was pointed out the Road Department has not accepted any roads into the maintenance system since approximately 1983 after a commissioner decision. Prunty stated his recommendation at this time in order to be consistent with our policy is to deny the request.

Chairman Lauman stated he would like to take the proposal under advisement.

DOCUMENT FOR SIGNATURE: MDOT LETTER/ BAKER AVENUE OVERLAY PROJECT

[10:27:19 AM](#)

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

Prunty reviewed the proposal from the City of Whitefish asking that Flathead County concur with utilization of urban funds for placement of a deck crack sealant on the overpass on Baker Avenue up and over the BNSF train tracks.

Commissioner Scott made a **motion** to approve the overlay project. Chairman Lauman **seconded** the motion.

Discussion was held relative to liability concerns.

Aye – Lauman and Scott. Motion carried by quorum.

7:00 p.m. River Commission meeting @ Earl Bennett Building

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 18, 2012.

TUESDAY, SEPTEMBER 18, 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 September 19, 2012.

WEDNESDAY, SEPTEMBER 19, 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.

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

CONSIDERATION OF LAKESHORE PERMIT: ENGEN

[10:13:52 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Calvin L. Scott, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Public Works Director Dave Prunty, Planning & Zoning Director B. J. Grieve, Planner Bailey Minnich, Planner Eric Mack, Planner Alex Hogle, Clerk Kile

Minnich entered into record Lakeshore Permit FLP 12-46; a standard permit application submitted by Aaron Engen to reconstruct an existing rock retaining wall at 3926 North Ashley Lake Road within the lakeshore protection zone. Additionally, the applicant proposes to move an existing six-foot wide stairway 20 feet eastward to reduce their slope. The replacement stairway will be required to come into compliance with lakeshore regulations that only allow the stairway to be a maximum of four feet wide.

Commissioner Holmquist made a **motion** to approve Lakeshore Permit FLP 12-46/Engen. Commissioner Scott **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: WILLIAMS

[10:17:11 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Calvin L. Scott, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Public Works Director Dave Prunty, Planning & Zoning Director B. J. Grieve, Planner Bailey Minnich, Planner Eric Mack, Planner Alex Hogle, Clerk Kile

Minnich entered into record Lakeshore Permit FLP 12-47; a standard permit application submitted by J & T, LLC to excavate a sloping gravel ramp, and to remove the existing dock at 12302 Paradise Loop on McGregor Lake.

Commissioner Scott made a **motion** to approve Lakeshore Permit FLP 12-47/Williams. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

AUTHORIZE DAVE PRUNTY AS SIGNATORY FOR TRUMBLE CREEK GRAVEL PIT

[10:18:53 AM](#)

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

Prunty reported a buy/sell agreement has been prepared for the purchase of Trumble Creek gravel pit. He explained sale of the gravel pit is still contingent upon approval by the commission, availability of funds and an acceptable appraisal price.

Commissioner Holmquist made a **motion** to authorize Dave Prunty as signatory for Trumble Creek gravel pit. Commissioner Scott **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #13-07-5-21-038-0

[10:22:38 AM](#)

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

Commissioner Scott made a **motion** to approve DPHHS Contract #13-07-5-21-038-0. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

CONSIDERATION OF PRINT BIDS: HOME HEALTH, TREASURER'S OFFICE AND HEALTH DEPT.

[10:23:41 AM](#)

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

Commissioner Holmquist made a **motion** to award the print bid to MCE for 300 2-part NCR confirmation forms for \$25.00 for Home Health. Commissioner Scott **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

WEDNESDAY, SEPTEMBER 19, 2012
(Continued)

Commissioner Scott made a **motion** to award the print bid to the Towne Printer for 30,000 scanned window envelopes for \$835.00 for the Treasurer's Office. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

Commissioner Holmquist made a **motion** to award the print bid to Insty Prints for 10-sets of 500 each business cards for \$206.65 and 300 score placards for \$364.90 for the Health Department. Commissioner Scott **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF RFP: CONSULTANT FOR SWAN RIVER ROAD PATH

10:27:05 AM

Present: Chairman Dale W. Lauman, Commissioner Calvin L. Scott, Commissioner Pamela J. Holmquist, Assistant Mike Pence, Public Works Director Dave Prunty, Planning & Zoning Director B. J. Grieve, Planner Alex Hogle, Clerk Kile

Hogle reviewed the proposal to develop Swan River Road bike path. Discussion was held relative to how proposals will be ranked when received.

Commissioner Scott made a **motion** to authorize publication of the Request for Qualification for Swan River Road Path. Commissioner Holmquist **seconded** the motion. **Aye** - Lauman, Scott and Holmquist. Motion carried unanimously.

**REQUEST FOR PROPOSALS
AND
STATEMENTS OF QUALIFICATIONS
ENGINEERING/CONSULTING SERVICES**

Flathead County has received approval from the Montana Department of Transportation (MDT) to develop a Federal-aid Community Transportation Enhancement Program (CTEP) project titled "SWAN RVR RD PATH - E OF BIGFORK: STPE15(114)".

The Flathead County Board of Commissioners are requesting statements of qualifications and proposals for preliminary and construction engineering and design services to assist the Flathead County Planning & Zoning Office in the design and oversight of construction of this 1.5 mile long bicycle/pedestrian path in compliance with all applicable requirements under MDT CTEP.

Copies of the detailed request for Statements of Qualifications (SOQ) and Request for Proposals (RFP), including a description of the services to be provided by respondents, the minimum content of responses, and the factors to be used to evaluate the responses, can be obtained by referring to the Flathead County Planning & Zoning Office web page at http://flathead.mt.gov/planning_zoning/ActiveCTEPProjects3.php or by contacting the Flathead County Planning & Zoning Office, 1035 First Avenue West, Kalispell, MT 59901. Telephone: (406) 751-8200.

Completed proposals must be submitted to the Flathead County Planning and Zoning Department, 1035 1st Ave West, Kalispell, Montana 59901 no later than 5:00 p.m. on November 2, 2012. Please indicate on the envelope "SWAN RVR RD PATH - E OF BIGFORK: STPE15(114)". Bid opening will occur on November 8, 2012 at 9:45 am at the Flathead County Commission meeting room.

Dated this 19th day of September, 2012.

Board of County Commissioners
Flathead, County

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

ATTEST:
Diana Kile, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on September 30 and October 7, 2012.

9:15 a.m. RSVP Board meeting @ Heritage Place
11:00 a.m. County Attorney meeting @ Co. Atty's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 20, 2012.

THURSDAY, SEPTEMBER 20, 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.

12:00 p.m. Commissioner Holmquist: Committee for a Better Bigfork meeting @ Methodist Church
1:00 p.m. Commissioner Holmquist: Health Board meeting @ Earl Bennett Building
6:30 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 September 21, 2012.

FRIDAY, SEPTEMBER 21, 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.

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

PERSONNEL MATTER

[10:00:52 AM](#)

Present: Chairman Dale W. Lauman, Commissioner Calvin L. Scott, Commissioner Pamela J. Holmquist, H. R. Director Tammy Skramovsky, Clerk Kile

Skramovsky reported the hiring committee for an AOA Director recommended the position be offered to Lisa Sheppard at the starting salary of \$52,000.

Commissioner Holmquist made a **motion** to hire Lisa Sheppard as the AOA Director with a starting salary of \$52,000 and up to \$7,000 in moving expenses reimbursed with receipts. Commissioner Scott **seconded** the motion. **Aye** - Lauman, Scott 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 September 24, 2012.
