
MONDAY, DECEMBER 3, 2007

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

Commissioner Hall PT opened public comment on matters within the Commissions' Jurisdiction.

Present for public comment included: G. Pirrie, C.M. Clark, Janet Clark, Bill Goodman, John Hinchey, Denise Smith, Mayre Flowers, Clerk Kile

Denise Smith, representing Flathead Business Industry Association, which represents over 200 business owners in the Flathead, submitted a letter of support on behalf of the FBIA to the Commission. She then stated that FBIA has long been in support of starting construction at the north end of the bypass; with the number one reason being to alleviate congestion at the corner of Reserve and Hwy 93 North.

Bill Goodman stated that back around the turn of the century there was an east side and a west side bypass and because of that federal money was not forth coming, because they wanted a unified community on a project. He then said that the Kalispell Development Corporation spent a good amount of time with various civic organizations and ended up getting unified support in June 2002, at which time a formal request was made to Senator Baucus' office for what was called a west side bypass; for the purpose of getting trucks out of downtown. He further added that the organizations that signed the letter of support were the City of Kalispell, Kalispell Chamber of Commerce, FVCC, Kalispell Community Development, Kalispell Regional Medical Center, Citizens for a Better Flathead, School District #5, Tri-City Planning, Downtown BID and United Way. Goodman then said that the money did not all come at one time and that development started up on the north end, which didn't take care of the need downtown. He then stated that the south end will do some good in getting trucks off Main Street and said that he hopes the Commission will stay true to what the project was intended to do by voting for the first portion of the bypass to be on the south end.

C.M. Clark, 100 Main Street, stated that he concurred totally with Bill Goodman's comments and said that the City Council has twice unanimously voted to approve the bypass starting at the south end. He then added that they went along with the diversion of funds for the school on the basis of a safety issue for kids. Clark then said to start robbing the south end and putting it east of Hwy 93 is ludicrous and has nothing to do with the bypass; that it has to do with the junction which is a state issue and that it is totally erroneous for them to take funds that are allocated to bypass trucks out of Kalispell and to use it east of Hwy 93. He then stated that he is definitely against spending anymore funds on the north end until the south end is complete.

Gordon Pirrie stated that he concurred with prior statements also and said that we need to stay on Max Baucus, Jon Tester and Dennis Rehberg to get the rest of the money. It was then stated that he disagrees 100% with them spending any money on the loop in behind Home Depot on the east side of Hwy 93; that it was not the intent of the money.

John Hinchey commented that he too concurred with prior comments and stated that he knows what the money was intended for and feels it should be used that way. He then stated that we need to get the large trucks off of Main Street.

Mayre Flowers commented that Citizens for a Better Flathead support and advocate the money being spent at the south end of the bypass. She then encouraged the Commission to give consideration to their ability to create a transportation district or a service improvement district, both collaboratively with the city and independently to address corridor issues north of the city. Flowers then stated that the last legislature created the option for the Commission to work with the city and create joint planning jurisdictions, which would enable them to create greater revenue for planning. She then said that these federal funds need to be spent appropriately to address the issue they were intended for.

Commissioner Hall asked Mayre Flowers why Citizens for a Better Flathead didn't prompt the City of Kalispell to partner with the developers at the north end for infrastructure needs.

Mayre Flowers replied that she would be in front of the city stating the same thing she brought forth today to the Commission in that it requires city leadership too, in regards to putting a funding district in place that could alleviate a number of problems in the area.

Discussion was held relative to a gas tax in which Commissioner Hall stated that the cities wanted a point of sale for a gas tax, which would not work for the county.

Mayre Flowers said that they do appreciate the fact that tools have been brought in to encourage collaborative thinking; she then encouraged them to look at the gas tax issue again to see if some common ground could be found.

C.M. Clark said that he represented the Planning & Zoning Board in Kalispell and stated that they are running into the exact same problem with the new mall in regards to MDOT telling them what they are willing and not willing to do. He then added that it is easy to say that the city should have done something, but he doesn't know what they would have done.

No one else rising to speak, Commissioner Hall PT closed public comment period.

OPEN BIDS: ACCOUNTING SOFTWARE

[10:07:44 AM](#)

Members present:

Commissioner Gary D. Hall PT

Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

County Attorney Jonathan Smith, Clerk Kile

Commissioner Hall PT made a **motion** to continue the opening of bids until 12:00 p.m. today. Commissioner Lauman **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

[10:56:53 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Request for proposals were received from: Black Mountain Software
Computer Software Associates (CSA)
Tyler Technologies
New World Systems

Commissioner Hall made a **motion** to take under advisement the proposals from Black Mountain Software, CSA, Tyler Technologies and New World Systems. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TAX INCENTIVE REQUEST/ GLACIER PRECAST CONCRETE

[10:06:20 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

Clerk Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing for Glacier Precast Concrete tax incentive request and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Sections 15-24-1402 and 76-15-103, M.C.A., that it will hold a public hearing to consider the application of Glacier Precast Concrete, Inc., located at 175 Alder Drive in Kalispell, Montana, seeking the application of tax reducing benefits to improvements on its 10 acre parcel, including constructing storm drain retention areas and dry wells; constructing a building containing a 15,500 sq. ft. shop and a 5,000 sq ft office and storage area; constructing two fenced storage areas; and installing 4 new 5 ton electric overhead trolley cranes, 1 new 10 ton electric overhead trolley crane, and a new 1 yard countercurrent planetary batch plant and mixer. If the application is granted, the new construction, machinery and equipment will be taxed at fifty percent of its taxable value in each of the first five years after approval; in each year thereafter, the percentage will be increased by equal percentages until the full taxable value is attained in the tenth year.

The public hearing will be held on the **26th** day of **December, 2007**, at **10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Montana, Courthouse, West Annex, 800 South Main Street, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the application for tax reduction of Semitool, Inc.

DATED this 3rd day of December, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Gary D. Hall PT
Joseph D. Brenneman, Chairman

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Diana Kile, Deputy

Publish on December 6 and December 20, 2007.

DOCUMENT FOR SIGNATURE: SHERIFF'S OFFICE CONTRACT/ DR. DAVID SCHAEFER

[10:45:01 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Sheriff's Department Dave Hutton, Clerk Kile

Commissioner Hall made a **motion** to continue the document for signature for Dr. David Schaefer. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

CONSIDERATION OF RELEASE OF COLLATERAL: HIDDEN MEADOWS SUBDIVISION UNIT #2

[10:10:05 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

County Attorney Jonathan Smith, Clerk Kile

Commissioner Lauman made a **motion** to release collateral for Hidden Meadows Subdivision Unit #2. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: TITLE III CONTRACT/ AOA

[10:11:02 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Dale W. Lauman

Members absent:

Chairman Joseph D. Brenneman

Others present:

County Attorney Jonathan Smith, Clerk Kile

Commissioner Lauman made a **motion** to approve the Title III Contract/ AOA and authorized the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

MEETING W/ TERRY JOHNSTON RE: BABY BUCK ESTATES, CONDITION #19

[10:30:57 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Planner Eric Giles, Terry Johnston, Clerk Kile

Terry Johnson stated that he is the developer of Baby Buck Estates and that the preliminary plat requirement to bring the gravel shoulders on each side of Hidden Prairie Road to the level of the pavement, he does not have the legal authority to do; with it not being his road.

Chairman Brenneman then reviewed preliminary plat condition #19 that requires that the gravel shoulders on each side of Hidden Prairie Road be raised to the level of the pavement and compacted. He then added that the road was narrow and in order to allow him to split the lot, a 12 foot access was needed. Brenneman further added that the request was to gravel the shoulders on Hidden Prairie Road instead of paving two feet on each side.

Terry Johnston replied that he never agreed to the condition and that he has no legal control over the road.

Discussion then ensued relative to the narrow strip of asphalt in which the applicant was asked to make the pavement wider or bring the shoulders up to the level of the pavement; with the applicant's technical assistance agreeing that he would bring the shoulders up to the level of pavement.

Terry Johnston then stated that he did not attend the pre-application process or the preliminary plat per advice from his technical assistance.

Chairman Brenneman then suggested that the developer meet with Planner Eric Giles and his technical assistance Montana Mapping that agreed to the condition.

RECONSIDERATION OF TAC RECOMMENDATION FOR HIGHWAY 93 BYPASS

[10:45:28 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

G. Pirrie, C.M. Clark, Mayre Flowers, John Hinchey, Denise Smith, Bill Goodman, Gordon Pirrie, Janet Clark, Pam Kennedy, Duane Larson, Clerk Kile

Chairman Brenneman said that consideration of the Hwy 93 bypass is back on the agenda after new information came to light.

Commissioner Hall said that the Technical Advisory Committee (TAC) was expecting to receive 6 million dollars in appropriations and last week only 4 million actually came in and they aren't able to do much on the south end now. He also said that he feels that the south end needs to be done with it being the purpose of the bypass to relieve truck traffic in town. Hall then added that their mandate is health, safety and welfare of citizens, and because of all the development at the north end that it is being compromised. He then said that TAC is wondering why they convened to advise MDOT in detail with maps when their hard work is not being acknowledged and then asked that the Commission do the right thing.

Commissioner Lauman stated that he had concerns with the north end also as well as concerns about appropriations coming through this year. He then said that another concern is with the area of Hwy 93 and Reserve in regards to how traffic would be

brought in to the bypass from the junction. Lauman then stated that in all reality he feels the bypass should go up to Church Drive or further up north.

Commissioner Hall said that out of the TAC discussions that there is a design for the intersection at Reserve, that the Reserve connector by the High School was built to alleviate traffic. He then stated that one of the reasons he supports the north expenditure is that when the work is done on the intersection the road has to be built behind Hutton Ranch Plaza, and until that is done they cannot construct the new intersection.

Commissioner Lauman said that he personally believes that MDOT should find other funding to fund the intersection, and that he believes they need to devote the monies even though they are being reduced to the south end. He then said if we can achieve a bypass from the south end to Meridian at least part of it will be accomplished.

Chairman Brenneman stated that he hasn't changed his opinion and remains in favor of allocating the funds to the southern portion.

Commissioner Lauman made a **motion** in support of the money being funded to the southern portion. Chairman Brenneman **seconded** the motion.

Commissioner Hall then added that we have an opportunity now to put the money where it would do the most good and that it is unfortunate. He then said that he agrees with the arguments made earlier today as well, but that there is a situation that has been created on the north end that was not there when the conversations started at the turn of the century.

Aye - Brenneman and Lauman. **Opposed** – Hall. Motion carried by quorum.

BI-MONTHLY MEETING W/ GUY FOY, ROAD DEPT.

11:01:03 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Road Department Superintendent Guy Foy, Clerk Kile

Discussion was held relative to the three meetings that have been held with the Road Advisory Committee in which they are going over crusher and pavement cost analysis, traffic counts and budgets. Foy then reported that the analysis of material coming out of the 4-corners pit came back with a good report. Discussion also included reorganizing plowing routes, scheduling of a preventive maintenance program and re-building of snow plow frames. Also discussed were asphalt millings and dead end roads that are plowed by the county that take excessive time.

MEETING W/ JAMES FREYHOLTZ/ MDOT RE: RESERVE LOOP SPEED STUDY

11:33:04 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D. Hall
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, James Freyholtz, Pam Kennedy, Clerk Kile

Freyholtz reported the results of the speed study investigation that began at Reserve/Stillwater Road Roundabout and continued east along the north side of the new Glacier High School. The roadway then curves south along the east side of the school before curving again and continuing east, ending at the sign at the intersection of Hwy 93; overall length of the study was 1.3 miles. Freyholtz stated that since this roadway has just recently been constructed that there has not been a sufficient time period to develop a history. The recommendation is to set the speed limit at 45 MPH beginning at the Stillwater Road Roundabout and continuing east to the intersection of Hwy 93, in which he is asking for a letter of support from the Commission.

Commissioner Hall stated that he feels 35 MPH would be a more appropriate speed for the area.

Mayor Pam Kennedy said that she also has concerns with the 45 MPH with a major Fire Station and younger drivers on the road. She then added that a substantial amount of traffic will be using the road with State Lands trying to re-locate on Stillwater Road as well as citizens accessing the western side of Kalispell.

Discussion continued with setting the speed limit at 35 MPH and then looking at doing another study in the spring.

Commissioner Lauman stated that he too agreed that the speed limit should be set at 35 MPH.

Chairman Brenneman said that he had no problem with the 45 MPH limit and questioned if the City of Kalispell would make any recommendations on the speed limit.

Mayor Pam Kennedy said that it does not come before the City Council for an official determination that it lies wholly through the Fire Department and Jim Hansen that would send a letter to the highway department.

A letter will be forth coming from the Commission with a recommendation of a speed limit of 35 MPH in light of the growth in the area.

8:00 a.m. Commissioner Brenneman to 911 meeting @ Grouse Mountain Lodge, Whitefish
8:00 a.m. Weed & Parks Board meeting @ Weed & Parks Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 4, 2007.

TUESDAY, DECEMBER 4, 2007

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

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

Whitey Boughton, 1150 Lupfer Road, commented that he spoke to Joe Russell in regards to the private road by McElroy and Wilken, in which he was told that it is in the Commissions jurisdiction.

Chairman Brenneman said that it is not a road that the county maintains.

Whitey Boughton then spoke about the dust on the North Fork Road and said that the county needs to start doing some dust abatement. He then asked if the county still intended to hire a deputy to patrol gravel roads and stated that it would be a waste of money.

Discussion was then held relative to whom they would hire and what the qualifications would be.

Whitey Boughton further stated that it is time to get the Flathead County Road Department out of the road building business.

Mike Pence stated that it is being evaluated by the Road Advisory Committee.

Discussion was further held about the county's budget, width of Lupfer Road and impact fees.

BI-MONTHLY MEETING W/ VICKI SAXBY, I.T.

9:11:40 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Mike Pence, I.T. Director Vicki Saxby, Clerk Kile

Vicki Saxby reported on the Web Enhancement Project in which everything is on schedule to be released the end of January. She then stated that clarification is still needed regarding how to initially represent all the boards within the county.

Chairman Brenneman stated that it was his understanding that department heads would make the decision as to how much information they wish to include on the website.

Vicki Saxby then reported that a new programmer has been hired to replace Will Hiatt, who is still working on contract through the end of December for four hours per month. Also stated was the external auditor did an audit in their department, Johnson Controls is working in their server room, Word I and II and Excel I and II classes are being held and the new e-mail server is up and running with the new email address for the county now being www.flathead.mt.gov.

OPEN BIDS: USED BOAT/ SHERIFF'S OFFICE

9:31:22 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Mike Pence, Clerk Kile

Bid received with bid bond enclosed from The Elephant Boy for \$79,999.99. A letter was received from Braun Northwest, Inc that stated they were unable to offer a bid at this time.

Commissioner Lauman made a **motion** to take under advisement the bid received for the used boat for the Sheriff's Office. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: MURER ZONE CHANGE/ BIGFORK ZONING DISTRICT

9:33:10 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing for Murer Zone Change/ Bigfork Zoning District and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Loyal and Marilyn Murer, to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-5 (Suburban Agricultural) to R-1 (Suburban Residential).

The boundaries of the area proposed to be amended from SAG-5 to R-1 are the boundaries of Tract 3AAB in the NW ¼ NE ¼ of Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana located west of and adjacent to Mt Hwy 35 in the "Icebox Canyon" area of Bigfork.

The proposed change would generally change the character of the zoning regulations applicable to the property from a district intended to protect and preserve smaller agricultural functions, to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development, to a residential district intended to provide estate type development, in rural areas away from concentrated urban development or in areas where it is desirable to permit only low density development. The SAG-5 classification has a minimum lot size of 5 acres; a change to R-1 would result in a minimum lot size of 1 acre.

The regulations defining the SAG-5 and R-1 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **19th day of December, 2007, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Bigfork Area Zoning District.

DATED this 4th day of December, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Diana Kile, Deputy

By: /s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

Publish on December 8 and December 15, 2007.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: CREATE RSID #144 (LODGEPOLE DRIVE) AND RSID #145 (SNOWGHOST DRIVE)

9:34:00 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Terry Richmond, Buck Foster, Chris Cooper, Adele Krantz, Clerk Kile

Jonathan Smith reported the resolutions today are to create the districts with the protest period running through January 7, 2008. He then added if there is not sufficient protest then they will create the district and then go out for bids.

Commissioner Lauman made a **motion** to adopt Resolution of Intent #2112 to create RSID #145 for Snowghost Drive and Resolution of Intent #2113 to create RSID #144 for Lodgepole Drive. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

RESOLUTION NO. 2112

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 145; DECLARING IT TO BE THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

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

Section 1. Proposed Improvements; Intention To Create District. The County proposes to undertake certain local improvements (the "Improvements") to benefit certain property located in the County. The Improvements consist of the making improvements to approximately 72,000 square feet of Snowghost Drive, as more particularly described in Section 5. The total estimated costs of the Improvements are \$290,000.00 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 \$290,000.00. The Bonds are to be payable primarily from special assessments to be levied against property in the District, which property will be specially benefitted by the Improvements in an amount not less than \$290,000.00.

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. 145, 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 paving a three inch asphalt layer on top of a six inch crushed gravel sub-base, on approximately 72,000 square feet of Snowghost Drive, and installation of culverts for improved drainage.

Section 6. Engineer and Estimated Cost. Morrison & Maierle, Inc., shall be the engineer for the District. The Engineer has estimated that the cost of the Improvements, including all incidental costs, is \$290,000.00.

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 of the project is \$290,000.00 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 \$20,714.29. The assessment for each lot, tract or parcel of land for the project will be 1/14 of the total and will not exceed \$20,714.29.

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 15 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 \$290,000.00 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District. This Board further finds it is in the public interest, and in the best interest of the County and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the County to enter into the undertakings and agreements authorized in Section 7-12-2185 in respect of the Bonds.

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

(a) Estimated Market Value of Parcels.

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

(b) Diversity of Property Ownership.

Analysis of the number of property owners, business or family relationships, if any, between property owners, the comparative holdings of property by owners in the District indicated that of the 14 properties, there are 14 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 (\$20,714.29), compares favorably to the estimated market value of each lot, parcel, or tract, which range in value (land only, not including improvements) from approximately \$13,616 to \$71,226. 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 levied against property 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 pave 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 14 different parties.

Section 10. Public Hearing; Protests. At any time within thirty (30) days from and after the date of the first

publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the County Clerk and Recorder until 5:00 p.m., M.D.T., on the expiration date of said 30-day period (January 7, 2008), written protest against the proposed Improvements, or against the creation of the District or both, and this Board will at its next regular meeting after the expiration of the thirty (30) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Tuesday, the 8th day of January, 2008, at 11:00 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 December 8 and December 15, 2008, 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 4th day of December, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

By: _____
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Diana Kile, Deputy

EXHIBIT "A"

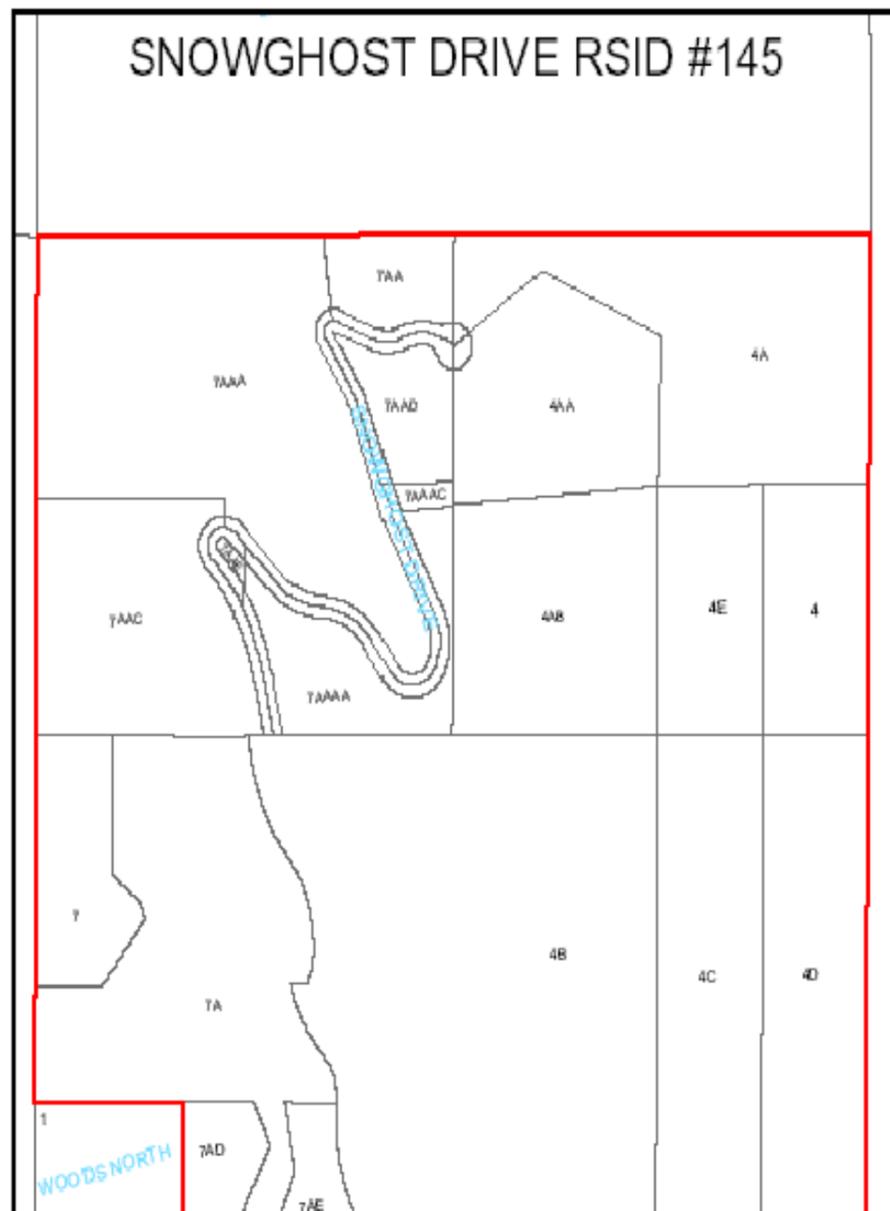


EXHIBIT "B"

SNOWGHOST DRIVE RSID LEGAL DESCRIPTION
Said land lying in the southeast quarter of Section 17, Township 31N, Range 21W, P.M.M

Beginning in the southeast corner of tract 4D;

Thence S 89-41-37 W a distance of 2191.15 feet to a point on the southwest corner of tract 7AD;
 Thence N 00-17-49 E a distance of 355.78 feet to a point on the northwest corner of tract 7AD;
 Thence S 89-44-47 W a distance of 478.09 feet to a point on the southwest corner of tract 7A;
 Thence N 00-17-49 E a distance of 964.44 feet to a point on the northwest corner of tract 7;
 Thence N 00-15-39 E a distance of 1318.12 feet to a point on the northwest corner of tract 7AAA;
 Thence S 89-59-15 E a distance of 2674.75 feet to a point on the northeast corner of tract 4A;
 Thence S 00-19-34 W a distance of 2623.42 feet to the southeast corner of tract 4D and the true point of beginning.

EXHIBIT "C"

Exhibit C - List of Properties
 RSID No. 145, Snowghost Drive

	Assessor Number	Parcel	Section, Township, Range
1	0005537	7AE	S17, T31N, R21W
2	0005538	7AD	S17, T31N, R21W
3	0977874	4B	S17, T31N, R21W
4	0973010	7A	S17, T31N, R21W
5	0635130	7	S17, T31N, R21W
6	0004139	4C	S17, T31N, R21W
7	0004140	4D	S17, T31N, R21W
8	0008474	7AAC	S17, T31N, R21W
9	0008477	7AAA	S17, T31N, R21W
10	0008476	7AAAA, 4AB, 7AAE	S17, T31N, R21W
11	0008478	4AA, 7AAD, 7AAAC	S17, T31N, R21W
12	0973019	4A, 7AA	S17, T31N, R21W
13	0011471	4E	S17, T31N, R21W
14	0973011	4	S17, T31N, R21W

RESOLUTION NO. 2113

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 144; 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 making improvements to approximately 130,000 square feet of Lodgepole Drive, as more particularly described in Section 5. The total estimated costs of the Improvements are \$430,820.00. 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 \$430,820.00. The Bonds are to be payable primarily from special assessments to be levied against property in the District, which property will be specially benefitted by the Improvements in an amount not less than \$430,820.00.

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. 144, 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 paving a three inch asphalt layer on top of a six inch crushed gravel sub-base, on approximately 130,000 square feet of Lodgepole Drive.

Section 6. Engineer and Estimated Cost. Morrison & Maierle, Inc., shall be the engineer for the District. The Engineer has estimated that the cost of the Improvements, including all incidental costs, is \$430,820.00.

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 of the project is \$430,820.00 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 \$6,154.57. The assessment for

each lot, tract or parcel of land for the project will be 1/70 of the total and will not exceed \$6,154.57.

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 15 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 \$430,820.00 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District. This Board further finds it is in the public interest, and in the best interest of the County and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the County to enter into the undertakings and agreements authorized in Section 7-12-2185 in respect of the Bonds.

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

(a) Estimated Market Value of Parcels.

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

(b) Diversity of Property Ownership.

Analysis of the number of property owners, business or family relationships, if any, between property owners, the comparative holdings of property by owners in the District indicated that of the 70 properties, there are 56 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 (\$6,154.57), compares favorably to the estimated market value of each lot, parcel, or tract, which range in value (land only, not including improvements) from approximately \$19,098 to \$111,539.00. The amount of security for any Revolving Fund loan is more than adequate. Since the estimated market value of each parcel compares favorably to the sum of special assessments any loan from the Revolving Fund loan would be adequately secured.

(d) Delinquencies.

The amount of delinquencies in the payment of outstanding property taxes levied against property in the District is only 4 of the 70 properties. The lack of substantial delinquent taxes suggests that the likelihood of financial difficulties is small, making the necessity for a Revolving Fund loan unlikely.

(e) The Public Benefit of the Improvements.

The public benefit to be derived from the Improvements is substantial. The Improvements meet an urgent and important need of the County to pave 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 56 different parties.

Section 10. Public Hearing; Protests. At any time within thirty (30) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the County Clerk and Recorder until 5:00 p.m., M.D.T., on the expiration date of said 30-day period (January 7, 2008), written protest against the proposed Improvements, or against the creation of the District or both, and this Board will at its next regular meeting after the expiration of the thirty (30) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Tuesday, the 8th day of January, 2008, at 11:00 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 December 8 and December 15, 2008, 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 4th day of December, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

By: _____
Gary D. Hall, Member

By: /s/Dale W. Lauman

ATTEST:
Paula Robinson, Clerk

Dale W. Lauman, Member

By: /s/Diana Kile
Diana Kile, Deputy

EXHIBIT "A"

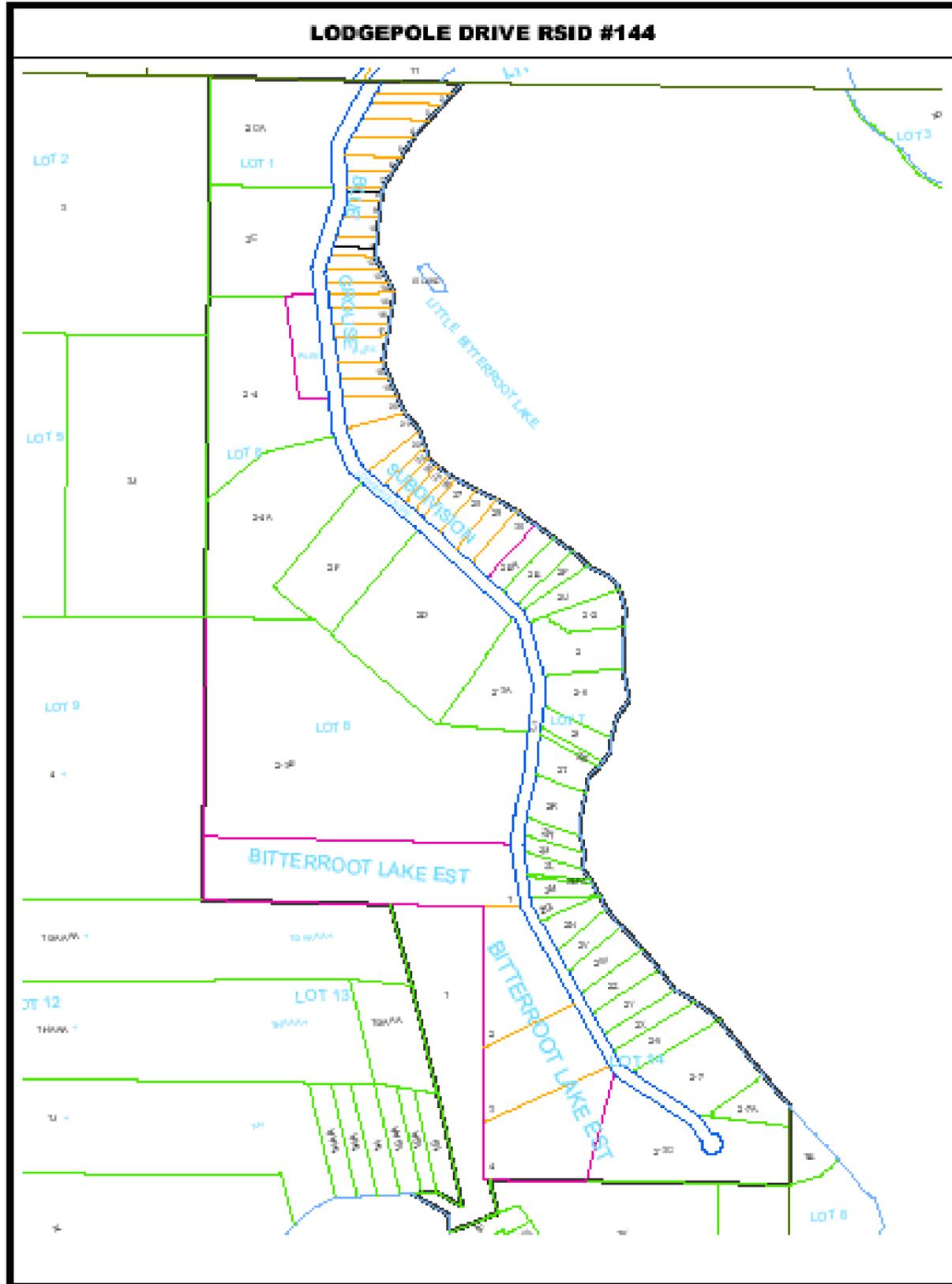


EXHIBIT "B"

LODGEPOLE DRIVE RSID LEGAL DESCRIPTION
Said land lying in the east half of Section 6, Township 27N, Range 24W, P.M.M

Beginning in the southeast corner of tract 2-3C;
Thence N 89-54-04 W a distance of 1297.2 feet to a point near the southwest corner of tract 4;
Thence S 14-25-16 E a distance of 152.6 feet to the southeast corner of tract 1;
Thence S 68-25-35 W a distance of 228.4 along the southerly border of tract 1;
Thence N 4-13-17 W a distance of 228.4 feet along the west border of tract 1;
Thence N 59-56-14 W a distance of 188.7 feet along the southwest border of tract 1;
Thence N 86-15-33 E a distance of 111.3 feet along the west border of tract 1;
Thence S 60-42-28 E a distance of 130.0 feet along the southwest border of tract 1;
Thence N 14-06-01 W a distance of 1382.8 feet to the northwest corner of tract 1;
Thence N 89-20-01 W a distance of 841.5 feet to the southwest corner of tract 1;
Thence N 00-08-10 W a distance of 3868.4 feet to the northwest corner of tract 2CA;
Thence N 89-34-32 E a distance of 1106.5 feet to the northeast corner of tract 1 at a point of the west bank of Little Bitterroot Lake;
Thence S 39-06-00 W a distance of 328.7 feet along the west bank of Little Bitterroot Lake to a point on the northeast corner of tract 5;
Thence S 27-28-00 W a distance of 266.1 feet along the west bank of Little Bitterroot Lake to a point on the northeast corner of tract 8;
Thence S 5-43-00 W a distance of 329.8 feet along the west bank of Little Bitterroot Lake to a point on the northeast corner of tract 12;

Thence S 25-06-00 E a distance of 190.3 feet along the west bank of Little Bitterroot Lake to a point on the northeast corner of tract 15;
 Thence S 10-32-00 W a distance of 330.0 feet along the west bank of Little Bitterroot Lake to a point on the northeast corner of tract 18;
 Thence S 25-18-00 E a distance of 265.9 feet along the west bank of Little Bitterroot Lake to a point on the northeast corner of tract 21;
 Thence S 17-38-00 E a distance of 215.1 feet along the west bank of Little Bitterroot Lake to a point on the northeast corner of tract 24;
 Thence S 50-27-00 E a distance of 126.6 feet along the west bank of Little Bitterroot Lake to a point on the northeast corner of tract 26;
 Thence S 62-19-00 E a distance of 352.0 feet along the west bank of Little Bitterroot Lake to a point on the northeast corner of tract 30;
 Thence S 52-34-02 E a distance of 103.6 feet along the west bank of Little Bitterroot Lake to a point on the northeast corner of tract 2EA;
 Thence southeasterly a distance of 3398.0 along the west bank of Little Bitterroot Lake to a point on the northeast corner of tract 2-7A;
 Thence S 01-03-07 E a distance of 415.9 feet to the southeast corner of tract 2-3C and the true point of beginning.

EXHIBIT "C"

Exhibit C - List of Properties

Assessor No.	Lot, Parcel Tract	Section, Township, Range
1	0012414 BGS Lot 1	S6,T27N,R24W
2	0876171 BGS Lot 2	S6,T27N,R24W
3	0929700 BGS Lot 3-4	S6,T27N,R24W
4	same	S6,T27N,R24W
5	0929600 BGS Lot 5	S6,T27N,R24W
6	0929750 BGS Lot 6	S6,T27N,R24W
7	0619800 BGS Lot 7, pt of Lot 8	S6,T27N,R24W
8	0659500 BGS Lot 9	S6,T27N,R24W
9	0438255 BGS Lot 10	S6,T27N,R24W
10	0000400 BGS Lot 11 pt	S6,T27N,R24W
11	0000300 BGS Lot 11 pt	S6,T27N,R24W
12	0000350 BGS Lot 12	S6,T27N,R24W
13	0033793 BGS Lot 13-14	S6,T27N,R24W
14	same	S6,T27N,R24W
15	0149450 BGS Lot 15	S6,T27N,R24W
16	0443290 BGS Lot 16	S6,T27N,R24W
17	0443300 BGS Lot 17	S6,T27N,R24W
18	E000038 BGS Park	S6,T27N,R24W
19	0079855 BGS Lot 18	S6,T27N,R24W
20	0589600 BGS Lot 19	S6,T27N,R24W
21	0598445 BGS Lot 20	S6,T27N,R24W
22	0598465 BGS Lot 21	S6,T27N,R24W
23	0971286 BGS Lot 22	S6,T27N,R24W
24	0128600 BGS Lot 23	S6,T27N,R24W
25	0982444 BGS Lot 24	S6,T27N,R24W
26	0277760 BGS Lot 25-26	S6,T27N,R24W
27	same	S6,T27N,R24W
28	0509000 BGS Lot 27	S6,T27N,R24W
29	0513100 BGS Lot 28	S6,T27N,R24W
30	0513300 BGS Lot 29	S6,T27N,R24W
31	0763300 BGS Lot 30	S6,T27N,R24W
32	0119790 2EA	S6,T27N,R24W
33	0051860 2E	S6,T27N,R24W
34	0051750 2P	S6,T27N,R24W
35	0034300 2U	S6,T27N,R24W
36	0353175 2-2	S6,T27N,R24W
37	0727500 2	S6,T27N,R24W
38	0971362 2-6	S6,T27N,R24W
39	0595000 2S & 2I	S6,T27N,R24W
40	0701950 2T	S6,T27N,R24W
41	0873399 2R	S6,T27N,R24W
42	0368600 2H	S6,T27N,R24W
43	0143600 2J	S6,T27N,R24W
44	0743200 2L & 2MA	S6,T27N,R24W
45	0743050 2M	S6,T27N,R24W
46	0743100 2Q	S6,T27N,R24W
47	0678700 2N	S6,T27N,R24W
48	0151905 2V	S6,T27N,R24W
49	0236301 2Z	S6,T27N,R24W
50	0888510 2W	S6,T27N,R24W
51	0664585 2Y	S6,T27N,R24W
52	0149264 2X	S6,T27N,R24W
53	0967935 2-5	S6,T27N,R24W
54	0967917 2-7	S6,T27N,R24W
55	0980177 2-7A	S6,T27N,R24W
56	0975157 2-3C	S6,T27N,R24W
57	0001591 BI9-3	S6,T27N,R24W
58	same BI9-4	S6,T27N,R24W
59	0010815 BI9-2	S6,T27N,R24W

60	0099850 1	S6,T27N,R24W
61	0664551 BI9-1	S6,T27N,R24W
62	0969914 2-3B	S6,T27N,R24W
63	0968031 2-3A	S6,T27N,R24W
64	0051700 2-D	S6,T27N,R24W
65	0597105 2-F	S6,T27N,R24W
66	0972783 2-4A	S6,T27N,R24W
67	0664552 2-4	S6,T27N,R24W
68	E000038 BGS Park	S6,T27N,R24W
69	0664550 2C	S6,T27N,R24W
70	0346500 2CA	S6,T27N,R24W

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intent for Snowghost Drive and Lodgepole Drive and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 145 AND TO ISSUE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 145 BONDS OF THE COUNTY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$290,000.00, SECURED BY THE RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

FLATHEAD COUNTY, MONTANA

NOTICE IS HEREBY GIVEN that on December 4, 2007, the Board of County Commissioners of Flathead County, Montana (the "County"), adopted a Resolution of Intention to Create Rural Special Improvement District No. 145 (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 Morrison Maierle, Inc.

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 of paving on approximately 72,000 square feet of Snowghost Drive, currently a gravel road.

The County would issue the Bonds in an aggregate principal amount not to exceed \$290,000.00 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 \$290,000.00 and such payment will be secured by the Revolving Fund. **Subject to the limitations of Montana Code Annotated, Section 7-12-4222, 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 \$290,000.00, 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 Paving Improvements. There are 14 lots, tracts or parcels in the District. The estimated cost of the Paving Improvements per lot, tract or parcel to be assessed is \$20,714.29.

On January 8, 2007, at 11:00 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana, the Board of County Commissioners will conduct a public hearing and pass upon all written protests against the creation of the District, or the making of Improvements, that may be filed in the period hereinafter described.

Written protests against the creation of the District and the making of the Improvements may be filed by an agent, person, firm or corporation owning real property within the proposed District whose property is liable to be assessed for the Improvements. For purposes of protest, the owner of a property created as a condominium is collectively the owners of all units having an undivided interest in the common elements. The protest must be filed by the president, vice president, secretary or treasurer of the condominium owners' association, and such protest must be in writing, identify the condominium property, include a declaration or other document that shows how votes of unit owners in the condominium are calculated and be signed by owners of units in the condominium sufficient to constitute an affirmative vote for an undertaking relating to the common elements under the condominium declaration, as more particularly set forth in Section 7-12-2141, M.C.A. Such protests must be delivered to the County Clerk and Recorder at the Flathead County Courthouse, 800 South Main, Kalispell, Montana 59901, no later than 5:00 p.m., M.S.T., on January 7, 2008. 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 4th day of December, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

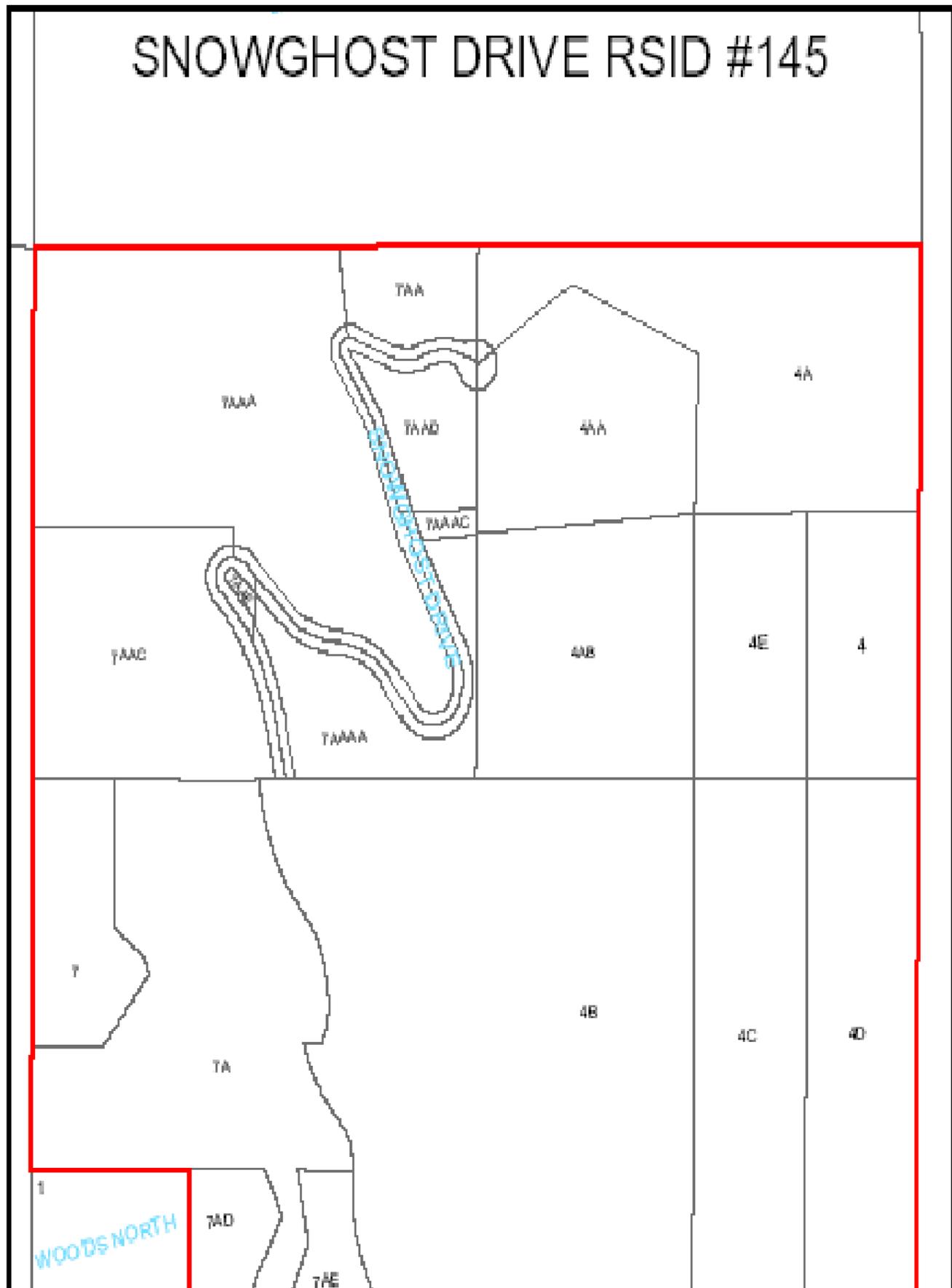
ATTEST:
Paula Robinson, Clerk

By: /s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

By: /s/Diana Kile
Diana Kile, Deputy

Publish on December 8 and December 15, 2007.

SNOWGHOST DRIVE RSID #145



NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 144 AND TO ISSUE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 144 BONDS OF THE COUNTY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$430,820.00, SECURED BY THE RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

FLATHEAD COUNTY, MONTANA

NOTICE IS HEREBY GIVEN that on December 4, 2007, the Board of County Commissioners of Flathead County, Montana (the "County"), adopted a Resolution of Intention to Create Rural Special Improvement District No. 144 (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 Morrison Maierle, Inc.

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 of paving on approximately 130,000 square feet of Lodgepole Drive, currently a gravel road.

The County would issue the Bonds in an aggregate principal amount not to exceed \$430,820.00 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 \$430,820.00 and such payment will be secured by the Revolving Fund. **Subject to the limitations of Montana Code Annotated, Section 7-12-4222, 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 \$430,820.00, 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 Paving Improvements. There are 70 lots, tracts or parcels in the District. The estimated cost of the Paving Improvements per lot, tract or parcel to be assessed is \$6,154.57.

On January 8, 2007, at 11:00 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana, the Board of County Commissioners will conduct a public hearing and pass upon all written protests against the creation of the District, or the making of Improvements, that may be filed in the period hereinafter described.

Written protests against the creation of the District and the making of the Improvements may be filed by an agent, person, firm or corporation owning real property within the proposed District whose property is liable to be assessed for the Improvements. For purposes of protest, the owner of a property created as a condominium is collectively the owners of all units having an undivided interest in the common elements. The protest must be filed by the president, vice president, secretary or treasurer of the condominium owners' association, and such protest must be in writing, identify the condominium property, include a declaration or other document that shows how votes of unit owners in the condominium are calculated and be signed by owners of units in the condominium sufficient to constitute an affirmative vote for an undertaking relating to the common elements under the condominium declaration, as more particularly set forth in Section 7-12-2141, M.C.A. Such protests must be delivered to the County Clerk and Recorder at the Flathead County Courthouse, 800 South Main, Kalispell, Montana 59901, no later than 5:00 p.m., M.S.T., on January 7, 2008. 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 4th day of December, 2007.

ATTEST:
Paula Robinson, Clerk

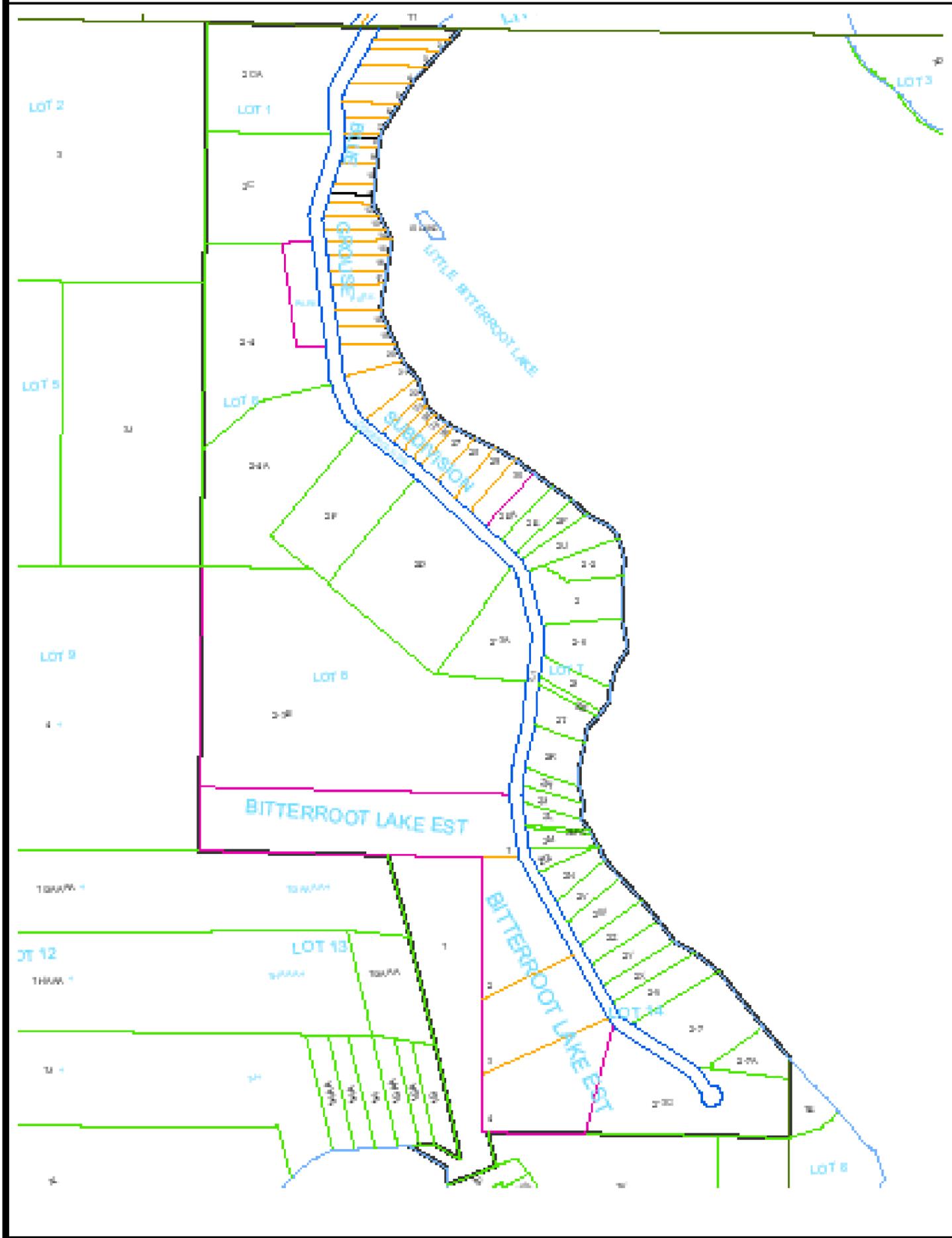
By: /s/Diana Kile
Diana Kile, Deputy

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

Publish on December 8 and December 15, 2007.

LOGEPOLE DRIVE RSID #144



MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

[10:01:41 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk Kile

Campbell reported on the personnel transactions for the month of November.

Commissioner Lauman made a **motion** to approve the November personnel transactions and authorized the Chairman to sign. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Campbell then reported on the trust fund balance that is at 1.9 million, claims that are up by 300 thousand and that YTD there have been 30 recordable injuries. She then stated that classes will be held in regards to training in hiring, government practices, sexual harassment in work places and supervisor training. Discussion also included an audit that will be coming in December with Liberty and procedures for new hires that needs to be followed.

CONSIDERATION OF HR TRANSMITTAL: OA II/ COUNTY AND CLINIC NURSE/ HEALTH DEPT.

[10:16:00 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Mike Pence, Health Department Director Joe Russell, Clerk Kile

Campbell reported that the OAll position for Eagle Transit is a revised job classification description.

Commissioner Lauman made a **motion** to approve the HR Transmittal for an OA II at Eagle Transit. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

Russell reported that the Health Department Clinic Nurse position is moving a nurse from Community Health to Reproductive Health. He further stated that this is all grant funds and will have no impact on the county general fund.

Commissioner Lauman made a **motion** to approve the HR Transmittals for a Clinic Nurse at the Health Department. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT/ EAGLE TRANSIT AND TEAM CONTRACT/ EAGLE TRANSIT

[10:21:03 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Clerk Kile

Commissioner Lauman made a **motion** to approve the DPHHS and TEAM documents for signature for Eagle Transit. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: INTERLOCAL AGREEMENT/ FLATHEAD MUNICIPAL AIRPORT AUTHORITY

[10:23:02 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Mike Pence, County Attorney Jonathan Smith, Debbie Boreson, Sheriff Mike Meehan, Clerk Kile

County Attorney Jonathan Smith reported that the agreement is to provide dispatch services out of the Sheriff's Office for six months.

Commissioner Lauman made a **motion** to approve the interlocal agreement with the Flathead Municipal Airport Authority. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

MEETING W/ JOHN PASSARGE RE: ROAD DEPARTMENT

[10:31:06 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Mike Pence, Sheriff Mike Meehan, County Attorney Peter Steele, Road Department Superintendent Guy Foy, John Passarge, Anne Passarge, Clerk Kile

John Passarge spoke about a series of letters that have been going back and forth from the Road Department and himself in regards to an easement dispute with an approach onto the county road. He then stated that no one had ever told him prior to the letters that he had an illegal driveway. Photos were then presented to the Commission in which he explained the history of the driveway off of Parker Hill road. He then stated that he received a letter from the Flathead County Road Department dated November 9, 2006 that said:

It has been brought to the attention of the Flathead County Road Department that you have an illegal driveway approach onto Parker Hill Road without applying for an approach permit.

County policy requires that a driveway not be allowed to drain onto a county road, in addition drainage needs to be established so water does not stand in the right-of-way.

A recent survey and topographical map by Schwarz Engineering has indicated that fill has been placed across the county right-of-way creating a damning effect. This will need to be removed immediately and the original lines and grade be re-established.

An approach permit has been enclosed and needs to be filled out and returned to this office as soon as possible. Flathead County will waive all fees connected with this permit to help expedite the completion of this approach.

John Passarge then said that he responded with the following questions:

- Please state where this driveway is located on the property known as 2655 Parker Hill Road.
- Please state what this paragraphs intent is with regard to the property, 2655 Parker Hill Road.
- Please indicate on map where this fill has been placed. Please also indicate original line and grade as stated.
- Please state when and who has brought this matter to your attention and their involvement in this process. If you have a written complaint, please send a copy of this correspondence including any and all responses by all parties involved.

Chairman Brenneman asked Mr. Passarge if he had an approach permit or if he had applied for one yet, in which Mr. Passarge stated that he had not.

Discussion then continued in regards to the condition of Parker Hill Road in which Mr. Passarge stated that the road is in total disrepair and that he is being blamed for it since it is near his driveway.

Chairman Brenneman then said that the issue of the meeting is the approach permit.

John Passarge then spoke about county policy that requires that a driveway not be allowed to drain onto a county road in which he said that is not happening. He then referred to pictures and asked how water would escape from the right-of-way with there being no ditches. Mr. Passarge then asked how he is to blame for water standing in the right-of-way; that no other property owner is being charged with this. He then said that if he had to hire an attorney, engineer and hydrologist to prove this through litigation that he would seek damages.

Chairman Brenneman then said if we are talking about litigation, then their conversation is over.

John Passarge then commented that he didn't want to go there.

Chairman Brenneman said that he didn't see any threats in the letters to him from the Road Department.

John Passarge then read the paragraph in the letter received from the Road Department dated November 29, 2007, that said:

Should we not receive a response from you within ten days of receipt of this letter our file on this matter will be turned over to the County Attorney's Office.

John Passarge then asked that the aggressive behavior be stopped until they could find what would be considered an accurate solution to the situation.

Chairman Brenneman asked what the proposed remedy would be, in which Mr. Passarge said that he didn't have a proposed remedy.

John Passarge then referred to pictures that show water damage to the entrance to Parker Hill Road, other pictures that show gravel being placed into the ditches and then a contractor that is pushing dirt and soil over the gravel that was placed in the holes. He then continued in regards to drainage issues.

Chairman Brenneman then asked again why he had not applied for an approach permit.

John Passarge said that the letter says he has to come up with a remedy for the situation and he questioned how he could come up with a remedy when he doesn't know what he has done.

Chairman Brenneman said that it seems to him that before they can even start to talk about remedies that they need to be discussing a valid approach permit.

John Passarge said that he has owned the property for 12 years and that there was an approach there when he bought the property. He then said that he refuses to admit anything at this point due to the fact that it is as he bought it. Passarge continued with in the approach permit process it says that he has to have a remedy for the situation and that he does not have a remedy for it.

Chairman Brenneman said that the issue right now is that you don't have a valid approach permit onto the county road. He then added that you need to have a valid approach permit and until you make that application, the reason the County Attorney is possibly going to get involved is because there is no application for a valid approach permit. Brenneman then said that once that approach permit is made then they can start working on how they can work on the remedies he is concerned about.

John Passarge said that Mr. Foy's expectations with the letters seem quite different than reality.

Chairman Brenneman said that they can't get involved in saying that it's okay if you don't follow county policy.

John Passarge then said that he would fill out the approach permit and stated that he admits there is nothing wrong with his driveway and at this time is asking for an opportunity to seek council from his title company.

Chairman Brenneman said that the issue for them right now is that we need an application for an approach permit and then we will make sure that they work with him.

John Passarge then added that he will get a copy personally and then questioned how he is suppose to include with the approach permit a plan of compliance for addressing drainage issues.

Chairman Brenneman said that sending in the approach permit saying that he didn't cause the problem and or there is no problem there. He then asked if everyone on Parker Hill Road had valid approach permits.

Guy Foy commented that they have not looked that closely to Parker Hill Road yet.

John Passarge said there are other issues going on here that the county is not addressing. He then added that they will be getting copy of his approach permit; as much as he can fill out.

FINAL PLAT: BEAN HILL SUBDIVISION

[11:01:47 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Mike Pence, Planner Eric Giles, Jean Johnson, Shelley Nelson, Clerk Kile

Giles reviewed the application submitted by Justin and Annetta Bean with technical assistance from Paul J Stokes & Associates for final plat approval of Bean Hill Subdivision; a Amended Subdivision Plat of Lot 2 of Amended Subdivision Plat of Lots 1 and 2 of Idaho Hill Ranch No. 1, a two lot major subdivision located on Keenan's Way off of Hwy 2 West of Kalispell. Preliminary plat approval was granted on September 5, 2006, subject to 13 conditions. All conditions have been met and staff recommends approval.

Discussion was held relative to the driveway that does not meet regulations of subdivisions in which approval was received from the fire chief.

Commissioner Lauman made a **motion** to approve final plat of Bean Hill Subdivision. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

MEETING W/ MARK HOLSTON/ FLATHEAD BASIN COMMISSION RE: LETTER OF SUPPORT FOR GRANT APPROVAL

[11:14:49 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Carolyn Miske, Clerk Kile

Carolyn Miske, representing Flathead Basin Commission reported that they just applied for a 219 grant that will enable them to work hand and glove with monitoring surface water. She then added that they are looking for support from the Commission in applying for the grant. Miske then said that the first part of the proposal would be to look at what is out there in regards to shallow aquifers and where they are mapped, which would help the county to better define shallow aquifers. The second part would be to go out and do some samplings of there own and the third part would be to characterize storm water runoff. Miske then stated that all the data would be compiled and used as the bench mark for establishing a long term ground water monitoring plan in the northern portion of the basin.

Commissioner Lauman spoke about ground water in certain areas of the valley floor where we have underground streams and stated that these need to be identified for mitigation. He also spoke about waste disposal of medications and prescription drugs.

Commissioner Lauman made a **motion** to approve a letter of support for the Flathead Basin Commission. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

CONSIDERATION OF EXTENSION REQUEST: CHERRY HILL YACHT CLUB, PHASE III

[11:30:38 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Dale W. Lauman
Members absent:
Commissioner Gary D. Hall
Others present:
Planner Annie Thompson, Jim Burton, Clerk Kile

Thompson explained that there was a mix up with filings and that Cherry Hill Yacht Club originally came in without a phasing plan being submitted. The revised preliminary plat of Phase I and Phase II and now there is a Phase III. Thompson then said at the same time they were doing a project to the west of Cherry Hill Yacht Club that somehow ended up with the file name of Cherry Hill Yacht Club, Phase II. When Phase II was submitted they didn't realize that Phase II had already been submitted for Cherry Hill. She then stated that within the past month this has been sorted out and that this will be the final phase of the original subdivision.

Chairman Brenneman stated that for the record we do have an explanation for the rational of the request.

Commissioner Lauman made a **motion** to approve the extension request for Cherry Hill Yacht Club, Phase III for a one year extension. Chairman Brenneman **seconded** the motion. **Aye** - Brenneman and Lauman. Motion carried by quorum.

1:30 p.m. TAC meeting @ Kalispell City Planning Office
4:00 p.m. Montana Western Economic Development meeting @ Glacier Bank
6:30 p.m. Commissioner Lauman to Smith Valley Special Planning Session @ Smith Valley School

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 5, 2007.

WEDNESDAY, DECEMBER 5, 2007

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

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 6, 2007.

THURSDAY, DECEMBER 6, 2007

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

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 7, 2007.

FRIDAY, DECEMBER 7, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, 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 December 10, 2007.
