

**PUBLIC MEETING
September 9, 2010
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioners Derek Brown and Andy Hunthausen were present. Others attending all or a portion of the meeting included K. Paul Stahl, Eric Bryson, Kelly Blake, Lindsay Morgan, Greg McNally, Carrie Severson, Kathy Moore, Kim Smith, Mark Simonich, Jack Walsh, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2010-291. A Resolution to Establish a New Fee Rate for the Water Quality Protection District in Lewis and Clark County. For maintaining the existing level of operation of the Water Quality Protection District and maintaining the full-time hydrogeologist position. (Kathy Moore)
- b. Resolution 2010-292 Ordering a Refund of Taxes/Fees/Assessments Paid by HD Development of Maryland, Inc. in the amount of \$23,745.09, plus \$40.49 in interest, for a total amount of \$23,785.58. (Cheryl Green)

Eric Bryson reported on the consent action items and recommended approval.

No public comments were received.

Commissioner Brown moved approval of the consent action items and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Contract Extension of Preliminary Plat Approval for the Amended Plat of Lots 11B2A-3, 4 & 5 – Big Valley Subdivision (a.k.a. North Forty Subdivision). (Applicant: Larry Kim Smith) (Planner: Lindsay A. Morgan) (Tabled from 9/7/10)

Lindsay Morgan stated the proposed agreement extends preliminary plat approval for one year.

Kim Smith, 7510 Applegate Drive, reviewed the agreement and agreed with its contents.

Commissioner Hunthausen moved approval of the agreement and authorized the Chair to sign. Commissioner Murray seconded the motion. The motion carried 2-1.

Commissioner Brown voted no. Granting a one-year extension does not meet the statutory requirements of Section 507. Commissioner Hunthausen was satisfied with those explanations outlined in Deputy County Attorney Stahl's memo dealing with Sections 507 and 610. There continues to be a difference of opinion regarding the MACo memo and the Deputy County Attorney's Opinion.

Final Site Plan - O'Connell Tracts Lot 49, Amended Subdivision. (Applicant: Eugene Long) (Planner: Greg McNally)

Greg McNally reported that Mr. Long has submitted an application for final site plan approval for an additional single-family dwelling for rent or lease on a single parcel of land. All of the conditions of approval have been met with the exception of Condition 5 dealing with fire protection measures. The applicant has submitted a draft fire condition agreement to meet this condition. Staff recommended that if the commission agrees with the agreement then final site plan approval should be granted to Mr. Long.

Commissioner Hunthausen moved approval of the final site plan and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Resolution 2010-293. Resolution Of Intention To Create a Rural Improvement District for Wheat Ridge Estates Subdivision. (Carrie Severson)

Carrie Severson reported that the residents of this subdivision have established the assessment method and the general character of improvements to be made through this district. The intent of the district would be to repair some of the road in Harvest Loop that connects onto Spokane Creek. They would also like to have funds available to maintain their mail boxes and lay down a future chip seal, as well as some minor maintenance. Twenty-four out of the 34 have signed the petition. A public hearing would be held after the protest period has ended.

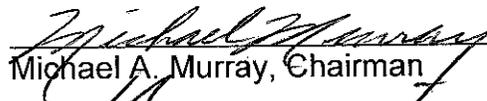
No public comments were received.

Commissioner Hunthausen moved approval of the resolution and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 9:24 a.m.

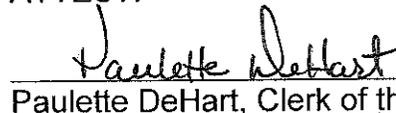
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Derek Brown


Andy Hunthausen

ATTEST:


Paulette DeHart, Clerk of the Board