

**PUBLIC MEETING
JANUARY 18, 2011
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, January 18, 2011, at 9 a.m. in Commission Chambers Room 330, 316 North Park Avenue, Helena, Montana.

Chairman Derek Brown called the meeting to order at 9 a.m. Commissioners Andy Hunthausen and Mike Murray were present. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, Katie Jerstad, Kelly Blake, Lindsay Morgan, Mark Simonich, Kim Smith, Fred Hansen, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2011-14 Ordering a Refund of Taxes/Fees/Assessments Paid by James J. and Sharon Ann Wenger in the Amount of \$203.74. (Cheryl Green)
- b. Resolution 2011-15 Designating Environmental Certifying Official. (Laura Erikson)
- c. Resolution 2011-16 Ordering a Refund of Taxes/Fees/Assessments Paid by Richard A. Cary in the Amount of \$230.54. (Cheryl Green)
- d. Resolution 2011-17 Ordering a Refund of Taxes/Fees/Assessments Paid by Arthur E. & Loretta Lemire and Charles M. & Charlotte Hopkins in the Amount of \$123.45. (Cheryl Green)
- e. Pledged Securities as of December 31, ~~2020~~ 2010. (Nancy Everson)

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

No public comments were received.

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

Amended Plat of Lots 11B2A-3, 4, & 5 - Big Valley Subdivision (North Forty Subdivision). (Planner: Lindsay A. Morgan) (Applicant: Larry Kim Smith) The Commission will consider a request is to modify the conditions of approval for the preliminarily approved subdivision. In addition, the Commission will consider three variance requests from the *County Subdivision Regulations (2005)*: (1) *Chapter XI.S. Fire Protection*, (2) *Appendix K* for the construction of Applegate Drive from Lincoln Road to Jeanne Road, and (3) *Appendix K* for the construction of Jeanne Road.
(Cont'd. from 12/21/10)

Lindsay Morgan presented the staff report. The applicant has requested modifications to the following conditions: Condition 6- fire protection; Condition 9-approach permit for Lincoln Road and Applegate Drive; Condition 11- improvements to Applegate Drive; and

Condition 12-improvements to Jeanne Road. The applicant has also requested three variances from the County Subdivision Regulations for 2005: (1) fire protection; (2) construction of Applegate Drive from Lincoln Road to Jeanne Road; and (3) construction of Jeanne Road.

Variance #1 to Condition of Approval 6:

Commissioner Hunthausen moved to grant the variance 1 as requested with four conditions as outlined in Chief Shepherd's letter to the Commission. Commissioner Murray seconded the motion.

Commissioner Hunthausen moved to eliminate condition of approval 6. Commissioner Murray seconded the motion. Discussion on location of water source.

Commissioner Hunthausen moved to modify his motion to allow for an off-site water source within one mile, rather than eliminate condition 6. Commissioner Murray seconded the motion.

The motion passed 2-1. Commissioner Murray voted no.

Variance #2 to Condition of Approval 11 (improvements to Applegate Drive):

Kim Smith stated that at the time that this subdivision was reviewed there was no off-site road requirements for Applegate Drive and asked that this condition be removed.

Commissioner Hunthausen moved to grant the variance with the condition that the applicant meet the intent of the language in 76-3-510, section on payment of extension of capital facilities, and work with staff to figure out what those costs that reasonably reflect the expected impacts directly attributed to the subdivision. Commissioner Murray seconded the motion. Discussion on ADTs.

Variance #3 to Condition of Approval 12 (improvements to Jeanne Road):

Commissioner Hunthausen moved to grant the variance with the condition that the applicant meet the intent of the language in 76-3-510, section on payment of extension of capital facilities, and work with staff to figure out what those costs that reasonably reflect the expected impacts directly attributed to the subdivision. Commissioner Murray seconded the motion.

Public comment-

Mark Simonich, Helena Association of Realtors. Commissioner Hunthausen's proposal correctly targets the appropriate section of law for the kind of criteria to be applied to the subdivision.

The motion carried 2-1. Commissioner Brown voted no.

Public comment-

Fred Hansen, 806 N. Terrace Road. Concerned about the dust. Due to the high traffic volume he asked that the county consider some kind of a pavement for Jeanne Road.

Commissioner Murray moved to table this to January 25, 2011 review procedural and statutory inferences with regard to this decision. Commissioner Hunthausen seconded the motion. The motion passed 3-0.

Commissioner Murray moved to reconsider the previous action taken on Applegate Road. Commissioner Brown seconded the motion. The motion carried 2-1. Commissioner Hunthausen voted no.

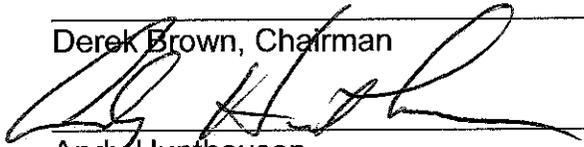
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

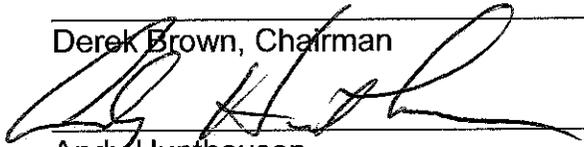
There was no other business, the meeting adjourned at 10:16 a.m.

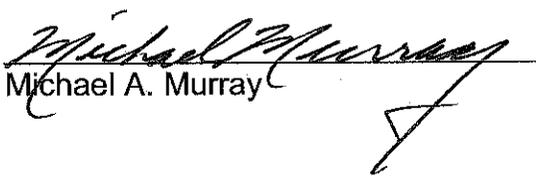
ATTEST:

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Paulette DeHart, Clerk of the Board


Derek Brown, Chairman


Andy Hunthausen


Michael A. Murray