

**PUBLIC MEETING
DECEMBER 13, 2011
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, December 13, 2011, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chairman Derek Brown called the meeting to order at 9 a.m. Commissioners Mike Murray and Andy Hunthausen were present. Others attending all or a portion of the meeting included Kelly Blake, Katie Jerstad, Eric Bryson, Cheryl Green, Lindsay Morgan, Christal Ness, Tom Naegele, Marilyn Connor, Jen Grovom, Ron Johnson, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2011-198 Ordering a Refund of Taxes/Fees/Assessments Paid by McHugh Mobile Home Park in the Amount of \$176.22. (Cheryl Green)
- b. Resolution 2011-199 Ordering a Refund of Taxes/Fees/Assessments Paid by Michele Hannon and Troy Peterson in the Amount of \$190.70. (Cheryl Green)

Eric Bryson reported on the consent agenda and recommended approval.

No public comment was received.

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

Resolution 2011-187 Ordering a Refund of Fees and Assessments Paid by John and Enid Christensen in the Amount of \$175.85. (Cheryl Green) (Tabled from 12/8/11)

Cheryl Green responded to commission questions from the last meeting. The Christensens have requested a refund of Scratchgravel Landfill and Water Quality fees. This property was split into two lots with one lot vacant and the house on the other lot. The fees had to be removed from the vacant lot.

No public comment was received.

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

Change Order No. 2 to Contract Dated Aug. 22, 2011, Between Lewis & Clark County and Montana Civil Contractors, Inc. for the Lewis & Clark County Landfill – Phase 3 Expansion Project in the Amount of (\$33,178.30). (Kyle Thomas)

Eric Bryson asked that this be tabled until next Tuesday to get a signed copy by the contractor for the Commission to review.

Commissioner Murray moved to table this item. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Amended Plat of Lot 4A2 – Moore Court Subdivision. (Applicant: Tom & Judy Naegle) (Planner: Lindsay A. Morgan) The Applicant has requested that a no access restriction be removed from both the covenants and the plat for the existing subdivision. This no access restriction currently runs along the western property boundary of Lot 4A2 and prohibits direct access onto Skylark Drive at any portion along that boundary, with the exception of its southernmost 30 feet. The property is currently developed with a single-family dwelling and attached garage and a separate shed and is served by an individual well and individual wastewater treatment system and utilities.

Lindsay Morgan presented the staff report. The property is located east of and adjacent to Skylark Drive, south of Canyon Ferry Road and both north and west of Meadowlark Drive. To avoid any access issues along Skylark Drive in the future, the applicant should establish a no access easement along the western boundary of proposed Lot 4A2, except at a 30-foot driveway easement designated by the applicant. This easement should be designated and shown on the final plat.

When the final plat was filed, the no access restriction was placed along the entire western property boundary with the exception of the southernmost 30 feet, which was dedicated for the driveway easement. When the home and attached garage were constructed on-site, the driveway approach to the property was constructed within the newly dedicated no access restriction.

If the no access restriction is eliminated from the western property boundary, Covenant 6 should also be removed. Staff recommended approval to remove the no access restriction along the western property boundary of Lot 4A2 where it abuts Skylark Drive and Condition 6 subject to two conditions: (1) applicants come back with a final plat that shows the removal of the no access restriction that would get filed, and (2) also amend the Covenants that would remove Covenant 6.

No public comments were received.

Commissioner Murray moved approval of the amended plat subject to two conditions as proposed by staff. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Deputy County Attorney Katie Jerstad stated that the Commission is authorized to approve the removal of a covenant, but only if the affected property owners agree. Removal of the covenant is contingent upon receipt of a document indicating the agreement of the two affected property owners.

Contract and Encroachment Agreement Between Lewis & Clark County and Thomas and Kelsey Garrard, Owners. (Christal Ness) The property is described as Lot 46, of the Glacier Point Subdivision, also known as 1369 Granite Park Place, Lewis & Clark County, Montana. The house and garage eaves are encroaching 1 foot into the utility easements.

Christal Ness presented the staff report. The house is set at a slight angle and the eaves encroach into the utility easement on both the west and the east side of the utility easements that were created upon final plat of the Glacier Point Subdivision. The utility companies do not have any facilities in any of these easements around this lot. Staff will work with developers and contractors so this will not happen in the future.

No public comments were received.

Commissioner Hunthausen moved to approve the Encroachment Agreement as presented by staff and authorized the Chair to sign. Commissioner Murray seconded the motion. The motion carried 3-0.

One-Year Contract Extension Request - Preliminary Plat Approval for the Amended Plat of Lot 5 – Lakeside Heights Subdivision. (Applicant: RJCJ, Inc.) (Planner: Lindsay Morgan) The property is located south of York Road, east of and adjacent to Sapphire Drive, Lewis & Clark County. The Applicant is requesting extension of the preliminary plat approval until December 14, 2012.

Lindsay Morgan presented the staff report. Two extensions of preliminary plat approval have been granted, with the most recent extension expiring tomorrow. A history of the extensions was given.

Commissioner Brown stated that the applicant's letter requested a two to three-year extension.

The applicant, Ron Johnson, 3272 Grandview Road, East Helena, stated there are two homes on the prior subdivision, on Lot 3 and Lot 4. Remaining conditions to be met include power, phone, drainfields, roads, fire protection. He asked for one year to complete the work, but if the commission allowed he would prefer a two-year extension.

No public comments were received.

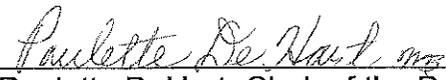
Commissioner Hunthausen moved to approve a two-year extension and authorized the Chair to sign. Commissioner Murray seconded the motion. The motion carried 3-0. The agreement will terminate on December 14, 2013.

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

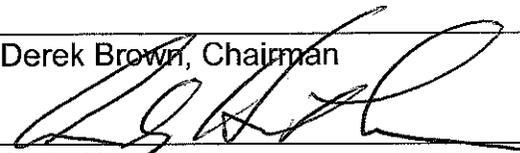
There was no other business, the meeting adjourned at 9:29 a.m.

ATTEST:

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

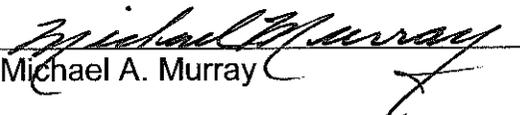


Paulette DeHart, Clerk of the Board



Derek Brown, Chairman

Andy Hunthausen



Michael A. Murray