

**PUBLIC MEETING  
DECEMBER 4, 2014  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, December 4, 2014, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chair Susan Good Geise called the meeting to order at 9 a.m.

Commissioner Andy Hunthausen and Commissioner Mike Murray was present. Others attending all or a portion of the meeting included Eric Bryson, George Theborge, Lindsay Morgan, Frank Rives, Glen Hayes, Randi Roghlie, Tony Prothero, Matt Heimel, Nancy Everson, Drenda Niemann, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance. Everyone recited the pledge.

Employee Recognition. (Melanie Reynolds)

Greg Daly, Health Department 2014 Stork Award

Melanie Reynolds presented Greg Daly, a public health home visitor of the Health Department as he is a friend of families and is the recipient of the 2014 Stork Award.

Drenda Niemann presented Greg Daly who works miracles with families by accomplishing home visits with families and providing services to families. The award says he tirelessly fights for family cohesion.

Consent Action Items. (Eric Bryson)

- a. Vendor Claims Report for the Week of December 1, 2014. (Marni Bentley)
- b. Resolution 2014-138 Ordering a Refund of Taxes/Fees/Assessments Paid by Robert C. Scruton in the amount of \$91.02. (Cheryl Green)

Eric Bryson reported on the consent action items 3 a-b and recommended approval.

No public comment was received.

Commissioner Murray moved to approve consent items 3 a-b.

Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Resolution 2014-133 InterCap Loan Application in the amount of \$18,044 for Lake Home Condo Rural Improvement District. (~~Nancy Everson~~) Matt Heimel

The Commissioners will consider the resolution.

Matt Heimel presented Resolution 2014-133 for the Lake Home Condo Rural Improvement District. The Lake Home Condo RID was created in May 15, 2014. The loan application is in the amount of \$18,044, a partial draw down of \$14,000 will be requested.

No public comment was received.



Commissioner Hunthausen moved to approve the resolution.

Commissioner Murray seconded the motion. The motion carried 3-0.

Resolution 2014-134 InterCap Loan Application in the amount of \$37,331 for Augusta Rural Improvement District. (~~Nancy Everson~~) Matt Heime

The Commissioners will consider the resolution.

Matt Heime presented Resolution 2014-134 for the Augusta Rural Improvement District. The Augusta Rural RID was created in May 11, 2001. The loan application is in the amount of \$37,331, a final draw down of \$31,457.98 will be requested.

Commissioner Murray asked for clarification between the two amounts discussed.

Nancy Everson, Director of Finance, stated that the costs are estimated for the projects when the application is submitted and the amount listed is what they are going to draw down as they will only borrow what we need.

No public comment was received.

Commissioner Hunthausen moved to approve the resolution.

Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Resolution 2014-135 InterCap Loan Application in the amount of \$89,846 for Lincoln Rural Improvement District. (~~Nancy Everson~~) Matt Heime

The Commissioners will consider the resolution.

Matt Heime presented Resolution 2014-135 for the Lincoln Rural Improvement District. The Lincoln RID was created on November 5, 2004. The loan application is in the amount of \$89,846, a final draw of \$58,775.56 is being requested.

Nancy Everson stated that the difference is due to \$30,000 being transfer to the maintenance district.

No public comment was received.

Commissioner Hunthausen moved to approve the resolution.

Commissioner Geise seconded the motion. The motion carried 3-0.

Resolution 2014-136 InterCap Loan Application in the amount of \$109,533 for Settler's Cove Rural Improvement District. (~~Nancy Everson~~) Matt Heime

The Commissioners will consider the resolution.

Matt Heime presented Resolution 2014-136 for Settler's Cove Rural Improvement District. The Settler's Cove RID was created on July 1, 1997 RID. The loan application is in the amount of \$109,533, a partial draw down of \$105,506.58 is being requested.

No public comment was received.

Commissioner Hunthausen moved to approve the resolution.

Commissioner Murray seconded the motion. The motion carried 3-0.

Resolution 2014-137 InterCap Loan Application in the amount of \$33,502 for Lambkin Rural Improvement District. (~~Nancy Everson~~) Matt Heimel

The Commissioners will consider the resolution.

Matt Heimel presented Resolution 2014-137 for Lambkin Rural Improvement District. The Lambkin RID was created in October 17, 1989. The loan application is in the amount of \$33,502, a final draw of \$27,228.08 is being requested.

No public comment was received.

Commissioner Hunthausen moved to approve the resolution.

Commissioner Murray seconded the motion. The motion carried 3-0.

Extension Request - SIA for the Northstar P.U.D., Phase VI-B. (Applicant: Northstar Development, L.L.C. (Dan Chovanak)) (Planner: Lindsay Morgan)

Extension Request-SIA for the Northstar P.U.D., Phase VI-B. The Applicant has requested an extension of the completion date under the Subdivision Improvements Agreement for all remaining improvements until November 30, 2015.

The Commissioners will consider the request.

Lindsay Morgan presented the extension request for the Northstar P.U.D. phase VI-B was granted preliminary approval in August of 2005, the final approval was granted in August of 2013. The applicant entered into an SIA with the County for final improvements to be completed by November 30, 2014. No additional improvements have been completed since last year. The current irrevocable letter of credit that accompanies this agreement will expire on December 31, 2014. The applicant is requesting a one-year extension of the SIA completion date for the subdivision until November 30, 2015. The request also includes a request for the applicant to use the engineer's estimates from November of 2013 to calculate the amount of the new financial guarantee and that the subdivision be granted this extension by the Commission without having received the new financial guarantee for the remaining improvements. The County Attorney's office has seen the request and has also approved it. The applicant believes this is the last time they will be requesting an extension as they are supposed to be some speed limit changes on North Montana and it may have an impact on the turn lane issue.

No public comment was received.

Commissioner Murray moved to approve the extension request contingent upon the County receiving a new letter of credit from the lending institution prior to December 11, 2014.

Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Variance Request and Proposed Modifications to the Preliminarily Approved Major Subdivision known as Timberworks Estates, Phases IV-VIII. (tabled from 12/2/14) (Applicant: Frontier Builders, Inc.) (Planner: Greg McNally) Presenter: Lindsay Morgan

The Commissioners will consider the variance request and proposed modifications to the preliminarily approved Subdivision known as Timberworks Estates, Phases IV-VIII located north of and adjacent to Lincoln Road and west of and adjacent to North Montana Avenue.

Lindsay Morgan presented the variance request and proposed modifications for the Timberworks Estates. A memo was prepared to aide in the finding of facts and conclusions of law for the variance request and modifications. The applicant did request a change to condition number 15 of phases 4, 5 and 6 to ensure that it is clear that the sidewalk easement only be required on one side of the County road easement.

Commissioner Hunthausen moved to approve the variance request from chapter XI, F.9 and recognize in the staff report page 1 & 2 the draft findings of fact and recognize the conclusions of law stating that granting of the variance would not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties and because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would if the strict letter of the standards were enforced and the granting of the variance would not cause a substantial increase in public costs; and the approval of the variance would not place the Subdivision in nonconformance with any adopted zoning regulations or applicable, adopted plans.

Commissioner Murray seconded the motion. The motion carried 3-0.

Commissioner Hunthausen moved to approve the proposed modifications to phases 4-8 as presented in the staff report that would be the overall motion as stated on page 25 on modifications stated on page 25. As presented in the staff report on page 3, the modifications for phase 4, to condition number 1 in phase 4 and the findings of facts and the conclusions of law as they support approval of this modification as well as to conditions number 7 and the draft finding of facts that support that change on page 4, in addition to the proposed modifications to condition 15, phase 4 on page 4 and 5 and findings of facts that support that condition and on page 6 of the memo and the proposed modifications number 16, phase 4 both in 16b and 16c and the draft findings of fact from page 7 and 8, and condition 17 in phase 4 and the draft finding of facts that support that on page 8 and 9. In addition phase 5, condition 1 in the findings of fact on page 10 and 11, proposed modification 7, phase 5 and the supporting finding of facts on page 11 and 12, proposed modifications to condition 15, phase 5 with the supporting facts on page 12 and 13. The modifications to approval of condition 16 of phase 5 on pages 13 and 14, modifications to number 17 in phase 5, supporting facts and changes on pages 14, 15 and 16, modifications to phase 6 on page 17, modifications to condition number 1, phase 6 and findings of facts that support that on pages 17 and 18, modifications to condition number 7, phase 6 and supporting facts on page 18 and proposed modifications for condition 15, phase 6 and supporting facts on page 18 and 19, proposed modifications to condition 16, phase 6 and supporting facts on page 20 and 21 and proposed condition number 17 in phase 6 and supporting facts on pages 21 and 22. Modifications to phase 7, which would be removed and the findings of facts that support that on page 23 and on page 24 the proposed modifications number 1-19 for phase 8 that would be removed as well and the draft findings of fact that support that on page 24.

Commissioner Murray seconded the motion. The motion carried 3-0.

Request for Final Plat Approval - Lakeside Village on Hauser Lake Lot 2A Amended Subdivision. (tabled from 12/2/14) (Applicant: Merritt and Marie, LLC) (Planner: Greg McNally) Presenter: Frank Rives.

The Applicant is requesting final approval of the site plan adding a 5 unit recreational vehicle park to lot 2A of the Lakeside Village on Hauser Lake. The lot is located adjacent to York Road and Hauser Lake and is north of and adjacent to the Lakeside Bar and Restaurant.

The Commissioners will consider the request.

Frank Rives stated that he received an e-mail from Tony Prothero on Tuesday, December 2<sup>nd</sup> that was from the Environmental Health Department stating that the RV license for the park had been issued and was waiting to be formally released.

No public comment was received.

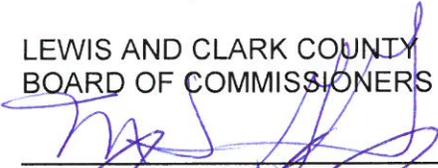
Commissioner Murray moved to approve the final plat.

Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

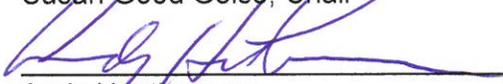
There being no further business, the meeting adjourned at 9:39 am.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS



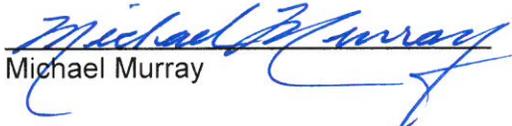
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Susan Good Geise, Chair



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Andy Hunthausen



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Michael Murray

ATTEST:



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Paulette DeHart, Clerk of the Board