

**PUBLIC MEETING
APRIL 29, 2014
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, April 29, 2014, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

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

Commissioner Andy Hunthausen and Commissioner Mike Murray were present. Others attending all or a portion of the meeting included Eric Bryson, Katie Jerstad, Paulette DeHart, Art Pembroke, Fred Rice, George Theborge, Frank Rives, Christal Ness, Nancy Everson, Cheryl Green, Greg McNally, Mike Fasbender, Dick Weschenfelder, Cheryl Schmidt, Ed Kinsy, Jonas Canney, Jack Walsh, Michael Mayer and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Proclamation – Proclaiming May 17 – 26, 2014, as Edgerton County Week. (~~Eric Bryson~~) (Andy Hunthausen) The Commissioners will proclaim May 17-26, 2014, “Edgerton County Week.”

Commissioner Hunthausen read the following proclamation into the record:

Lewis and Clark County Proclamation

Proclaiming May 17 – 26, 2014 as Edgerton County Week

WHEREAS, the great State of Montana is celebrating the Sesquicentennial Anniversary, 150 years since the creation of Montana Territory on May 26, 1864; and

WHEREAS, gold strikes in Bannack City and Virginia City, Idaho Territory, established a desire for a new territory; and

WHEREAS, Sidney Edgerton was selected by Abraham Lincoln to be the Chief Justice of Idaho Territory in 1863 and went to Bannack City; and

WHEREAS, the citizens of Bannack City, Idaho Territory, asked Mr. Edgerton to go back to Washington and ask the President to establish a new territory; and

WHEREAS, Mr. Edgerton traveled to Washington with thousands of dollars worth of gold nuggets sewn into his overcoat to prove the need for a new territory; and

WHEREAS, Ohio Congressman Ashley, with the help of Mr. Edgerton, passed through Congress the Organic Act of 1864 and created the Territory of Montana on May 26, 1864; and

WHEREAS, Montana Territory was created from parts of Idaho Territory; and

WHEREAS, Congressman Ashley asked Congress and was granted to name the new territory Montana; and

WHEREAS, President Lincoln appointed Sidney Edgerton as the first Territorial Governor of Montana; and



WHEREAS, Governor Edgerton established the first Territorial Capital in Bannack City, Montana Territory; and

WHEREAS, the 1865 Territorial Legislature created nine original counties in Montana; Madison, Jefferson, Missoula, Deer Lodge, Beaverhead, Chouteau, Big Horn, Gallatin and Edgerton; and

WHEREAS, Edgerton County was re-named Lewis & Clark County by the 1866 Territorial Legislature; and

WHEREAS, the Lewis & Clark County Board of Commissioners recognizes the tremendous efforts of Governor Sidney Edgerton in the creation and establishment of the Great State of Montana.

NOW THEREFORE BE IT RESOLVED by the Lewis & Clark County Board of Commissioners in celebration of the Sesquicentennial of Montana Territory, hereby proclaim the week of May 17-26, 2014, as Edgerton County Week, and furthermore shall refer to Lewis & Clark County as Edgerton County from May 17 – May 26, 2014.

IN WITNESS WHEREOF, we have hereunto set our hand and caused to be affixed the Great Seal of Lewis and Clark County, Montana, on this day, what is today, the 29th of April, 2014.”

Other planned activities for the week of May 17 included a Tour Train ride, parade and dance at the Iron Front Hotel

Commissioner Hunthausen moved acceptance and approval of the Proclamation Proclaiming May 17-26, 2014 as Edgerton County Week in Lewis and Clark County.

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

Consent Action Items. (Eric Bryson)

- a. Resolution 2014-42 Designating Polling Places in Lewis and Clark County. (Paulette DeHart)
- b. Public Meeting Minutes for March 13, 2014. (Rita Cortright)

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

No public comment was received.

Commissioner Hunthausen moved approval of Consent Action Items 3.a and b. as presented.

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

Contract for Services between Helena School Dist. No. 1, Lewis and Clark County and Noble Software Group, LLC. (Art Pembroke) (Eric Bryson) The Commissioners will consider the contract for Helena Consented Referral System (HCRS) Redesign in the amount of \$85,000. In addition, the School District will pay Noble \$15,000 on June 30, 2014 for hosting and maintenance for the software to cover July 1, 2015 – June 30, 2017.

Eric Bryson presented the Contract for Services between Helena School Dist. No. 1, the County and Noble Software Group, LLC for the Helena Consented Referral System redesign in the amount of \$85,000. Funding was provided via a grant obtained by the School District.

No public comment was received.

Commissioner Murray moved approval of the Contract for Services between Helena School District No. 1, the County and Noble Software Group LLC.

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

Renewal with Excess Risk Reinsurance, an Ironshore Company (ERR). (Fred Rice) The Commissioners will consider the annual reinsurance premium to renew with Excess Risk Reinsurance as the reinsurance carrier for the 2014-2015 County Health Benefit Plan Year in the amount of \$405,141.

Fred Rice, Director of Human Resources, presented the annual reinsurance renewal with Excess Risk Reinsurance, in the amount of \$405,141. The insurance covers the first \$120,000 of any claim to the County's Health Plan.

No public comment was received.

Commissioner Murray moved approval of the Renewal with Excess Risk Reinsurance, an Ironshore Company (ERR).

Commissioner Hunthausen seconded. The motion carried 3-0.

Public Hearing. Amended Plat of Lots 1 and 61 of Broadwater Estates Subdivision. (Applicant: Michael F. Mayer) (Planner: Frank Rives) The applicant is requesting to amend the final plat of the Broadwater Estates Subdivision to relocate the common boundary of Lots 1 and 61 (County parkland) and exchange 1,239 sq. ft. of County parkland (Lot 61) for 1,239 sq. ft of Lot 1. (Tabled from 4/22/14) The Commission will hold a public hearing and consider the modification request.

Frank Rives, Planner, presented the applicant's request to amend the plat of Lots 1 and 61 of Broadwater Estates Subdivision, a.k.a. 4896 Ten Mile View Road, relocating the common boundary of Lots 1 and 61, exchanging 1,239 sq ft of county parkland in Lot 61 for an equal amount in Lot 1. The applicant also requested elimination of a utility easement. A vicinity map and photos were viewed. An encroachment survey, required by the bank, revealed three encroachments: the concrete patio extends 8.7 feet into County parkland; the house encroaches into the side utility easement; the house encroaches into the 8-foot setback from the utility easement. The Park Board met on Feb. 5, 2014, to consider the requested boundary line relocation and land exchange and approved the request subject to 8 conditions as noted on page 4 of Staff's memo of April 21, 2014.

Michael Mayer, the applicant, explained that in the course of construction, materials had been placed on County parkland; subsequently, the items had been removed and the area re-vegetated. Mr. Mayer agreed with the Parks Board's conditions with the exception of fencing the parkland boundary and requested instead to be allowed to delineate the boundary with large boulders. Mr. Mayer noted the subdivision's cul-de-sac was not constructed in the correct location. The encroachments were not intentional and resulted from miss-interpreting pin and stake locations. A French drain system was planned for the downspouts on the gutters to alleviate stormwater runoff onto the adjacent parkland.

George Theborge, Director of Planning, noted the Growth Policy addressed development permits. There were 4 different programs that might affect situations of this type: 1) zoning which would establish property line setbacks; 2) subdivision review which would establish boundaries and utility easements; 3) development permits; and/or 4) building permits.

No public comment was received.

Commissioner Hunthausen moved approval of the amended plat of Lots 1 and 61 of the Broadwater Estates Subdivision, subject to the 9 Conditions listed on page 7 and 8 of the Staff Report dated April 21, 2014.

Commissioner Murray seconded the motion.

Discussion –

Commissioner Geise asked George Theborge to address the applicant's request related to the alternative fencing. Mr. Theborge suggested the addition of a new finding related to the applicant's proposal to use boulders to demark the property boundary, as opposed to the Park Board's recommended fencing. Two purposes were noted: to keep residential property activities and materials on the property, and to delineate the pedestrian corridor along Tem Mile Creek. The applicant had the option of going back to the Parks Board and discussing the option.

Eric Bryson referenced the Commission Options on page 7 of the Staff memo that discussed the private Covenants filed at the time Broadwater Estates Subdivision was approved. Fence design fell under the purview of an architectural control committee of the Homeowners Association; the Parks Board could review the issue according to the private covenants.

Commissioner Hunthausen moved to amend Condition No. 3 on page 7 to include the words, "or large boulders."

Commissioner Murray seconded the motion.

Commissioner Hunthausen moved to add the following Finding: "The applicant requested the alternative for using large boulders on his property to delineate the boundary of the property, and that those boulders would be wholly on his property," and accept the 21 Findings and 3 Conclusions of Law on page 9 and 10.

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

Commissioner Hunthausen moved to recognize and accept the 9 Findings of Fact on pages 10 and 11 related to the common boundary relocation of Lot 1 and 61, the exchange of square footage.

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

Commissioner Hunthausen moved approval of the main motion, as amended.

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

Public Hearing. Resolution No. 2014-43 Levying and Assessing a Tax Upon All Benefitted Property within the Powder River Court Rural Improvement District No. 2012-1. (Carrie Severson) (Christal Ness) The Commissioners will consider testimony and the drafted resolution.

Christal Ness, Project Coordinator, in Carrie Severson's absence, presented Resolution 2014-

43 Levying and Assessing a Tax Upon All Benefitted Property within the Powder River Court Rural Improvement District No. 2012-1. Written comment from Double Barrel Construction was distributed. The Powder River Court Rural Improvement District No. 2012-1 was created through Resolution 2012-140 on October 2, 2012. Final plat occurred in September, 2013. Property identification numbers were not assigned in time to levy and assess for the tax year 2013; however, they have now been assigned and Staff was moving forward with the Resolution to Levy and Assess properties within the district to maintain, repair, and preserve the public improvements that were created through the subdivision review process. The cost estimate was \$1,592.69 per year, or \$144.79 per lot to maintain, repair and preserve the improvements, including saving for a future chip seal on the internal road. Double Barrel Construction currently owned all of the lots and had them under contract; no houses were yet constructed. The road had not been chip-sealed and was covered under a Subdivision Improvements Agreement.

No public comment was received.

Commissioner Hunthausen moved approval of Resolution 2014-43 Levying and Assessing a Tax Upon All Benefiting Properties within the Powder River Court Rural Improvement District No. 2012-1, to begin collecting in November 2015.

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

Public Hearing. Resolution 2014-44 Levying and Assessing a Tax Upon All Benefitted Property within the Applegate Rural Improvement District No. 1994-6. (Carrie Severson) (Nancy Everson) The Commissioners will consider testimony and subsequently the drafted resolution.

Nancy Everson, Director of Finance, in Carrie Severson's absence, presented Resolution 2014-44 Levying and Assessing a Tax Upon All Benefitted Property within the Applegate Rural Improvement District No. 1994-6. Resolution 2005-44 assessed the Applegate RID for \$29.22 per lot per year for 7 years for a construction project, and an additional \$41.29 for ongoing maintenance in perpetuity. At that time, funds were run through the maintenance district, rather than establishing a separate debt service fund. A 7-year InterCap Loan Application was submitted; and subsequently somehow a 10-year loan was put in place, resulting in the County levying the assessment for debt for two years longer than intended in Resolution 2005-44. Three options were presented for Commission consideration: 1) Leave the \$70.51 assessment in place going forward; 2) Reduce the assessment by \$29.22 for two years; 3) Refund the \$29.22 to the property owners via a check. Resolution 2014-44 was based on option 2.

Public comment –

Ed Kinsey, 6858 Applegate Drive, Helena, asked if this only affected the maintenance fund, and if the one-time fee for new lots was going into the maintenance fund, as well.

Cheryl Schmidt, 7092 Applegate Drive, Helena, asked if the County would ever take over maintenance of Applegate Drive, as promised, and why Applegate residents should continue to be solely responsible for maintenance through the RID, when increased truck traffic and construction equipment was damaging the roadway.

Commissioner Hunthausen moved to table Resolution 2014-44 to Tuesday, May 6, to allow Staff time to take comments and questions under advisement.

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

5-Minute break.

Southridge Estates Major Subdivision (Modifications). (Applicant: Southridge Properties, LLC) (Planner: Greg McNally) The applicant is requesting modifications to both the preliminary plat and conditions of preliminary approval. The applicant is also requesting the Commission sign a MDT approach permit for an extension of Tizer Drive on the north side of York Road. (Tabled from 4/22/14) Decision. The Commission will hold a public hearing and consider the modification requests and signing of the approach permit.

Commissioner Murray stated he was not present at the public meeting on April 22, 2014, but had since listened to the taped transcript, reviewed the verbatim transcript and intended to participate and vote on actions during today's hearing.

Greg McNally, Planner, noted today was decision day on the applicant's request to Modify Conditions of Preliminary Plat and Preliminary Approval for the Southridge Estates Subdivision, and the request to sign an MDT approach permit for the extension of Tizer Drive on the north side of York Road. A Settlement Agreement was in place between the applicant and the County for preliminary approval for a 32-lot residential subdivision located north of York Road and east of and adjacent to Floweree Drive, granted on Jan. 22, 2009, with 35 Conditions of Approval. The applicant sought to modify 13 of those conditions, and add 3 new Conditions of Approval. During the April 22 public hearing, some additional facts regarding the request for modifications were presented and discussed; Staff included those facts in the April 25, 2014 Interoffice Memo in underlined and bolded type to distinguish them from the original draft Commission Findings and Conclusions in Ms. Morgan's Staff Report dated April 16, 2014. In addition, the applicant's representative, Ryan Casne, indicated that despite depicting a cul-de-sac in their conceptual drawing, the applicant preferred to install an alternative turn around. Language in new Condition No. 3 on page 6 and Condition 29.i on page 15 would need to be amended if the change were approved today.

Ryan Casne, the developer's engineer, confirmed their desire to amend new Condition No. 3 and Condition 29.i. Their remaining concern was Condition 11, new Condition 13 on page 9, dealing with the MDT approach permit and how the extension of Tizer Drive would be constructed. Staff's alternative language would be changed to require the developer to construct the Tizer Drive extension in accordance with the DOT permit, putting the onus on the developer to construct it per DOT requirements, but not requiring them to dedicate an easement. Mr. Casne stated they had been requested to make to statements to the Commission today; to recognize that they waived the requirement that the Commission could not add additional Conditions of Approval to a preliminary plat approval; and that they were amending the Settlement Agreement today without legal representation present. However, it was his client's preference not to make the statements prior to a vote of the Commission.

Eric Bryson clarified the intent to clearly establish on the record the process for moving forward today. There were Conditions of Preliminary Plat Approval negotiated by outside attorneys, agreed to by both parties that established a set of Conditions for Preliminary Plat approval. The applicant had made a request to modify; multiple hearings and meetings had taken place with Staff; and now the request was before the Commission for consideration. The developer and representative had made suggestions to modify both the Settlement Agreement and the Preliminary Plat Approval conditions. In today's process, they would weigh in on each proposed change to conditions the Commission intended to impose. Mr. Casne agreed.

Eric Bryson stated that instead of requesting the applicant to state, in advance, their agreement to unknown Conditions, he was asking for confirmation that the applicant was moving forward in the process with or without legal guidance in the room on behalf of the applicants, and that the Commission was responding to requests to modify the Conditions imposed at Preliminary Plat, based on the applicant's recommended language.

Ryan Casne agreed, noting however this was not what was originally presented to him; otherwise, he would have taken a different tact. There was consensus to move forward with presentation the modification requests.

Commissioner Hunthausen stated his intention to review each Condition, and allow the applicant or representative to respond prior to each motion and vote by the Commission. Mr. Casne agreed.

Commissioner Murray asked the applicants to again acknowledge they had elected to not have an attorney present today. Ryan Casne stated his clients were ready to proceed today without legal counsel present.

Katie Jerstad recommended asking the applicants to state whether they objected to Commissioner Murray's participation today due to his absence on April 22, 2014, and to confirm receipt of the Staff's revised report dated April 25, 2014.

Mike Fasbender, 3930 Buoy, Helena, welcomed Commissioner Murray's participation during today's meeting, and confirmed receipt of the revised April 25, 2014, Staff Report.

Commissioner Hunthausen referenced original Condition No. 1 on page 2, which was struck in its entirety.

Ryan Casne agreed.

Commissioner Hunthausen noted the 11 Findings of Fact on page 2 and 3, and moved, based on these Findings of Fact, the Commissioners conclude that the requested modifications to Condition of Approval No. 1 are supported under the criteria and standards of the Lewis & Clark County Subdivision Regulations.

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

Commissioner Hunthausen referenced Staff Alternative to Applicant's Proposed New Condition No. 1 on page 4, asking if the applicant accepted the language.

Ryan Casne agreed.

Commissioner Hunthausen noted the 6 Findings of Fact on page 4 & 5, and moved, based on these Findings of Fact, the Commissioners conclude that the requested modification to add New Condition of Approval No. 1 is supported under the criteria and standard of the Lewis & Clark County Subdivision Regulations.

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

Commissioner Hunthausen referenced Staff Alternative to Applicant's Proposed New Condition No. 2 on page 5, asking if the applicant accepted the language.

Ryan Casne agreed.

Commissioner Hunthausen noted the 4 Findings of Fact on page 5, and moved, based on these Findings of Fact, the Commissioners conclude that the requested modification to add New Condition of Approval No. 2 is supported under the criteria and standards of the Lewis & Clark County Subdivision Regulations.

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

Commissioner Hunthausen suggested a change in language for Staff's Alternative to Applicant's Proposed New Condition No. 3, on page 6, replacing "cul-de-sac" with "turn-around."

Ryan Casne agreed.

Commissioner Hunthausen noted the 7 Findings of Fact on page 6, and moved, based on these Findings of Fact, the Commissioners conclude that the requested modification to add new Condition 3 is supported by the criteria and standards of the Lewis & Clark County Subdivision Regulations.

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

Commissioner Hunthausen referenced Staff's Alternative to Applicant's Proposed Modification of Approval New Condition No. 2 on page 7, asking if the applicant accepted the language.

Ryan Casne did not agree to the language and requested the bus stop/shelter be included in the parkland dedication value for the project.

Commissioner Hunthausen acknowledged his disagreement and noted the 4 Findings of Fact on page 7 & 8, and that Staff had found it was not appropriate to include the bus stop/shelter in the parkland dedication. Commissioner Hunthausen moved, based on the Findings of Fact, the Commissioners conclude that the requested modification to Condition No. 2 is supported under the criteria and standards of the Lewis & Clark County Subdivision Regulations.

Commissioner Murray seconded the motion.

Discussion –

Commissioner Murray agreed with Staff that it was not appropriate to include the bus stop/shelter in the parkland dedication.

Katie Jerstad provided her assessment of the risks of modifying the Settlement Agreement and the Preliminary Plat at the same time, without having the applicants represented by legal counsel. Her most conservative approach to this would be to not amend the Settlement Agreement; and secondly, to only modify those conditions which the applicant agreed to or requested and that Staff is in agreement with.

George Theborge agreed with Ms. Jerstad's assessment.

Ryan Casne stated that language in Condition No. 2 regarding the off-site pedestrian path needed revision regardless, as the paths had been constructed as part of a different project. Given the choice of the Commission denying their proposal in its entirety or adopting Staff's alternative language, they preferred adopting the alternative language. They could accept the Staff language; however, he stated for the record that they believed the bus stop/shelter improvements could count as parkland dedication, and begrudgingly accepted, stating it was preferable to a Commission vote of no to the entire Condition modification.

Mr. Bryson requested a 5-minute break.

5-minute break.

Eric Bryson recapped discussion with the applicant in an effort to clarify language changes that were acceptable to the applicant.

Ryan Casne stated both he and the applicant had a better understanding of the Commission's position; he respected the Staff's opinion regarding the proposed language change and they wholeheartedly supported the Staff Alternative language to Condition No. 2. He apologized for confusing the issue prior to the break.

Commissioner Hunthausen added Finding of Fact 5. "The offsite pedestrian path has already been constructed and is no longer part of their requirement to construct." He then noted the 5 Findings of Fact on page 8, and moved, based on these Findings of Fact, the Commissioners conclude that the requested modification to Condition 2 is supported by the criteria and standards of the Lewis & Clark County Subdivision Regulations.

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

Commissioner Hunthausen referenced Applicant's Proposed Modification of Approval to Condition No. 3 on page 8, asking if the applicant accepted the language as written.

Ryan Casne agreed.

Commissioner Hunthausen noted the 4 Findings of Fact on page 8, and moved, based on these Findings of Fact, the Commissioners conclude that the requested modification to Condition 3 is supported under the criteria and standards of the Lewis & Clark County Subdivision Regulations.

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

Commissioner Hunthausen referenced the modification to Condition No. 9 on page 8 and 9, asking if the applicant accepted the Staff's Alternative to Applicant's Proposed Modifications to Approval of Condition 9.

Ryan Casne agreed.

Commissioner Hunthausen noted the 4 Findings of Fact on page 9, and moved based on these Findings of Fact, the Commissioners conclude that the requested modification to Condition 9 is supported under the criteria and standards of the Lewis & Clark County Subdivision Regulations.

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

Commissioner Hunthausen referenced the modification to Condition No. 11 on page 9 and 10, and read the following alternative language: "The applicant shall construct the extension of Tizer Drive north to York Road in compliance with any requirements specified in the approach permit issued by Montana Dept. of Transportation in accordance with the requirements of the County Road Standards (*Typical Section No. 3, Peccia*)."

Ryan Casne agreed.

Commissioner Hunthausen noted the 5 Findings of Fact on page 10, and amended Fact 1. by replacing "these amendments" with "this amendment," and moved based on these Findings of Fact, the Commissioners conclude that the requested modification to Condition 11 is supported under the criteria and standards of the Lewis & Clark County Subdivision Regulations.

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

Commissioner Hunthausen referenced the modification to Condition No. 15 on pages 10-13, asking if the applicant accepted the Staff Alternative to Applicant's Proposed Modifications to Approval Condition No. 15.

Ryan Casne agreed, stating the likelihood of an external review was very low.

Commissioner Hunthausen noted the 5 Findings of Fact on page 13, and amended Fact 3. by striking the word "fee", and moved based on these Findings of Fact, the Commissioners conclude that the requested modification to Condition 15 is supported under the criteria and standards of the Lewis & Clark County Subdivision Regulations.

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

Commissioner Hunthausen referenced the modification to Condition No. 20 on page 13, asking if the applicant accepted the Applicant's Proposed Modifications to Approval Condition No. 20.

Ryan Casne agreed.

Commissioner Hunthausen noted the 4 Findings of Fact on page 13, noting Fact 4 was new language, and moved, based on these Findings of Fact, the Commissioners conclude that the requested modification to Condition 20 is supported under the criteria and standards of the Lewis & Clark County Subdivision Regulations.

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

Commissioner Hunthausen referenced the modification to Condition 28.d. on page 14, asking if the applicant accepted the Staff's Alternative to Applicant's Proposed Modifications to Approval Condition No. 28.d.

Ryan Casne agreed.

Commissioner Hunthausen noted the 6 Findings of Fact on page 14, and moved that based on these Findings of Fact, the Commissioners conclude that the requested modification to Condition of Approval No. 28.d. is supported under the criteria and standards of the Lewis &

Subdivision Regulations.

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

Commissioner Hunthausen moved approval of the request for modifications to the Settlement Agreement/Preliminary Plat, and Conditions of Approval for the preliminary approval of Southridge Major Subdivision as amended and supported by the agreed upon Facts and Conclusions, and agreement to sign the approach permit with Montana Dept. of Transportation.

Commissioner Murray seconded the motion.

Discussion --

Ryan Casne expressed thanks to the Staff and Commission for their assistance in completing the process and reaching consensus.

Commissioner Hunthausen asked Mr. Casne to confirm their willingness to move forward with the Conditions that were not part of the original Conditions of Approval, and not having legal representation present.

Ryan Casne stated their willingness to move forward.

Commissioner Murray acknowledged Mr. Hunthausen for his leadership role in presenting the proposed changes. Commissioner Hunthausen acknowledged the Staff for their work.

The motion carried 3-0.

Board Appointment – Helena/Lewis & Clark Consolidated Planning Board. (Eric Bryson) The Commissioners will consider making the appointment.

Eric Bryson explained that Allan Brainard, appointed on Aug. 31, 2012, to a second term to run through Sept. 1, 2016, had resigned due to complications with his work schedule. Russell Alm had applied previously and was interviewed by the Commission; his application remained active.

Commissioner Murray moved to appoint Russell Alm to the Planning Board to complete the term of Allan Brainard.

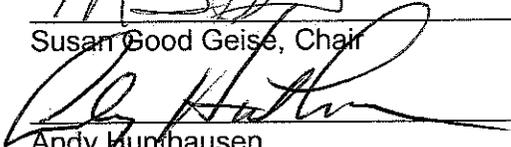
Commissioner Hunthausen seconded the motion. The motion carried 3-0.

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

There was no other business and the meeting adjourned at 11:13 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Geise, Chair

Andy Hunthausen

Mike Murray

ATTEST:



Paulette DeHart, Clerk of the Board