

**PUBLIC MEETING
JANUARY 4, 2011
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, January 4, 2011, at 9 a.m. in Commission Chambers Room 330, 316 North Park Avenue, Helena, Montana.

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 Eric Bryson, K. Paul Stahl, Kelly Blake, Lindsay Morgan, Christal Ness, Carole Byrnes, Jack Walsh, Mark Simonich, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2011-1 Ordering a Refund of Taxes/Fees/Assessments Paid by First National & Trust Co. in the Amount of \$469.53. (Cheryl Green)
- b. Resolution 2011-2 Ordering a Refund of Taxes/Fees/Assessments Paid by Kevin and Yubing Pigman in the Amount of \$253.73. (Cheryl Green)
- c. Resolution 2011-3 Ordering a Refund of Taxes/Fees/Assessments Paid by Richard and Judith Ann Bierman in the Amount of \$416.48. (Cheryl Green)
- d. Resolution 2011-4 to Establish Regular Meeting Dates of the Lewis and Clark County Commission and to Describe Procedures for Public Participation. (Eric Bryson)
- e. Resolution 2011-5 Establishing Hours of Operation for All Lewis and Clark County Offices. (Eric Bryson)

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

No public comments were received.

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

Contract Extension – Request for Extension of Preliminary Plat Approval for the Amended Plat of Lot 5 – Lakeside Heights Subdivision. (Planner: Lindsay Morgan) (Applicant RJCJ, Inc. / Ron Johnson) The subject property is located south of York Road, east of and adjacent to Sapphire Drive and south of and adjacent to Opal Court.

Lindsay Morgan presented the staff report. The applicant has requested to extend the preliminary plat approval beyond four years. This subdivision was granted preliminary approval on December 14, 2006.

There was discussion regarding extending approval beyond four years. Deputy County Attorney Paul Stahl stated the contract meets requirements of sections 610 and 507.

The commission asked the applicant about due diligence on the subdivision.

Ron Johnson stated that his letter outlines the conditions that have been met and hopes to go forward to finish this up this year. He asked for a one-year extension.

No public comments were received.

Commissioner Hunthausen moved approval of the contract extension request and authorized the Chair to sign. Commissioner Brown seconded the motion but could not support it on the existing contract. If the contract were based on the statute he would support it. The motion carries 2-1. Commissioner Brown voted no.

Contract and Encroachment Agreement Between Lewis & Clark County and Meghan Serviss. (Christal Ness) The garage encroaches onto the utility easement on the north and east side of Lot 8, (aka 1005 Pintail Court) in Skyview Subdivision Phase IVA, as shown on Exhibit A.

Christal Ness showed aerial photographs of the property location. The encroachment agreement would allow the encroachment of a detached garage into the utility easement that was created through the final plat of the Skyview Subdivision Phase IV. The gentleman who originally owned the property built the garage. Qwest has signed off on the encroachment because neither of those service lines is in use.

No public comments were received.

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

Amended Plat of Parcels P1 & P2 – Hahn Tracts Subdivision. (Applicants: Ralph Holmes & Judith Johnston) (Planner: Lindsay A. Morgan) The subdivision is a 20-lot single-family residential subdivision located both north and south of Hahn Road.

Lindsay Morgan reported that preliminary approval was granted on February 10, 2005 subject to 20 conditions. Final plat approval was granted on May 11, 2006, along with a Subdivision Improvements Agreement. All requirements of the SIA have been satisfied and the Letter of Credit should be returned to the applicant.

Commissioner Brown moved to acknowledge that the terms of the agreement have been met and release the financial security. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Board of County Commission Chair & Vice-Chair Designations for Calendar Year 2011.

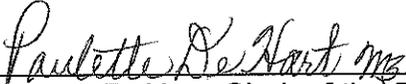
Commissioner Murray moved that Commissioner Brown serve as Chair and Commissioner Hunthausen serve as Vice-Chair of the Commission for calendar year 2011. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

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

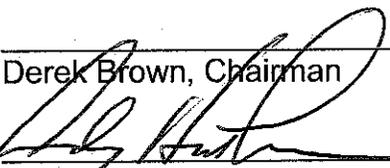
There was no other business, the meeting adjourned at 9:29 a.m.

ATTEST:

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



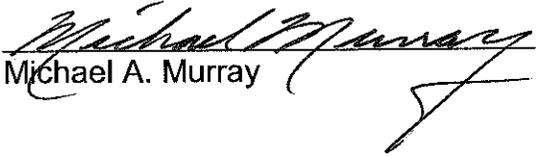
Paulette DeHart, Clerk of the Board



Derek Brown, Chairman



Andy Hunthausen



Michael A. Murray