

**PUBLIC MEETING
JANUARY 8, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, January 8, 2013 at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioner Andy Hunthausen was present. Others attending all or a portion of the meeting included Eric Bryson, George Theborge, K. Paul Stahl, Lindsay Morgan, Greg McNally, Cheryl Green, Al Knauber, Dick Weschenfelder and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2013-3 Ordering a Refund of Taxes/Fees/Assessments Paid by Sandra L. Reed in the Amount of \$123.71. (Cheryl Green)
- b. Disposal of Records Request (Paulette DeHart)

Eric Bryson recommended approval of the consent action items.

No public comments were received.

Commissioner Hunthausen moved approval of consent action items. Commissioner Murray seconded the motion. The motion carried 2-0.

Extension Request – Preliminary Plat Approval for Southridge Estates Subdivision Until January 22, 2014. (Applicant: Dick Weschenfelder) (Planner: Lindsay A. Morgan)

Lindsay Morgan presented the staff report, noting that Southridge Estates Major Subdivision was a preliminarily approved 32-lot residential subdivision located east of Flowerree Drive and northwest of and adjacent to York Road. Preliminary approval was granted on January 22, 2009, under a Settlement Agreement between Lewis & Clark County and the applicants. Preliminary approval had been extended three times and was set to expire on January 22, 2013. Condition No. 35 of the Settlement Agreement states, "This preliminary approval shall be effective for one (1) calendar year. At the request of the Applicants, the Board of County Commissioners shall extend this approval an additional calendar year, not to exceed a maximum of four (4) calendar years." According to a Legal interpretation and Staff consensus, the 4 calendar year maximum will expire on January 22, 2013, and the applicant was requesting a 1-year extension until January 22, 2014, which goes beyond the timeframe approved under the Agreement. In order for the Commission to extend preliminary approval beyond January 22, 2013, Staff recommended the Commission would need to amend Condition No. 35 of the Settlement Agreement to allow a preliminary approval period that goes beyond four years. No documentation had been submitted to the Planning Office regarding the completion of any of the Conditions listed in the Settlement Agreement.

Paul Stahl confirmed for the Commission that they could take action today agreeing to amend the Settlement Agreement and move forward with the extension request.

Dick Weschenfelder, 3975 Shoreline Lane, Helena, stated he had a different interpretation of Condition of Approval No. 35, and thought they had an additional year beyond this year in the

original Agreement. He confirmed that none of the Conditions of Approval had been met, but stated, weather permitting, they would start work this spring and could complete work in the requested timeframe. He stated funding had been lined up four months prior to getting the Settlement Agreement in place; however, the bank withdrew the line of credit. The Applicant stated he now had a written commitment from the bank for the funding.

Commissioner Hunthausen proposed amending Condition No. 35 of the Agreement to allow extension of preliminary approval, and consideration of extension(s) beyond the additional year, based on satisfactory performance by the Applicant.

Commissioner Murray requested additional time to consider the Extension request.

Eric Bryson offered to work with Staff to draft language that addressed the Commission's concerns. He pointed out that the County had complied with the Settlement Agreement for the defined period of time; however, the County was not barred from consideration outside of that timeframe.

Commissioner Hunthausen moved to table the item to Thursday, January 10, 2013.

Paul Stahl confirmed there was no requirement to seek Court approval to amend the Settlement Agreement; however, once amended and agreed to, the Applicant would have to proceed through the Planning process for an extension.

No public comment was received.

Commissioner Murray seconded the motion. The motion carried 2-0.

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

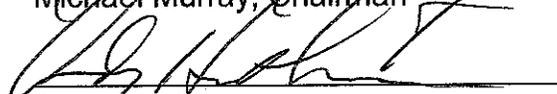
There was no other business; the meeting adjourned at 9:17 a.m.

ATTEST:


Paulette DeHart, Clerk of the Board

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael Murray, Chairman


Andy Hunthausen

(Vacant)