

**PUBLIC MEETING
JANUARY 10, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, January 10, 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, Greg McNally, Lindsay Morgan, Audra Zacherl, Kathy Moore, Carole Byrnes and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

a. Marysville Rural Fire District Board of Trustees Bylaws. (Carole Byrnes)

Eric Bryson recommended approval of the consent action items.

No public comments were received.

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

Bid Award - Benchmark Road Surface Rock Replacement – Near Augusta, Montana. (Audra Zacherl)

Audra Zacherl reported that the bid opening was held on December 20,, 2012, for the Benchmark Road Surface Rock Replacement Forest Highways Project. The project generally consists of providing and placing approx. 49,707 cubic yards of crushed top surfacing on approx. 14.4 miles of roadway on Benchmark Road west of Augusta, beginning where the gravel portion of the road begins and ending at the intersection of Benchmark Road and Beaver Willow Road. The project also includes hauling and placing approx. 17,800 cubic yards of pit run, 67,350 sq. yards of stabilization fabric, removing existing concrete stock pass, adding 26 linear feet of end extensions on a large, elliptical corrugated metal pipe, and applying a dust palliative to the finished roadway. Funding is through the Western Federal Lands Highway Division Forest Highways Surface Preservation and Safety Program. Eleven bids were received ranging in price from \$1.3 to \$2.8 million and the Engineer's Estimate for this project was \$2.1 million. Staff recommended the Board of County Commissioners award the bid to the lowest bidder, Thompson Contracting, Inc. of Libby, Montana, for the bid amount of \$1,323,805.67 and authorize the Chair to sign all applicable contract documents.

No public comment was received.

Commissioner Hunthausen moved to adopt the Staff recommendation and award the bid to Thompson Contracting, Inc. of Libby, Montana, in the amount of \$1,323,805.67, and authorize the Chair to sign all applicable contract documents.

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

Release of Liability for Joslyn Street Tailings CECRA Facility. (Kathy Moore)

Kathy Moore presented a Stipulated Agreement between the Burlington Northern Santa Fe, Montana Dept. of Environmental Quality and the Montana Rail Link, prepared by the State of Montana. Signing the Agreement would absolve the County of responsibility for cleanup at that site.

No public comments were received.

Commissioner Hunthausen moved to approve the Release of Liability as presented by Staff and authorize the Chair to sign.

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) (Tabled from 1-8-13)

Eric Bryson explained that the Applicant, Dick Weschenfelder, was unable to attend today's meeting; however, he was comfortable with the Commission rendering a decision and moving forward without his presence

Lindsay Morgan reported that on Tuesday, January 8, 2013, the Commission heard a request by Southridge Properties, LLC to extend their preliminary approval for the Southridge Estates Major Subdivision until January 22, 2014. Also, on Tuesday, the Commission was made aware of a Settlement Agreement between the County and the Applicants that granted approval until January 22, 2013. Because the Settlement Agreement stated that preliminary approval could not go beyond January 22, 2013, the Commission had two options: To allow the Settlement Agreement to expire on January 22, 2013, and require the developers to start over with a new preliminary subdivision application for review; or to amend the Settlement Agreement to allow the extension of the current preliminary subdivision approval contained in the agreement for a time that's mutually agreed upon by the County and the developers. Should the Commission decide to go with option 2, Ms. Morgan had prepared the following Condition for consideration: "This preliminary approval shall be in effect until January 22, 2014. The Board of County Commissioners may consider extension(s) of this approval beyond this date based on satisfactory performance by the developers."

Commissioner Hunthausen made a motion to modify the Agreement. Condition No. 35 would read, "The preliminary approval shall be in effect until January 22, 2013. The Board of County Commissioners may consider extension(s) of this approval beyond this date based on satisfactory performance by the developers."

No public comments were received.

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

Commissioner Murray directed Ms. Morgan to advise the Applicant that if, within the granted 1-year extension, no progress is made to comply with the conditions, he would not be in favor of granting any additional extensions.

Board Appointment – County Fair Board. (Carole Byrnes)

Carole Byrnes stated that Kathy Carrick, At-Large member of the Fair Board, representing

KTVH, had retired and the new General Manager for KTVH, Greg Pace, wished to fill the position

No public comment was received.

Commissioner Hunthausen moved to appoint Greg Pace as an At Large member of the Fair Board.

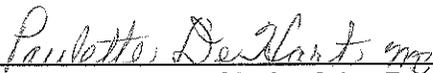
Commissioner Murray seconded the motion. The motion carried 2-0.

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 9:11 a.m.

ATTEST:

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Paulette DeHart, Clerk of the Board


Michael Murray, Chairman


Andy Hunthausen

(Vacant)