

**PUBLIC MEETING  
DECEMBER 12, 2013  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, December 12, 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. Commissioner Susan Good Geise was excused. Others attending all or a portion of the meeting included Eric Bryson, Paul Stahl, Carrie Severson, Lindsay Morgan, Kelli Roemer, Ryan Casne, Mike Fasbender, Anita Fasbender, Scott Lindgren, Mike Richter, Jack Walsh, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

Eric Bryson stated there were no Consent Action Items today.

Resolution No. 2013-112 to Create American Bar Rural Improvement District No. 2013-2. (Carrie Severson) (Tabled from 12/10/13) Decision. The Commissioners will consider rendering a decision on the resolution.

Carrie Severson, Special Districts Coordinator, recapped information presented at Tuesday's public hearing, noting receipt of a petition containing 60 percent of the parcels to be included within the district. The protest period was held resulting in just over 17 percent protest and today was decision day.

Commissioner Hunthausen moved approval of Resolution 2013-112 to Create American Bar Rural Improvement District No. 2013-2. Commissioner Murray seconded the motion.

The motion carried 2-0.

Memorandum of Understanding between Lewis and Clark County and Southridge Properties, L.L.C. (George Theborge) (Lindsay Morgan) (Tabled from 12/10/13) Decision. The Commissioners will consider entering into a Memorandum of Understanding with Southridge Properties, L.L.C. for the preliminarily approved Southridge Estates Major Subdivision (a.k.a. York Meadows).

In George Theborge's absence, Planner Lindsay Morgan noted the MOU had been tabled from the Dec. 10, 2013, public meeting to allow Staff to prepare an updated MOU based on recommendations made by the County Attorney's Office. Both a markup and final version of the revised MOU had been provided prior to today's meeting; Ms. Morgan reviewed the changes.

Eric Bryson recommended confirming with the applicant that he was in agreement with today's version of the MOU.

Mike Fasbender, 3930 Bouy Boulevard voiced agreement with the changes.

Commissioner Hunthausen moved the Commission enter into a non-binding Memorandum of Understanding with Southridge Properties, LLC, based on the draft submitted on behalf of the



developer by Casne and Associates, incorporating the wording changes recommended by the County Legal Staff, as presented to the Commission on Tuesday, December 10, 2013.

Commissioner Murray seconded the motion.

Discussion –

Commissioner Hunthausen expressed appreciation to both sides for their work on the MOU. He further expressed concern that addition of a bus stop would not adequately limit pedestrian traffic crossing York Road, stating his preference instead for an adequate and safe crossing. He was, however, willing to move forward today.

Commissioner Murray asked for clarification that today's MOU would allow for further discussion of the subdivision; Paul Stahl confirmed the MOU was non-binding and allowed for future changes.

The motion carried 2-0.

Services Agreement between Lewis & Clark County and NorthWestern Energy. (Kelli Roemer) The Commissioners will consider the agreement in the amount of \$4,800 for design and presentation of two 2-hour Renewable Energy Workshops to commercial businesses in Great Falls and Billings.

Kelli Roemer, Energy Corps Intern, noted in November, the County received a \$4,008 grant from NorthWestern Energy to organize two 2-hour renewable energy workshops in Great Falls and Billings. No County funds were requested in support of the workshops.

No public comment was received.

Commissioner Hunthausen moved approval of the Services Agreement between Lewis & Clark County and NorthWestern Energy, as presented.

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

Public Hearing. Resolution No. 2013-114 Levying and Assessing a Tax Upon All Benefited Property within the Timber Works Estates Rural Improvement District No. 2011-3. (Carrie Severson) The Commissioners will consider public comment and the resolution.

Carrie Severson, Special Districts Coordinator, noted today was a public hearing on Resolution No. 2013-114 Levying and Assessing a Tax Upon All Benefited Property within the Timber Works Estates Rural Improvement District No. 2011-3. The District is located on the northwest corner of Lincoln Road West and North Montana Avenue. The Scope of Service, in the amount of \$222.56 per lot per year for the internal access roads, was reviewed and would first appear on tax bills in Nov. 2014.

No public comment was received.

Commissioner Hunthausen moved approval of Resolution 2013-114, as presented.

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

Public Hearing. Resolution No. 2013-115 Levying and Assessing a Tax Upon All Benefited Property within the Amended Plat of Lots 11B2A-3, 11B2A-4 & 11B2A-5 (a.k.a. North Forty Estates) Major Subdivision Rural Improvement District No. 2012-2. (Carrie Severson) The Commissioners will consider public comment and the resolution.

Carrie Severson, Special Districts Coordinator, noted today was a public hearing on Resolution 2013-115 Levying and Assessing a Tax Upon All Benefited Property within the Amended Plat of Lots 11B2A-3, 11B2A-4 and 11B2A-5. The District is located west of North Montana Avenue, above Valley View Drive, adjacent to Jeanine Road and Ranch Deluxe Drive. The subdivision contains 14 lots. The Scope of Service, in the amount of \$164.65 per lot per year for the internal access roads, was reviewed and would first appear on tax bills in Nov. 2014.

No public comment was received.

Commissioner Hunthausen moved approval of Resolution 2013-115, as presented.

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

Contract Extension Request – Amended Plat of Lot 5 – Lakeside Heights Subdivision.

(Applicant: RJCJ, Inc.) (Planner: Lindsay A. Morgan) The preliminarily approved subdivision will create two (2) lots, with a combined total of twenty-eight (28) condominium units, each for one (1) single-family dwelling. The site is located south of York Road, east of and adjacent to Sapphire Drive. The Commissioners will consider the contract extension request.

Lindsay Morgan, Planner, presented the Contract Extension Request for the Amended Plat of Lot 5 – Lakeside Heights Subdivision, on behalf of the applicants, RJCJ, Inc., Ron Johnson and Connie Wellenstein, to either the fall of 2014 or spring of 2015. Preliminary approval was granted Dec. 14, 2006, for the 25.59-acre subdivision located south of York Road, east of and adjacent to Sapphire Drive, creating two lots with a combined total of 28 condominium units, each for one single-family dwelling. Proposed Lot 5A would contain 16 units; Lot 5B would contain 12 units. The subdivision would be served by 14 shared wells, one for every two units, two community wastewater treatment systems and utilities. Subdivision access is off of York Road via either Sapphire Drive or a proposed internal access road. According to the applicant's extension request application form, all conditions of preliminary approval had been met, with the exception of installation of roads, utilities and drainfields. Staff was only able to verify the approval from MT DEQ; a portion of which has since expired, but would likely be approved if resubmitted today. Staff recommended granting a 1-year extension from the current agreement's expiration date. Other options were presented for Commission action.

Ron Johnson, 3272 Grandview Road, East Helena, the applicant, outlined circumstances that led to the extension request. Completion of roads, utilities and drainfields were on hold until a new partnership could be formed. The subdivision was being maintained as agricultural land and the only visible improvement was a stone entrance; gravel was stored on-site for the internal roads. The applicant stated his intention to complete all of the Conditions without going through a bonding process and requested a 3-year extension.

No public comment was received. The public hearing was closed.

Commissioner Hunthausen moved approval of the Contract Extension Request for Amended

Plat of Lot 5 of Lakeside Heights Subdivision through June 30, 2015.

Commissioner Murray seconded the motion.

Discussion –

Commissioner Hunthausen stated his intention to provide enough time for the applicant to complete the Conditions; progress would be assessed again in 2015.

Commissioner Murray stated his preference for the Staff's recommended 1-year extension; however, he would support the motion.

The motion carried 2-0.

Final Approval and Resolution 2013-116 – Discontinuance of a Segment of Cyr Road.  
(Applicants: Fredrick and Jean Cyr) (Planner: Lindsay A. Morgan) The proposed discontinuance of a segment of Cyr Road is located one mile west of Lincoln, Montana. Preliminary approval was granted on August 6, 2013, subject to five (5) conditions. The Commissioners will consider the final approval and resolution.

Lindsay Morgan, Planner, on behalf of Frederick and Jean Cyr, presented an application for final approval of the Cyr Road discontinuance, located one mile west of Lincoln, Montana, between a point 60 feet west of the southeast corner of Lot 11, and the southwest corner of Lot 12 of the Zimbelman Subdivision. Preliminary approval was granted August 6, 2013, subject to 5 Conditions. Staff reviewed the Certificate of Survey and found it to be in compliance with the Conditions; all Conditions have either been met or would be met following the public meeting.

No public comment was received.

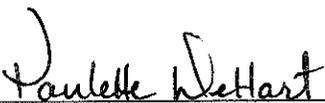
Commissioner Hunthausen moved approval of the Final Approval and Resolution 2013-116 Discontinuance of Cyr Road, as presented by Ms. Morgan.

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

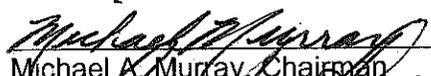
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

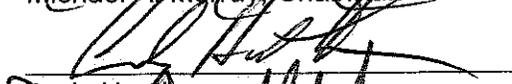
There was no further business and the meeting adjourned at 9:35 a.m.

ATTEST:

  
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Paulette DeHart, Clerk of the Board

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
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Michael A. Murray, Chairman

  
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Andy Hunthausen

  
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Susan Good Geise