

**PUBLIC MEETING
NOVEMBER 12, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, November 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 and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Jeremy Gersovitz, George Thebarger, Eric Bryson, Greg McNally, Randy Triem, Al Knauber and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Public Meeting Minutes – Sept. 10, 2013. (Rita Cortright)
- b. Quit Claim Deed to Donald E. and Linda L. Converse for Tract of Land Along County Road No. E-13, Sec. 30, T20N, R6W, M.P.M., Geo Code 3004-30-2-02-01-0000. (Carrie Severson)

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

No public comment was received.

Commissioner Hunthausen moved approval of Consent Action Items 2.a. and b. and authorized the Chair to sign. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Request for Extensions and Amendments of the Subdivision Improvement Agreement and Addendum for the Timberworks Estates Subdivision, Phase II and III. (Applicant: Frontier Builders, Inc., Glenn and Matthew Hayes & Valley Sand and Gravel, Larry Kim Smith) (Planner: Greg McNally) The Commission will consider extensions and amendments of the Subdivision Improvement Agreement and Addendum until October 14, 2014.

Greg McNally, Planner, presented the Frontier Builders' request for a one-year extension and amendment of the Subdivision Improvement Agreement for Timberworks Estates, Phase II and Phase III. Larry Kim Smith (d.b.a. Valley Excavating Sand and Gravel) requested a one-year extension of the Addendum to the SIA for Timberworks Estates Subdivision, Phase II and III. Both the SIA and its addendum were entered into on March 14, 2013.

The completed improvements were listed; the financial guarantees for those completed improvements had been released. Improvements not yet completed included: payment of the percentage of impact for the impacts to Montana Avenue per Phase II, Condition No. 9 and Phase III, Condition No. 7; and the completion and testing of a water supply system for fire protection per Phase II, Condition No. 13. The amended SIA reflected completion of all improvements with the exception of the payment of percentage of impact for the impacts to Montana Avenue and the completion and testing of a water supply system for fire protection. The subdivider provided an irrevocable letter of credit from First Community Bank in the amount of \$51,004.54 that would expire November 14, 2014.

The subdivider and Mr. Smith also requested that the SIA and addendum be extended for one year and amended to reflect completion of 90 percent of the fire protection system, resulting in a



release of \$123,403.13 of the \$133,290.63 current financial guarantee. Ryan Casne, P.E. provided a revised cost estimate for the remaining fire protection improvements in the amount of \$9,887.50. Staff recommended retaining the full original financial guarantee of \$133,290.63 until the fire protection system was fully operational certified, tested, accepted, and all necessary easements and agreements for the water source were in place.

Randi Triem, Casne & Associates, Inc., confirmed the improvements were 90 percent completed. In addition to two other subdivisions, the system would also protect Jim Darcy School. The School Board approval took longer than expected, causing an unexpected delay in completing the improvements. Power had been brought in to the system last week; more items than were reflected in the Fire Suppression System Construction Cost Estimate had now been completed. Photos of portions of the Fire Suppression System were viewed. Due to the fact that completion was expected in 30-45 days, Mr. Smith was agreeable to only extending the agreement and not requesting the partial release. Once completed, the Fire Chief would participate in the final flow testing of the fire suppression system.

No public comment was received.

Commissioner Hunthausen moved to approve and amend the Subdivision Improvements Agreement, as presented by Mr. McNally, and as presented in the meeting packet. Commissioner Good Geise seconded the motion.

Discussion –

Commissioner Hunthausen stated the applicant had made progress in completing much of what had been required; a couple of items remained to be completed; thus the reason for granting the one-year extension

Commissioner Good Geise had no problem with extending the SIA until November 2014, and signing the Final Plat sooner, provided the improvements were completed.

The motion carried 3-0.

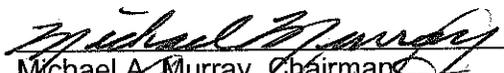
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

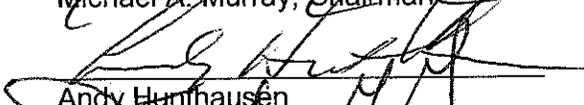
There was no other business and the meeting adjourned at 9:23 a.m.

ATTEST:


Paulette DeHart, Clerk of the Board

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Andy Hunthausen


Susan Good Geise