



PUBLIC MEETING
September 10, 2015
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, September 10, 2015, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Susan Good Geise and Commissioner Mike Murray were present. Others attending all or a portion of the meeting included Eric Bryson, Michele Peterson-Cook, George Thebarger, Doug Nisbet, Greg McNally, Christal Ness, Kevin Hamilton, Eric Griffin, Kraig Pester, Marni Bentley, Audra Zacherl, Ryan Casne, Rob Bartsch, Jeff Claassen, Garrett Passell, Heidi Swanson, Joe Brandrud, Justin Heller, Delvin Gebhardt, Terri Corrigan, Brett Friede, Sean Essay, Monika Kawski, Kevin Hoem, Tatia Bauer, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for week ending September 11, 2015. (Marni Bentley)
- b. Revised Agreement Between Lewis & Clark County and Helena Television Coalition dba Helena Civic Television. (Eric Bryson)

Eric Bryson reported on the consent action items 2a-b and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Bid Award for Six New Motor Graders. (Audra Zacherl)

Audra Zacherl, Finance Coordinator, presented the bid award for six new motor graders for the Road Department. On September 3, 2015 two bids were received and opened for the purchase of 6 new motor graders for the Road Department. Budget authority for this purchase is \$823,320 in the current fiscal year capital improvement budget. According to the bid specifications, the committee was tasked with considering the bids based on purchase price, trade-in value, equipment warranty and an extended service guarantee. There was a \$100,662 difference between the two bids. The lowest bid met all bid specifications with no exceptions and was well below budget. Staff recommends that the Board of County Commissioners award the bid for the purchase of 2 Caterpillar 140M 3AWD's and 4 Caterpillar 12M3 tandem-drives, for a total of 6 new motor graders, including the warranties and extended service agreements and excluding 6 front lift groups and 3 snow wings to Tractor and Equipment Company of Great Falls, Montana for a total purchase amount of \$511,562 and authorize the Chair to sign all applicable purchase documents.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Change Order No. 1 Contractor Agreement To Original Contract Between Lewis and Clark County and Eagle Electric, Inc. (Audra Zacherl)

Audra Zacherl, Finance Coordinator, presented the change order in the amount of \$1,788 to the contract with Eagle Electric, Inc. dated June 16, 2015 to upgrade wiring to the ticket booth heater. Not everything in the Event Center can be powered by the new generator only those things deemed a priority. Anything to be powered by the generator must be run through the same panel box. Many things needed to be rewired to this new emergency panel. One of those was the heater in the far ticket booth. It was discovered when it was being rewired to the new box that the wiring was lower voltage and would not carry the proper voltage between the heater and the new breaker; the wiring needed to be upgraded. This change order is for upgrading the wiring. Homeland Security will reimburse Lewis & Clark County for the cost of the change order.

PUBLIC COMMENT-

Justin Heller asked what will happen to the unspent funds from the grant award.

Audra Zacherl stated that the remaining amount, which is estimated at under \$20,000 will be turned back into Homeland Security.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

FFY16 Highway Traffic Safety Contract Between Lewis and Clark County and MDT. (Brett Friede)

Brett Friede, Lewis & Clark Sheriff's Office, presented the contract between Lewis and Clark County and MDT for funding in the amount of \$11,000 to provide reimbursement for overtime costs incurred by deputies working around Holidays and community events. The STEP grant has been an ongoing for many years and is a necessity in making an impact in DUI's, highway fatalities and overall safety.

Commissioner Geise asked how long it takes to process a DUI.

Brett Friede stated there is more paperwork involved and major impacts such as having blood tests done over the breath analyzers have increased the time it takes to process a DUI offender.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Proposed Modifications to Conditions of Approval for the Preliminarily Approved Lot A-1A Amended of the H.W. Smith Minor Subdivision. (Heron Creek, Phases I-VI) (tabled 9/3/15) (Applicant: Ron Bartsch) (Planner: Greg McNally)

Greg McNally, Planner II, presented the proposed modifications to the conditions of approval for the preliminarily approved Lot A-1A Amended of the H.W. Smith Minor Subdivision (Heron Creek, Phases I-VI) located east of and adjacent to Eames Lane and south of and adjacent to Kier Lane. He noted that additional comments have been received from Montana Fish Wildlife & Parks since the hearing. These comments from MT FWP stress the importance of mitigation and natural environment in regards to wild life and wildlife habitat, the ephemeral drainage and management of the water bodies, human and wildlife conflicts.

PUBLIC COMMENT-

Jeff Claassen, 5545 Kier Lane, stated that the applicant has never given a plausible reason for the disturbance to the ephemeral drainage and supports denying the applicant's request.

Ron Bartsch, the applicant stated he has no problem with the condition in regards to the ephemeral drainage remaining as a condition. He further noted that it has been established that the drainage has been redefined and moved.

Commissioner Hunthausen asked Mr. Bartsch if all of these conditions have been part of the conditions of approval since the beginning of this process.

Ron Bartsch stated the issues have been discussed by staff at various time and he thought they had all been addressed. These have now been brought to their attention to address prior to final plat.

Upon no further testimony or comment, Commissioner Hunthausen stated that the public comment is now closed.

Commissioner Hunthausen stated that the Commission has reviewed the staff report, the presentations by staff and the applicant, and the draft findings of fact and conclusions of law and proposed modifications of the approval conditions. Is anyone prepared to make a motion to approve, conditionally approve, or deny the request for modifications of the subdivision approval for the Preliminarily Approved Lot A-1A Amended of the H.W. Smith Minor Subdivision.

A motion was made by Commissioner Geise that after reviewing the staff report, the modification request, the presentations by staff and the applicant, and the draft findings of fact and conclusions of law and approval conditions and considering public testimony, to approve the request for modifications of the conditions of approval. The motion was seconded by Commissioner Murray.

Commissioner Hunthausen stated that the Commission now has a motion on the floor for action on the request for modifications of the conditions of approval for the Preliminarily Approved Lot A-1A Amended of the H.W. Smith Minor Subdivision. We will first consider whether or not to approve the requested variance based on findings of fact and conclusions of law. He added that the applicant has requested a modification of Approval Condition No. 10 in Phase I related to a requirement for road improvements. We must now make findings of fact on whether modification of Approval Condition No. 10 in Phase I would be consistent with the criteria and standards of the regulations in effect at the time of project approval.

Commissioner Geise stated that she has reviewed the draft findings of fact for the request for modifications to Approval Condition No. 10 in Phase I. Those draft findings touch on the following information: the applicant's request to modify the condition related to internal road construction in Phase I; Lots 29 & 59 have legal and physical access and the 170 feet of Fireweed Loop has been "roughed in" but is incomplete.

A motion was made by Commission Geise that after reviewing the draft findings of fact for modifications to Approval Condition in Phase I, No. 10 to approve the findings as submitted. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Commissioner Geise stated she was not present at the last meeting however she is familiar with the issue at hand and ready to participate.

A motion was made by Commission Geise that after reviewing the adopted findings of fact for modifications to Approval Condition 10 in Phase I, to adopt a conclusion of law that the proposed modification is consistent with the criteria and standards of the 2005 version of the County Subdivision Regulations. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commission Geise that after reviewing the adopted findings of fact and our conclusion on the requested modification, to approve the modification request as submitted by staff. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Commissioner Hunthausen stated that the applicant has requested a modification of Approval Conditions related to a requirement to submit detailed plans for the proposed streams/ponds. We must now make findings of fact on whether modification of Approval Conditions in Phase I, Condition No. 15; Phase II, Condition No. 13; Phase IV, Condition No. 11; Phase V, Condition No. 12; and Phase VI, Condition No. 12 would be consistent with the criteria and standards of the regulations in effect at the time of project approval.

Commissioner Geise stated that she has reviewed the draft findings of fact for the request for modifications to Approval Conditions in Phase I, Condition No. 15; Phase II, Condition No. 13; Phase IV, Condition No. 11; Phase V, Condition No. 12; and Phase VI, Condition No. 12. Those draft findings touch on the following information: the applicant's request to eliminate conditions in all phases that requires detailed plans of streams and ponds, these features are part of an approved stormwater drainage plan, the original subdivision application included multiple ponds and a creek system, an initial finding of fact noted the on-site soil constraints, an initial finding of fact noted the topography on-site and the location of detention ponds near the exterior boundary, some of the ponds were eliminated or modified during the preliminary approval period, a pond on the south central boundary is now used for irrigation purposes,

the plan for storm water drainage, the applicant indicates the streams/ponds are part of the approved stormwater plans, DEQ has requested clarifications of the engineers certification of the stormwater ponds and a response was received and the Lewis and Clark Conservation District is opposed to eliminating this requirement and has noted that the ponds are filled with irrigation water and a property owner in the area has had run-off issues from this subdivision.

A motion was made by Commissioner Hunthausen to add the finding of fact that there are plans for the fire mitigation pond system however there is no cross section or diagram for the pond itself.

Commissioner Geise stated that she has concern in regards to the pond and asked Mr. McNally if there is a current plan for the fire pond.

Greg McNally stated the fire pond is constructed and the applicant has shown photographs of the pond filled. The plans for the stormwater detention pond have been approved by DEQ.

Commissioner Hunthausen stated that they have not seen the plan for the fire pond. It is his understanding that there are plans for the fire apparatus but not a fire pond.

Commissioner Hunthausen withdrew his motion. He stated that the condition that has been proposed strikes the language that states detailed plans of ponds have to be submitted to the Planning Department.

A motion was made by Commission Geise that after reviewing the draft findings of fact for modifications to Approval Conditions in Phase I, Condition No. 15; Phase II, Condition No. 13; Phase IV, Condition No. 11; Phase V, Condition No. 12; and Phase VI, Condition No. 12 to approve the findings as submitted. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commission Geise that after reviewing the adopted findings of fact for modifications to Conditions in Phase I, Condition No. 15; Phase II, Condition No. 13; Phase IV, Condition No. 11; Phase V, Condition No. 12; and Phase VI, Condition No. 12, to adopt a conclusion of law that the proposed modification is consistent with the criteria and standards of the 2005 version of the County Subdivision Regulations. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Commissioner Geise stated the current condition as it stands is reasonable her inclination to is to move to deny the modification request due to the large amount of water, the residents in the area and it seems reasonable to have a specific plan provided to the residents.

Commissioner Murray asked if the Commission will be receiving a plan from the Fire Chief.

Commissioner Hunthausen stated there is a plan on how the fire apparatus will work but has not seen the plans for the pond itself.

A motion was made by Commission Geise that after reviewing the adopted findings of fact and our conclusion on the requested modification, to deny the modification request based on the reasons as stated. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-1 vote with Commissioner Murray voting against. A motion was made by Commissioner Geise to reconsider the Commission's actions and moved to approve the conclusion of law that the proposed modification is not consistent with the criteria and standards of the 2005 version of the County Subdivision Regulations. The motion was seconded by Commissioner Hunthausen.

Break/Reconvene.

Commissioner Hunthausen stated there is a motion on the floor to reconsider and to approve the conclusion of law that the proposed modification is not consistent with the criteria and the motion was seconded. The motion Passed on a 3-0 vote. George Thebarga stated that first you adopt the findings of fact then your conclusion is based on your findings of fact. Commissioner Hunthausen stated that the applicant has requested a modification of Approval Conditions related to a requirement to the wastewater treatment system and fire protection improvements in an RID or special district. We must now make findings of fact on whether modifications of Approval Conditions in Phase I, Condition No. 17; Phase II, Condition No. 15; Phase III, Condition No. 11; Phase IV, Condition No. 13; Phase V, Condition No. 14; and Phase VI, Condition No. 14 would be consistent with the criteria and standards of the regulations in effect at the time of project approval.

Commissioner Geise stated that she has reviewed the draft findings of fact for the request for modifications to Approval Conditions in Phase I, Condition No. 17; Phase II, Condition No. 15; Phase III, Condition No. 11; Phase IV, Condition No. 13; Phase V, Condition No. 14; and Phase VI, Condition No. 14. Those draft findings touch on the following information: the applicant's request to eliminate conditional language in all phases that requires a district for maintaining the wastewater treatment system and the fire protection improvements, the applicant wants an HOA to maintain the wastewater treatment system, an HOA is required by DEQ to operate and maintain the components of the wastewater treatment system, there is a required restrictive covenant for a waiver of right to protest a district for providing or maintaining a wastewater treatment system, the Fire Chief has vocalized concerns about owning and maintaining an open water fire suppression system, an agreement between the applicant and the County on fire protection measures includes maintenance of the system by an HOA and the Lewis and Clark Conservation District is opposed to this modification request and has noted that this requirement is good in terms of water quality issues.

A motion was made by Commission Geise that after reviewing the draft findings of fact for modifications to Approval Conditions in Phase I, Condition No. 17; Phase II, Condition No. 15; Phase III, Condition No. 11; Phase IV, Condition No. 13; Phase V, Condition No. 14; and Phase VI, Condition No. 14, to approve the findings as submitted. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commission Geise that after reviewing the adopted findings of fact for modifications to Conditions in Phase I, Condition No. 17; Phase II, Condition No. 15; Phase III, Condition No. 11; Phase IV, Condition No. 13; Phase V, Condition No. 14; and Phase VI, Condition No. 14, to adopt a conclusion of law that the proposed modification is consistent with the criteria and standards of the 2005 version of the County Subdivision Regulations. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commission Geise that after reviewing the adopted findings of fact and our conclusion on the requested modification, to approve the modification request as submitted by the applicant. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Commissioner Hunthausen stated that the applicant has requested a modification of an Approval Condition related to the easement width of Peppergrass Road in the area of a mailbox structure. We must now make findings of fact on whether modification of an Approval Condition in Phase I, Condition No. 18.a would be consistent with the criteria and standards of the regulations in effect at the time of project approval.

Commissioner Geise stated that she has reviewed the draft findings of fact for the request for modifications to an Approval Condition in Phase I, Condition No. 18.a. Those draft findings touch on the following information: the applicant's request to modify conditional language in Phase I related to the easement width of Peppergrass Road, the applicant was previously granted a variance request to allow a split roadway design with a structure for mailbox units, the condition of approval for easement length and width was previously modified to reflect the applicant's plan for a split roadway design with a structure for mailbox units and the applicant now indicates that requirements for easement length and width were incorrect.

A motion was made by Commission Geise that after reviewing the draft findings of fact for modifications to an Approval Condition in Phase I, Condition No. 18.a, to approve the findings as submitted. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commission Geise that after reviewing the adopted findings of fact for modifications to an Approval Condition in Phase I, Condition No. 18.a, to adopt a conclusion of law that the proposed modification is consistent with the criteria and standards of the 2005 version of the County Subdivision Regulations. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commission Geise that after reviewing the adopted findings of fact and our conclusion on the requested modification, to approve the modification request as submitted by the applicant. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Commissioner Hunthausen stated that the applicant has requested a modification of Approval Conditions related to a requirement to include specific lot numbering on the plat and related documents. We must now make findings of fact on whether modification of Approval Conditions in Phase I, Condition No. 18.b;

Phase II, Condition No. 16.c; Phase III, Condition No. 12.a; Phase IV, Condition No. 14.b; Phase V, Condition No. 15.b; and Phase VI, Condition No. 15.b would be consistent with the criteria and standards of the regulations in effect at the time of project approval.

Commissioner Geise stated that she has reviewed the draft findings of fact for the request for modifications to Approval Conditions in Phase I, Condition No. 18.b; Phase II, Condition No. 16.c; Phase III, Condition No. 12.a; Phase IV, Condition No. 14.b; Phase V, Condition No. 15.b; and Phase VI, Condition No. 15.b. Those draft findings touch on the following information: the applicant's request to eliminate conditional language in all phases that requires specific lot numbering on the plat, the original subdivisions lot numbering sequence was acceptable, the Commission modified the requirements for consecutive lot numbering after a phasing plan was proposed, while generally utilized, a consecutive lot numbering sequence is not required, several conditions of approval have notes regarding lot numbers but the notes are irrelevant if the lot numbers do not change and the City-County Address Coordinator commented that addresses have already been assigned based on lot numbers from the preliminary plat.

A motion was made by Commission Geise that after reviewing the draft findings of fact for modifications to Approval Conditions in Phase I, Condition No. 18.b; Phase II, Condition No. 16.c; Phase III, Condition No. 12.a; Phase IV, Condition No. 14.b; Phase V, Condition No. 15.b; and Phase VI, Condition No. 15.b, to approve the findings as submitted. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commission Geise that after reviewing the adopted findings of fact for modifications to Conditions in Phase I, Condition No. 18.b; Phase II, Condition No. 16.c; Phase III, Condition No. 12.a; Phase IV, Condition No. 14.b; Phase V, Condition No. 15.b; and Phase VI, Condition No. 15.b, to adopt a conclusion of law that the proposed modification is consistent with the criteria and standards of the 2005 version of the County Subdivision Regulations. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commission Geise that after reviewing the adopted findings of fact and our conclusion on the requested modification, to approve the modification request as submitted by the applicant. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Commissioner Hunthausen stated that the applicant has requested a modification of an Approval Condition related to a setback and buffer for an ephemeral drainage. We must now make findings of fact on whether modification of an Approval Condition in Phase I, Condition No. 18.i would be consistent with the criteria and standards of the regulations in effect at the time of project approval.

Commissioner Geise stated that she has reviewed the draft findings of fact for the request for modifications to an Approval Condition in Phase I, Condition No. 18.i. Those draft findings touch on the following information: the applicant's request to eliminate conditional language in Phase I related to a setback and buffer for an ephemeral drainage, the project engineer indicates that surface water runoff will be addressed by the storm water plan, the original and modified findings of fact indicate that Spokane Creek could be impacted by soil disturbance and improperly designed stormwater retention and The Lewis and Clark Conservation District is opposed to this modification request and has noted that this requirement is good in terms of water quality issues.

Commissioner Hunthausen asked to add a proposed finding of fact that multiple comments were received by MT FWP in regards to a recommendation that FWP standards be considered.

A motion was made by Commission Geise that after reviewing the draft findings of fact for modifications to an Approval Condition in Phase I, Condition No. 18.i, to amend the findings of fact to include the two communications received from Montana Fish Wildlife and Parks and to approve the findings as amended. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commission Geise that after reviewing the adopted findings of fact for modifications to an Approval Condition in Phase I, Condition No. 18.i, to adopt a conclusion of law that the proposed modification is not consistent with the criteria and standards of the 2005 version of the County Subdivision Regulations. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commission Geise that after reviewing the adopted findings of fact and our conclusion on the requested modification, to deny the modification request as submitted by the applicant due to the reasoning including the information from Montana Fish Wildlife and Park including their

recommendations to recognize and protect the ephemeral drainages. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Commissioner Hunthausen stated that the applicant has requested a modification of an Approval Condition related to notice of a setback and buffer for an ephemeral drainage. We must now make findings of fact on whether modification of an Approval Conditions in Phase I, Condition No. 19.g & 19.u would be consistent with the criteria and standards of the regulations in effect at the time of project approval.

A motion was made by Commission Geise that after reviewing the draft findings of fact for the request for modifications to an Approval Conditions in Phase I, Condition No. 19.g & 19.u. Those draft findings touch on the following information: the applicant's request to eliminate conditional language in Phase I related to property owner notice of a setback and buffer for an ephemeral drainage, the project engineer indicates that surface water runoff will be addressed by the storm water plan, the original and modified findings of fact indicate that Spokane Creek could be impacted by soil disturbance and improperly designed stormwater retention and The Lewis and Clark Conservation District is opposed to this modification request and has noted that this requirement is good in terms of water quality issues.

Commissioner Hunthausen asked to add a proposed finding of fact that multiple comments were received by Montana Fish Wildlife & Parks in regards to a recommendation related to the ephemeral drainage.

A motion was made by Commissioner Geise that after reviewing the draft findings of fact for modifications to an Approval Conditions in Phase I, Condition No. 19.g & 19.u, to amend the findings of fact to include the two communications received from Montana Fish Wildlife and Parks and to approve the findings as amended. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact for modifications to an Approval Conditions in Phase I, Condition No. 19.g & 19., to adopt a conclusion of law that the proposed modification is not consistent with the criteria and standards of the 2005 version of the County Subdivision Regulations. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commission Geise that after reviewing the adopted findings of fact and our conclusion on the requested modification, to deny the modification request as submitted by the applicant. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Commissioner Hunthausen stated that the applicant has requested a modification of an Approval Condition related to an as-built survey of utilities in Phase II. We must now make findings of fact on whether modification of an Approval Condition in Phase II, Condition No. 9 would be consistent with the criteria and standards of the regulations in effect at the time of project approval.

Commissioner Geise stated that she has reviewed the draft findings of fact for the request for modifications to an Approval Condition in Phase II, Condition No. 9. Those draft findings touch on the following information: the applicant's request to eliminate a condition requiring an as-built survey of utilities, the utility companies previously commented that utilities were installed when condominiums were proposed not 44 individual lots, the utility companies have now indicated that they have conduit installed to extend utilities to each of these lots, Northwestern Energy's request for an additional 10 feet of utility easement along the front of each lot in Phase II and Public Works comments that the requirement should not be eliminated as the applicant was aware of the requirement.

A motion was made by Commission Geise that after reviewing the draft findings of fact for modifications to an Approval Condition in Phase II, Condition No. 9, to approve the findings as submitted. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commission Geise that after reviewing the adopted findings of fact for modifications to an Approval Condition in Phase II, Condition No. 9, to adopt a conclusion of law that the proposed modification is consistent with the criteria and standards of the 2005 version of the County Subdivision Regulations. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commission Geise that after reviewing the adopted findings of fact and our conclusion on the requested modification, to approve the modification request as submitted by the applicant with the following approval condition as recommended by Northwestern Energy that a 10 foot utility easement be included along the front of each lot.

The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Commissioner Hunthausen stated that there is a motion is on the table to approve the request for modifications of the conditions of approval as amended. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Commissioner Murray was excused on County business.

Resolution 2015-128 To Create the Heron Creek Rural Improvement District No. 2015-9. (tabled 9/3/15) (Matt Heimel)

Christal Ness, Project Coordinator, presented the Resolution 2015-128 to create the Heron Creek Rural Improvement District No. 2015-9. The item was presented on September 3, 2015 and today is decision day.

Commissioner Geise stated she has reviewed the item and is ready to act on the item.

Rob Bartsch, the applicant stated he supports the RID request.

No further public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

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

Adjourn

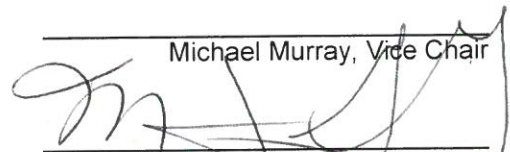
There being no further business, the meeting adjourned at 10:45 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman

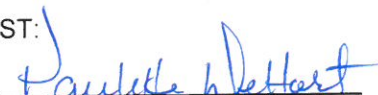
Michael Murray, Vice Chair



Michael Murray, Vice Chair

Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board