

NOTICE OF PUBLIC MEETING

June 29, 2004

Others attending all or part of the meeting: Cheryl Vick and Mike Ruppert

1. **Pledge of Allegiance.** (everyone recited the pledge)

Chair Murray: Good Morning and welcome. My name is Mike Murray, to my right is Commissioner Tinsley, to his right is Ron Alles our Chief Administrative Officer, to his right is Sharon Haugen our Director of Planning, to her right is Paul Stahl our Deputy County Attorney and to his right is Carole Byrnes our Executive Secretary.

2. **Boyd Andrew Community Services FY 2005 Service Agreement.** (Mike Ruppert)
The Commissioners will consider the agreement.

Mike Ruppert: Commissioners my name is Mike Ruppert, I'm CEO of Boyd Andrew Community Services. What I have here today is the contract between State approved entity which is Boyd Andrews and Lewis & Clark County which enables you to provide us with the alcohol tax monies which you agreed to do the last time we met about a month ago as part of the State plan. This is the same contract in essence that we've had for the past several years.

Chair Murray: Questions of Mr. Ruppert?

Commissioner Tinsley: Mr. Ruppert, how much money are we talking about in the alcohol tax?

Mike Ruppert: I believe it's about \$49,000 in that range.

Ron Alles: That's a good ballpark

Chair Murray: Thank you for the subtle reminder that we've already approved this contract. Commissioner Tinsley.

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the Boyd Andrew Community Services FY 2005 service agreement and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Mike Ruppert: Thank you.

Chair Murray: We've revised our meeting agenda at the request of Public Works. Item 3, 4 and 5 will not be heard this morning. Their schedule will be heard on July 13th.

Paul Stahl: Mr. Chairman, if I might. Item 3 will not appear on the Commissioner's agenda, it will be done on a purchase order. The materials are not ready, this is not an item that will come before the Commissioners. We determined that internally which is the buying of the radio units under the contract that's already been entered into.

Chair Murray: Thank you.

3. ~~**Approval of Purchase of Subscriber Units (Radios) for the Sheriff's Radio Project.** (Mark Adams/Jaci Grenfell)– Final Documents are not ready.~~

~~The Commissioners will consider the expenditure of a budgeted item on this project.~~

4. ~~**Resolution Of Intention To Establish the Lewis and Clark County Landfill Tipping Fees Recommended by the Scratch Gravel Solid Waste District.**~~ (Janet Pallister)

~~The Commissioners will consider the resolution. Public Hearing has been moved to July 13.~~

5. ~~**Resolution Of Intention To Decrease the Solid Waste Disposal Fee Established by the Scratch Gravel Solid Waste District.**~~ (Janet Pallister)

~~The Commissioners will consider the resolution. Public Hearing has been moved to July 13.~~

6. **Resolution Of Intention To Create A Rural Improvement District For The Cave Gulch Area.** (Marni Bentley)

The Commissioners will consider the resolution.

Marni Bentley: Commissioners. As you're aware the Cave Gulch watershed had a flood problem after the fires of 2000. Agencies including Federal, State, local government worked together on flood mitigation projects. The project was completed last fall and Commissioners entered into an agreement with landowners to help with flooding and as part of that agreement landowners agreed to pay local match for the funds for the project. The remaining amount that was paid on the project was borrowed from Lewis & Clark County and the landowners agreed that we create a rural improvement district would be the appropriate mechanism to repay that loan. The loan will be paid back over ten years and each benefiting lot will pay \$233.29 per year. I've included a draft resolution of intention to create Cave Gulch RID and attached that to your memo. After the resolution of intention is approved, we'll start the public hearing process and notify all the landowners. The landowners have all waived their right to protest the creation of this district. I'm looking at July 20th for the creation of the district, which is after the public hearing process. Staff recommends approval of the attached resolution and I'd be happy to answer any questions.

Chair Murray: Questions of staff?

Commissioner Tinsley: None.

Chair Murray: Mrs. Byrnes, do we have a quorum on July 20th? I think we do, I don't think it's one of those

Marni Bentley: I will check that and I will schedule

Chair Murray: We do not have a quorum on July 20th

Carole Byrnes: No

Chair Murray: We will have a quorum on July 22nd. Are there more questions of Mrs. Bentley?

Commissioner Tinsley: No

Chair Murray: Is there a motion?

Commissioner Tinsley: Mr. Chair I move that we approve the resolution of intention to create a rural improvement district for the Cave Gulch Area and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

7. **Resolution Of Intention To Create A Rural Improvement District For Broadwater Estates Subdivision.** (Marni Bentley)

The Commissioners will consider the resolution.

Marni Bentley: County planning did receive a request from the developer of Broadwater Estates Major subdivision asking that Board of County Commissioners create a rural improvement district for the purpose for maintaining their internal access roads and the access to the subdivision. This was a condition of their final plat approval. The developer wants a hard surface and this district will be just to maintain the hard surface roads. I have attached a draft resolution to your memo outlining the costs for maintenance. I did make one error from the proposed assessment I have it on the wrong, the Wagner property and it should be on the Frank Rural property instead of the Wagner property but I will give the correct attachment to Carole. Staff recommends approval of the attached resolution with the correct attachment and now I will answer any questions that you have.

Chair Murray: Questions of Mrs. Bentley?

Commissioner Tinsley: Mr. Chair, Mrs. Bentley. I was looking at that earlier today the Wagner property is going to be one of the other ones that's listed as a ___ property and we're going to just switch it?

Marni Bentley: Right, I'll switch it.

Commissioner Tinsley: Okay.

Chair Murray: Is there a motion?

Commissioner Tinsley: Mr. Chair, I make a motion that we approve the resolution of intention to create a rural improvement district for the Broadwater Estates Major Subdivision and Authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Chair Murray: In opening this morning I forgot to mention that Commissioner Varone is back working and is out of the County attending a MACO economic development meeting.

8. **Resolution Abandoning a Segment of Missoula Avenue Between Blocks 18 and 19 of the Boyce Addition and Blocks 117 and 118 of the Northern Pacific Second Addition.** (Planner, Sharon Haugen)

The Commissioners will consider the resolution.

Frank Rives: Chairman Murray, Commissioner Tinsley. I've been working with the applicants to complete the abandonment of the, that segment of Missoula Avenue, it's R&R RV, or I'm sorry D&D RV and storage facility and they've completed all those, all the conditions of approval with creation of the new plat and preparation of the quit claim deeds and they're ready to proceed.

Chair Murray: Questions of Mr. Rives?

Commissioner Tinsley: Mr. Rives, actually or Mr. Stahl if possible, a quick question Mr. Stahl or Mr. Rives whoever wants to answer this when we get a road abandonment like this essentially what we're doing is allowing adjoining properties, in this case it looks like it's just one, but other times it could be several to essentially take over, do they already own the land and we just have an easement that we're abandoning or do we own the land, I want to be clear on this because I had a question from somebody on this or in some cases is it different? Do we own the land or are we just giving back the easement right or are we giving them land.

Paul Stahl: Commissioner Tinsley, Commissioner Murray it varies. There is a law that says the County gets no more than an easement but that's for County Roads and these particular places where subdivisions have been created I'm not sure of the status of the road but will tell you that you didn't say this but I'm assuming we're talking about whether or not someone is getting 60 feet by 200 feet of land for free without any compensation and I think that no matter what kind of a road it is, they are getting something for free, the adjoining landowners are and typically historically we and the statutes until about six years ago provided that adjoining landowners would each get half of that adjoining property on the road but the Commissioners can now by resolution now give it to anyone not even necessarily the adjoining landowners and so whatever it appears would be there going to make it each adjoining half to each lot is what it appears here but yeah that is, we have had discussions about whether we should charge or not charge and how we should go about charging that and I think that at one time when we had discussions about this it was a good idea to abandon the road but the landowners just absolutely refused to pay us one thin dime and so we ended up abandoning it anyway because it needed to be abandoned just because we wanted to close the road and that sort of thing and so we sort of got away from charging because this landowner wouldn't pay and we wanted to abandon it so what do we do, he wouldn't pay, said well if you're going to make me pay don't abandon it and I'll just get by without it and no, no we want to close the road but you're going to have to pay something, well no, so we still haven't formulated any policy to my knowledge, Sharon might be able to add to that but because of that kind of conflict that we had in the law that because we had discussions in the past that someone should be paying for this, but if the guy won't do it like here, than what do you have, you have a weed patch that isn't going anyplace, this guy can use it and develop it and make it, you know it's just better off if we abandon it and the government doesn't need, but if he doesn't want to pay for it who do you give it to. We've even abandoned things and even one time gave the guy a grazing right on that 60 feet that was down further on the road and he got a long strip of narrow grazing land between the two properties but I'm not so sure that's good public policy either. So I don't know whether I answered your question but

Commissioner Tinsley: Yeah, you did and I would be interested in us possibly bringing this up in some future point to talk about some of the things you spoke about this morning and maybe pursuing some of them. As _____ I know that the land work as far as I can recall would never give anything away like this. They are bound by a constitution which requires them to receive revenue for school trust lands so it might be a little bit different situation but I'd still be interested in pursuing it if possible even for grazing type situations.

Chair Murray: Commissioner Tinsley on the second page of the Missoula Avenue checkerboard I was the County Commissioner assigned to do the inspection on behalf of the commission. You'll notice from the plat the RV business owns both sides of the lot and the business isn't involved to the point that it's actually encroaching on the street. It dead ends at the end of the business so by abandoning this we're making the business owner hold to the extent that he is using now and without permission he'll be paying taxes on the road.

Commissioner Tinsley: Right, it also appears from the photograph Commissioner Murray that they actually built a building into the easement.

Chair Murray: Yes. It's rather exasperated that on Stanley Street there's a gate for the business so the street is closed in the evenings at the close of business. Further Questions?

Commissioner Tinsley: No

Chair Murray: Is there a motion?

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the resolution abandoning a segment of Missoula Avenue between blocks 18 and 19 of the Boyce Addition and blocks 117 and 118 of the Northern Pacific Second Addition and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

9. **Resolution Abandoning a Segment of Old Canyon Ferry Road.** (Planner, Sharon Haugen)
The Commissioners will consider the resolution.

Frank Rives: Chairman Murray, Commissioner Tinsley. Here again I've been working with the land owner to abandon this segment of what was formerly Canyon Ferry Road when Canyon Ferry Road was realigned or moved this segment of Canyon Ferry Road became not in use, it's currently used for the property owners to access their property rather to access their properties in other places now so the applicants are ready to go forward with abandoning this segment, this property is getting ready to approve the resolution.

Chair Murray: Questions of staff?

Commissioner Tinsley: None. Mr. Chair, I would just like to comment. I think this is an excellent example of what was talked about with regards to possibly the County receiving some kind of revenue for grazing rights or anyone else, transfer of property. That's a rather large chunk that could equal a fairly sizeable portion of land if blocked together and that's why I think we should pursue something in the future or at least talk about it. Mr. Chairman I make a resolution, I make a motion to approve the resolution abandoning a segment of Old Canyon Ferry Road and authorize the chair to sign.

Chair Murray: Second. Again, Commissioner Tinsley if I may when right of way was purchased for realignment of the Canyon Ferry Road by the airport in the realignment deal consideration was made for the price of the new Canyon Ferry Road contingent upon the County ultimately abandoning this section of road so there was some

Commissioner Tinsley: There was some consideration

Chair Murray: there was some consideration on the right of way. All in favor of the motion to abandoning the segment of the Old Canyon Ferry Road signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

10. **Final Plat Approval and Subdivision Improvements Agreement for Rosemary Acres, Major Subdivision, Amended Lot 1-A.** (Applicant, Scott Truscott) (Planner, Michael McHugh)
The Commissioners will consider the final plat and agreement for road improvements.

Chair Murray: The applicant is Scott Truscott; the planner is Michael McHugh, neither of which are here so we'll move onto item #11.

(after item 13)

Chair Murray: Mr. McHugh, you have a final plat subdivision improvement agreement for Rosemary Acres Major Subdivision Lot 1-A, the applicant is Scott Truscott.

Michael McHugh: This subdivision was granted preliminary approval on July 10th 2003 with 16 conditions. All those conditions except condition #6, which required hard surfacing of the road, have been completed. There has been a payment of \$6046.66 into the parkland dedication, there's also been a \$8,000 fee paid to West Valley Fire Department. The applicant has submitted a letter or irrevocable letter of credit from Valley Bank in the amount of \$131,277.50. Besides condition #6 all conditions have been met and statute does allow for improvements.

Chair Murray: Is there questions of Mr. McHugh? Is there a motion?

Commissioner Tinsley: Actually there is, when would we see the improvements agreement?

Michael McHugh: The improvements as stated in the improvements agreement are required under subsection #6 the improvements would require that the applicant complete those within one year which would be within one year of signing date

Commissioner Tinsley: Oh, never mind Michael I see this. This is the agreements agreement. I was thinking this was the final, it doesn't say at the top that's why I was asking. That's all I had.

Chair Murray: Commissioner would you by acknowledgement the Truscott's did not sign the original document

Michael McHugh: They will sign this afternoon

Chair Murray: Further I note that on my signature line it's states signing is a notary _____ placement here

Michael McHugh: That's just in error, something we can change

Chair Murray: Not unless Mr. Stahl will

Paul Stahl: That needs to be changed

Chair Murray: It needs to be changed. With the understanding of formatting error will be changed is there a motion commissioner?

Commissioner Tinsley: Mr. Chairman I move that we approve the final plat approval and agree upon the final plat approval and approve the subdivisions improvement agreement for the Rosemary Acre Major subdivision amended lot 1-A and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Michael McHugh: For correction, This is a standard form that's been used for all improvement agreements in the past and this is a template that has been used, location of the Chairman's name has not been changed.

Chair Murray: I believe we're going to start a new

Ron Alles: We'll look in to that Chairman

Chair Murray: It's under the advice of the County Attorney to develop a new template starting today with this signature.

11. **Request for Modification of Conditions of Approval and Variance Request for the Amended Plat of Lot 2-Gilleran Minor Subdivision.** (Applicant, Steve & Cheryl Vick) (Planner, Lindsay Morgan) The applicants have requested 2 modifications to the proposal subdivision. Condition #6 requires that the internal access road be built to county standards. Condition #14 requires that the applicants provide proof that they have access across Government Lot 20, a parcel that is currently owned by the National Forest Service, in order to complete the 60-foot public access and utility easement at a location near the entrance of the proposed development. The applicants have requested a variance that the 60 foot right-of-way width be reduced at the location where the existing right-of-way appears to cross over onto Government Lot 20, leaving the remainder right-of-way at 60 feet in accordance to county standards.

Commission Action: Determine whether or not to consider the applicant's request and schedule a public hearing to consider the modification of Conditions 6 and 14 and variance request for right-of-way width.

Lindsay Morgan: Good Morning Commissioners. The applicant for this request are Steve and Cheryl Vick, Cheryl Vick is present in the audience this morning. The site is located at 2082 Oro Fino Gulch and I have a vicinity map up on the screen for you.

Paul Stahl: Excuse me Mr. Chairman, has the applicant received the report and is she ready to proceed?

Chair Murray: Thank you for bringing that to my attention other than I did see the ____ applicants file.

Paul Stahl: Okay

Chair Murray: But the question needs to be asked, Mrs. Vick you are prepared to go forward this morning?

Cheryl Vick: Yes

Chair Murray: You have received the report that's in your file folder?

Cheryl Vick: Yes

Lindsay Morgan: The applicants have requested two modifications to the conditions of approval to the amended plat of lot 2 Gilleran Minor Subdivision. This subdivision was granted preliminary plat approval on March 16th, 2004. Condition number 6 requires that the internal access road be built to county standards. This requirement includes a 60-foot public access and utility easement. Condition number 14 requires that the Vicks provide proof that they have access across Government lot 20, a parcel of land that is currently owned by the National Forest Service in order to complete the 60-foot public access and utility easement at a location near the entrance of the proposed development. After discussing the easement issue with the Forest Service it was determined that the Vicks did not have an existing easement across forest service property nor will they ever be granted one at this location. The Vicks have considered moving the easement onto their property entirely however their existing well will interfere with this relocation. An encroachment for the well into the right of way was also considered as a possibility however encroachments are not granted on a permanent basis and may therefore cause problems with future property owners of this lot. If the Vicks were granted a variance from the required 60-foot public access and utility easement at this location the remainder of the easement for the internal access road will remain at the required 60-feet. In addition, the Vicks plan to construct the internal access road to meet all other county standards. One thing to note is that prior subdivision MS407 was granted final plat approval with the notion that the internal access road had a 60-foot public access and utility easement. This easement appeared to cross over onto government lot 20, however no easement was ever granted by the forest service at this location and that's per phone conversations with Charlene LaRantz and Larry Kohl with the National Forest Service. We have received one comment in opposition to the request and I should have that letter attached in your packets. Staff does recommend approval of the request for modifications subject to the conditions listed in the staff report. I do have some pictures for you of the site. This is the location of the requested variance, this is the internal access road and this is the entrance of the development and you can see the location of the requested variance on the right hand side of the screen. This is the existing house on proposed lot 1, the approximate well location and then the internal access road. This is actually further up the road. Two things that you will be making your decision on today will be the variance from the road standard and than both the modification requests, condition #6 and condition #14. Do you have any questions for me?

Chair Murray: Questions of staff?

Commissioner Tinsley: Not at this time.

Chair Murray: Thank you Lindsay. Mrs. Vick if you would please go to the podium. Do you have comments, we need your name and address please for the record.

Cheryl Vick: My name is Cheryl Vick; I live at 2082 Oro Fino Court.

Chair Murray: Mrs. Vick, do you have comments you wish to make on the staff report and the proposed conditions?

Cheryl Vick: I guess the only thing I would like to make clear is that we are not asking for to change the road, we're just asking for a variance and modification on the easement itself since we can't get an easement from the forest service and we still plan on having the road to the county specifications _____.

Chair Murray: Thank you Mrs. Vick. Questions of Mrs. Vick? Commissioner Tinsley?

Commissioner Tinsley: Actually Mr. Chairman if it's okay with you I have a question for Lindsay but I didn't want to ask it then.

Chair Murray: Do you have any questions for Mrs. Vick?

Commissioner Tinsley: I don't

Chair Murray: Thank you Mrs. Vick

Commissioner Tinsley: Ms. Morgan in the staff report under the findings of fact actually there's a note previous to that you talk about prior subdivision in this MS407 that was agreed and final plat approval with the understanding that the internal access road had a 60-foot wide easement across this particular portion of Forest Service Land. How is it not, is there any communication to you why it was not discovered at that time and how could of it gone forward without being discovered after you found it this time?

Lindsay Morgan: I don't really have an answer to that. My guess would be that when we look at the map you know it's kind of difficult to see that there would be a 60-foot public access and utility easement issue at that location. When you look at the map that we were given for the preliminary plat you can see at the top of it that it actually indicates that it's a 60-foot wide public access and utility easement and this wasn't the map that was filed with the Clerk & Records Office for the final plat of MS407 but it is difficult to see that and my assumption would be that the planner at that time did not catch that but there's nothing in the file that indicates that they did not have a 60-foot public access and utility easement at that location.

Commissioner Tinsley: Mr. Chairman, I have a question for Mr. Stahl if possible.

Chair Murray: Commissioner Tinsley.

Commissioner Tinsley: Mr. Stahl since the roads existing in this particular place right now and it's obvious that the corner of forest land crosses into that road I don't believe there's reason to fear the forest service is going to put a corner post up and set up a fence in the middle of that road. _____ is true that after a certain period of time whether or not an easement is granted I believe the term is scripted use and I don't want to

Paul Stahl: Not on Federal land.

Commissioner Tinsley: Federal land doesn't count?

Paul Stahl: No, we don't get to take Federal land away likewise you can't take our land, you can't take governments land by adverse use but I'll make one further comment. We rely upon it's sort of in partnership with surveyors, private surveyors that prepare surveys and it appears there that it's there and that's where the road was and everybody just assumed that's where the road was in existent and there was an easement and we just went along and it's probably not possible for us to just go and require everything and check every minute detail and so everyone just assumed the _____ is there, the road's there, fine it's public move on and probably the surveyor probably knew, I will tell you that, but he didn't inform us of that.

Commissioner Tinsley: Okay. Thank you.

Chair Murray: Further questions? This is a public hearing and also includes a variance request. Anyone who wishes to comment in favor of and opposition to or in general on the proposed modification or variance request now is your opportunity. For the second, for the third and final time, this closes the public hearing.
Commissioner Tinsley?

Commissioner Tinsley: Mr. Chairman, _____ guidance from our Deputy County Attorney, we have to give ourselves time to consider this and I would move that we render a final decision on the request for modifications on Thursday July 1st at our regularly scheduled subdivision meeting.

Chair Murray: Second. All in favor of the motion to render a final decision on July 1st signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. So Mrs. Vick, this Thursday. Thank you.

12. **Request for A One-Year Extension of Preliminary Plat Approval for the Bailey's Landing Minor Subdivision.** (Applicant, Tim & Pam Bailey) (Planner, Lindsay Morgan)

The Commissioners will consider a year extension to March 6, 2005.

Lindsay Morgan: Good Morning again Commissioners. Tim and Pam Bailey are requesting a one-year extension to their preliminary plat approval. They were granted preliminary plat approval in March of 2003 I believe. They are requesting an extension for one year to March 6th of 2005. As you're aware their one-year expiration date has already passed. They have received DEQ approval and they've stated that they overlooked the expiration date and thus they're requesting a one-year extension to March 6th of 2005.

Chair Murray: Questions of Ms. Morgan

Commissioner Tinsley: Mr. Chair, Ms. Morgan. At what point had the Bailey's not realized that they had overlooked this and what point, what's the cutoff point, is there a time period where the original approval becomes null and void?

Lindsay Morgan: Generally the person is supposed to request the one-year extension prior to the expiration date. I don't know if Lewis & Clark County has granted extension requests after the expiration date.

Ron Alles: Mr. Chairman for the record the County has granted extensions beyond the expiration date.

Chair Murray: Thank you Mr. Alles

Commissioner Tinsley: Mr. Chair, if possible if I might follow up, I'll ask these folks over here if that's okay, does anybody know at what point, lets assume for a moment that the Baileys didn't ever catch this, at what point does the original approval become null and void or does it ever?

Paul Stahl: The Commissioners are all powerful

Commissioner Tinsley: and all knowing

Paul Stahl: and it probably does not ever run if the Commissioners decide they want to grant it but it would seem to me and for future reference we ought to have reasons why we are if someone has let the time lapse, some extra ordinary reason or something that the Commissioners use otherwise you will never be able to turn one down. I mean, because as we are saying now we have in the past and so do we ever turn one down.

Commissioner Tinsley: Exactly, I mean if we don't have a policy there's no reason to even have a policy to extend it if we're not being, if there's nothing there to say there's a cut off day and it must end at this point

or you must have extraordinary reasons for going forward.

Sharon Haugen: Mr. Chairman, Commissioner Tinsley. Generally as a rule of thumb we've not gone beyond 6 months, most other cases there has been either an illness in the family or other circumstances that are unique or have some kind of hardship or, human nature time would slip or other priorities have taken place and we have but Mr. Stahl is correct we should establish a policy whereby if they go beyond, there's certain thresholds that must be met and that's something staff could work on and bring forth to the commission for their approval, working with County Attorneys Office.

Chair Murray: Commissioner Tinsley in this instance it appears that the applicants have sought and have gone with due diligence in implementing or trying to get their subdivision approved. (tape ended)

(tape begins)

Chair Murray: do we notify as they're coming up on a date ___ on their subdivision?

Lindsay Morgan: I believe, yes I believe that is correct.

Chair Murray: Hopefully in this instance it slipped through the crack with the change of planners or were they notified?

Lindsay Morgan: I haven't notified any planners, I believe that our administrative assistant _____

Commissioner Tinsley: Mr. Chairman, I agree with you I do not believe the Baileys, I believe they have shown due diligence and I wasn't intending to single them out I just think in the future we need to have some kind of definitive policy that this makes no sense in even having an extension policy if we're not going to have a time limit for it to expire officially, so that was the only point I was bringing up.

Chair Murray: And I agree with you Commissioner as you continually are remind me the future is now so we need to get a policy and it probably should be done

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the extension request for the Bailey's Landing Minor Subdivision and it extend it to March 6, 2005 and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

13. **Request for A One-Year Extension of Preliminary Plat Approval for the Big Valley Lot 43 Minor Subdivision.** (Applicant, MMJ, Inc./John McDunn) (Planner, Frank Rives)

The Commissioners will consider a year extension to May 27, 2005.

Frank Rives: Chairman Murray, Commissioner Tinsley. The applicants, subdivision approval lapsed on June 5th of 2004. They have requested an extension. I have been working with their representative John McDunn quite a bit. They have met a majority of the conditions and they're in fact, they expect the road will be inspected very soon. They are in the North Hills Ground Water Control Study Area, they have been approved on that, that they have gone through that review, they just need a little more time to complete their subdivision, we expect they will probably file the plat within the next couple of months and some of the things they want to do is turn this into a major subdivision _____ on that so they are ready to go forward and staff recommends approval of the one-year extension to June 5, 2005.

Chair Murray: Mr. Rives you did note Commissioner Tinsley comments on the dates on the previous extension.

Frank Rives: Yes Sir.

Chair Murray: Thank you. Commissioner Tinsley.

Commissioner Tinsley: Commissioner Murray if possible I just want to request we, when was the extension of the last one, I'll bring it up in staff meeting,

Frank Rives: I believe the applicants were notified of the upcoming expiration; it just took a while for it to turn into a letter I suppose.

Chair Murray: It might be noted the date the letter was apparently typed was June 16th and there is not another date stamp on here when it was received.

Commissioner Tinsley: I guess Commissioner Murray, Mr. Rives, Ms. Haugen if possible, could we look into the possibility of pulling the conditions of approval, we don't have to pull the whole packet but just the preliminary conditions of approval and attaching them to these requests for extensions at some point just so we can review them at some point. I mean we have here that conditions 1-6 have been completed, I just think it would be nice to have the conditions of approval that we are looking at and how far they have to go before we grant these extensions. It seems that all we receive now is just a cover letter, I guess it's the letter of request from the person. If it's too hard to pull that's fine, I understand, if it's possible though that we can just pull it and just make a copy and attach it to these requests I think that would be a little bit more helpful. If possible.

Chair Murray: Ms. Haugen

Sharon Haugen: Mr. Chairman, Commissioner Tinsley. We'll certainly strive for that. We will do that.

Commissioner Tinsley: Thank you very much Ms. Haugen, I appreciate it.

Chair Murray: Commissioner Tinsley.

Commissioner Tinsley: Mr. Chairman I make a motion we approve the extension request for the Big Valley Lot 43 Minor Arrowhead Acre Subdivision extending it to May 27, 2005 and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

14. **Pledged Securities**. (Nancy Everson)

The Commissioners will consider the pledged securities document.

Nancy Everson: Chairman Murray, Commissioner Tinsley. This is a request that comes to you I believe quarterly from the County Treasurers Office. The commissioners are required to review the pledged securities held with US Bank on a quarterly basis and approve those and this is part of the contract with US Bank they automatically ensure that we meet state statutes that require the 50 ___ deposits and collateralize. So we get a statement like this monthly, quarterly we bring you statement to the Commissioners to review and approve. Any questions?

Chair Murray: Commissioner Tinsley?

Commissioner Tinsley: None. Mr. Chairman I make a motion that we, do you want a motion for approval?

Nancy Everson: Just accept the pledged securities

Commissioner Tinsley: Accept them. Mr. Chairman I make a motion that we accept the pledged securities as signed by staff and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

15. **Public Comments.**

Chair Murray: The next item on the agenda is the opportunity for any member of the public that wishes to comment on any area the commission has authority over, now is your opportunity. There being no one present we are adjourned.

16. **Adjourn.**

NOTE: Beginning Tuesday, July 6, 2004 the County Commissioners will conduct public meetings in the newly remodeled Commission Chambers Room 330.