

SUBDIVISION MEETING

February 3, 2005

Chairman Ed Tinsley called the meeting to order at 9:00 a.m.

Commissioner Murray and Varone are present. Others attending all or portion of the meeting include Ron Alles, House Majority Leader Dave Wanzenried, Frank Rives, Eric Griffin, Cheryl Green, Nancy Everson, Brian Holling, Joan Bowsher, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the Pledge.

Legislative Update. House Majority Leader, Dave Wanzenried, gave some highlights on legislative issues.

Request for Reconsideration of Refund of Penalty & Interest. (Cheryl Green/K. Paul Stahl) (tabled from 2/1/05) Cheryl Green reported the Commissioners will decide whether to reconsider its November 18, 2004 decision of denial to Marilyn Hudson for a refund of interest in the amount of \$1,813.02 and penalty in the amount of \$531.10 for a total of \$2,344.12. Ms. Green researched the files as to the county's procedure for address changes and presented the history of documentation to the commission.

Commissioner Murray moved to deny the request for the tax refund. Commissioner Tinsley seconded the motion. Commissioner Murray stated Ms. Hudson would not intentionally avoid paying her taxes. This has, unfortunately, slipped through the cracks and the mistake was made. His motion to deny her request is not a reflection on her deliberately trying to avoid paying taxes, a mistake was made and as taxpayers they are responsible to see taxes paid in a timely fashion.

Commissioner Varone agreed with Commissioner Murray's comments and testified to Ms. Hudson's honor and worthiness throughout the business community for many years, and also agrees that a series of errors has been made and no one in particular is to blame. She would ask that the commission come to a census give her a refund of interest and penalty for 2003.

Commissioner Tinsley stated he does not believe there was any intent not to pay the taxes. It was an error on the part of the taxpayer and/or her lessee and would hope that Ms. Hudson go back to her lessee or the responsible party in the lease agreement for paying those taxes. It is not the responsibility of the county who represents the taxpayers of Lewis and Clark County to refund the penalties and interest for the taxes that were not able for them to use during that time period. For those who play by the rules and pay their taxes on time, they should not have to suffer and he does not believe they should give back the penalties and interest.

The motion to deny the refund of penalty and interest carried 2-1, with Commissioner Varone voting against the motion.

CTEP Project Change Order - Augusta Sidewalks. Brian Holling reported the change order in the amount of \$680.83 with Anderson-Montgomery Consulting Engineers. The school district has requested that the location of the sidewalk be revised, which would require additional design time and field staking on part of the consultant. The CTEP-MDT agreed that this was CTEP eligible and will pay 86.58% of the change order and

the remaining will be paid by the school district. Both agencies have agreed to pay that sum and staff recommends approval of the change order.

Commissioner Varone moved to approve the change order and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Signature of Certificate of Survey for the Abandonment of a Segment of Old Canyon Ferry Road. (Applicant, Prickly Pear Simmental Ranch) Frank Rives reported the applicants have met all of the conditions of approval. Staff recommends approval of the final plat and the signature of the deeds. Commissioner Varone moved to approve and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Request for Modification of Conditions of Approval for Preliminary Plat to be known as Northwest Major. (Applicant M & W Investments/Larry Marshall) (Planner, Michael McHugh) (cont. from 1/20/05) The applicant has requested a modification of preliminary approval by reducing the total number of lots for residential use from 5 to 4 and to relocate the boundaries as approved on the original site plan. The subject property is generally located south and adjacent to Prairie Road.

Michael McHugh presented the staff report. This request for modification originally came before the Board in November 2004. At that time there was a request for reduction from a 5-lot minor subdivision to a 4-lot minor subdivision. There was some misunderstanding with the applicant about the designated use of the property. This proposal was originally designated for use as single family residential. Staff had recommended the modification based on the assumption that there would be a single-family use of the property. Subsequently, the applicant requested a nonresidential use of one of the lots that has been cleaned up and the applicant has created three utility lots to facilitate water supply for both Skyview and Townview subdivisions. Based on the findings, staff recommends the original conditions be amended to include condition 10 to show the reduction in the number of lots and the address plats. The recorded plat creates the utility lots which are exempt from subdivision review and all the necessary access easements have been platted and shown on that plat and are established in perpetuity as public access easements. Deputy County Attorney Stahl and staff are satisfied with the changes.

Commissioner Murray moved to approve the request for modification of conditions as amended by staff and authorize chair to sign. Commissioner Varone seconded the motion and the motion passed unanimously.

York FSA Appointment. The Board of Trustees recommends the appointment of Billy Ray Christianson to serve as Trustee to the May 2005 election. Commissioner Varone moved to approve the appointment. Commissioner Murray seconded the motion and it carried unanimously.

Public comments on items not mentioned above. None.

There is no other business, the meeting adjourned at 9:45 a.m.