

SUBDIVISION MEETING
October 6, 2005

Chairman Ed Tinsley called the meeting to order at 10:00 a.m. Commissioners Varone is present. Commissioner Murray is not present. Others attending all or portion of the meeting included, Ron Alles, Jerry Grebenc, Audra Zacherl, Marni Bentley, John Hinshaw, and Maria Penna.

Pledge of Allegiance. Everyone recited the pledge.

Commissioner Tinsley: Good Morning and welcome to our regularly scheduled Thursday morning meeting. I'm Commissioner Tinsley. To my left is Commissioner Varone and to her left is Maria Penna, our Executive Assistant. Commissioner Murray is at a meeting in Kalispell this morning. To my right is Ron Alles our Chief Administrative Officer and to his right is Jerry Grebenc our Director of Community Planning and Development.

First item on our agenda is the Consent Action Items. Mr. Alles.

Consent Action Items.

Ron Alles: Mr. Chairman, Commissioners. You have 2 items on the agenda. The third has been requested to be removed to October 11th.

- a. Vendor Claims Report for the week of 10/03/05. We have the listing of all of the claims that we paid this week. They are available and in Audra Zacherl's office for the public to review.
- b. Resolution Ordering Refund of Taxes paid. It's on the behalf of Christopher Mast, DDS \$1,102.77.

Chairman Tinsley: Ok. Is there anyone present that would like to have the vendor claims explained? See none we'll go forward. Is there a motion?

Commissioner Varone: Mr. Chair I move that we approve the Consent Action Items and authorize Chair to sign.

Chairman Tinsley: Second. Any discussion? All in favor of the motion signify by saying Aye. Aye.

Commissioner Varone: Aye

Chairman Tinsley: Motion passes 2-0.

Chairman Tinsley: Next item on the agenda is a resolution to create a Rural Improvement District 2005-5 for the Hoff Minor, Lot 3 Amended Plat. Marni Bentley is the Staff person. Commissioners will consider the resolution.

Resolution To Create Rural Improvement District 2005-5 for the Hoff Minor, Lot 3 Amended Plat.

Marni Bentley: Good Morning Commissioners. We did receive a letter from the developers of the Hoff Minor Subdivision, Lot 3, and I did attach that to your memo. They requested the creation of a special improvement district, or a rural improvement district for maintenance for their internal access roads. This was a condition of their approval. The developers are the sole owners of the lots, and they did request that the formal statutory process of public notice,

hearing and protest period be waived. I have attached a draft resolution to your memo. It outlines the cost for maintenance of the roads and the type of maintenance to be included. Staff does recommend approval of that resolution to create the Hoff Minor, Lot 3 Rural Improvement District. Just for your information, we will not be holding a rate hearing on this until the lots are actually created and tax identification numbers have been assigned to the lots, probably next year.

Chairman Tinsley: Thank you Miss Bentley. Questions for Miss Bentley?

Commissioner Varone: Mr. Chair?

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Chair, Marni. Because the Applicant is a sole owner we can waive the process that's typically?

Marni Bentley: Yes we can.

Chairman Tinsley: Any further questions for Miss Bentley? Is there a motion?

Commissioner Varone: Mr. Chair I make a motion to approve a resolution to create Rural Improvement District 2005-5 for the Hoff Minor, Lot 3 Amended Plat and authorize Chair to sign.

Chairman Tinsley: Second. Any discussion? All in favor of the motion signify by saying Aye.

Commissioner Varone: Aye.

Chairman Tinsley: Aye. Motion passes 2-0.

Next item on the agenda is Intercap loan application for the Lambkin RID. The Commissioners will consider the loan application in the amount of \$30,121.29 for a term of 10 years.

Miss Bentley.

Intercap Loan Application for the Lambkin RID.

Marni Bentley: Good morning again Commissioners. This is just a little bit of clean up that we're doing this morning. I had had the Commission sign an application for this loan earlier but the loan amount wasn't correct. The work has now been done in the Lambkin area in conjunction with the Lincoln RID work and I have fixed the amount, corrected the amount, and will now submit this application. I just ask that the Commission sign the loan application on behalf of the County.

Chairman Tinsley: Questions for Staff? Is there a motion?

Commissioner Varone: Mr. Chair. I make a motion to approve an Intercap loan application for the Lambkin RID in the amount of \$30,121.29 and authorize the Chair to sign.

Chairman Tinsley: Second. Any discussion? All in favor of the motion signify by saying Aye.

Commissioner Varone: Aye.

Chairman Tinsley: Aye. Motion passes 2-0.

Next item on the agenda is the final plat approval for Hoff Lot 3 Amended Major. The Applicant is John Herrin. The Planner is Jerry Grebenc. Mr. Grebenc.

Final Plat Approval for Hoff Lot 3 Amended Major.

Jerry Grebenc: Mr. Chair, Commissioner Varone. The Applicant has submitted a final plat. All of the Conditions of Approval except some of the physical improvements have been done. You do have a copy of the subdivision improvements agreement inside your final plat report. The outstanding improvements are storm water drainage some approach permit work, construction of the roads, certification by an engineer and then some street signs. So, you do have a final plat, or excuse me, a subdivision improvements agreement copy in your folder. Staff does recommend signature of the final plat for the 1st phase. This is only phase 1. There is a second phase and there are other conditions of approval that will have to be met before that can be platted.

And I'd be happy to answer any questions.

Chairman Tinsley: Questions for Staff?

Commissioner Varone: Mr. Chair?

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Chair, Jerry. My concern about doing this is that we occasionally, not often but occasionally in the past we've come upon situations where final plats have been signed by previous Commissioners and yet all of the work hasn't been accomplished. Since not all of the work has been accomplished here, what do you and your staff do to assure that the work is finalized if we decide that we'll sign the final plat.

Jerry Grebenc: That's what the Subdivision Improvements Agreement is for and what Staff does is we have a checklist of subdivision improvements that have been done in the past and the Staff should keep up on that and make sure that they look at those subdivision improvements agreements and typically what would happen is in this instance if the work wasn't done about 30 to 45 days before this letter of credit, because we have a letter of credit from the First Security Bank, Staff would need to submit a letter to the Applicant saying you haven't completed the work; if we don't hear from you in 7 days we are going to approach your bank and demand the money, and then we would have to get the money from the bank and the County would have to take over to do the work.

Commissioner Varone: Thank you.

Jerry Grebenc: Yeah, and that's statutorily, that's the only hook that we have.

Chairman Tinsley: Has that ever happened?

Jerry Grebenc: We've only had one instance that I'm aware of so far and that was years ago.

Commissioner Varone: Mr. Chair, the reason I'm leery is because, I mean our Staff is so busy and they do a great job and it's really easy for that to just be missed.

Jerry Grebenc: Oh, absolutely. I mean when you look at the overall scheme of projects we're under this is, once this is filed it can be relatively easy to forget about but the onus is on us to keep up on it. The other thing is statutorily the developers have the right to do this, so as long as they meet the criteria that's under statute and in our regulations, we have to hope that 1) cost of building materials don't sky rocket. For instance, with the hurricane, if we would have done, and this could be true with this one or any subdivision improvements agreement, if you see a drastic increase in the cost of fuel, building materials, the estimate may be far too low.

Chairman Tinsley: Are we required to approve this or do we have the option of approving this?

Jerry Grebenc: You have the option. I just suspect you would need to have strong rationale for saying no; we want either further documentation or information.

Chairman Tinsley: One thing that disturbs me is when we get told we have to do things. My question then is why do we even bring it before us if that's the case?

Jerry Grebenc: Well, I suspect, if you have questions about any of the documentation or you don't believe the estimate is fair enough or you have doubts about the security or anything like that.

Chairman Tinsley: What if we take into consideration the Applicant's opposition to a certain condition of approval that he might be challenging us on?

Jerry Grebenc: You very well could do that. The condition of approval with this subdivision isn't required until the 2nd phase is to be platted. All of the requirements for the 1st phase have been met if you take into consideration the subdivision improvements agreement.

Chairman Tinsley: Ok. Further questions? Is there a motion?

Commissioner Varone: Mr. Chair, I make a motion to approve the final plat of the Hoff Lot 3 Amended Major and authorize Chair to sign.

Chairman Tinsley: Second. Any discussion? All in favor of the motion signify by saying Aye.

Commissioner Varone: Aye.

Chairman Tinsley: Aye. Motion passes 2-0

Chairman Tinsley: Jerry, do you have the original?

Jerry Grebenc: I have the original subdivision improvements agreement, and typically we give that to Maria and Carole and they have you sign it and get it notarized and everything else. Ok. Final item on the agenda before public comment is a road name request off of Beaver Willow Road west of Augusta. We have 3 choices before us, and while the 3rd choice is very enticing, I don't know if we should go there, but, Mr. Hinshaw.

Road Naming Request.

John Hinshaw: Chairman Tinsley, Commissioner Varone. The request before you is off of Beaver Willow Road, which is west of Augusta. There's 11 residences and property owners on this road. At this time we've only gotten 5 responses so we obviously don't have the majority. The 3 road names were Stoner Heritage Road, Stoner Place Road, and Stoner Road. And the 2nd choice the one that you were alluding to, I believe, was Rancho Costa Plenty Road. The Staff recommended that we go with Stoner Heritage because at the time this memo was written, 3 of the applicants had stated that on there, however, in reconsidering that, I think shorter is always better. It's easier in an emergency situation to remember and so on, so Stoner Drive might be a good recommendation. I would like to have it as Drive to meet County standards as far as North/South roads being Drives and East/West being roads.

Chairman Tinsley: its kind of hard do think about having a Drive in Augusta. (Laughter)

John Hinshaw: That's true and it is a fairly long road.

Chairman Tinsley: The other question is the choices that we've been given; some might argue

indicate certain illegal activities. (Laughter) Where's the word come from?

John Hinshaw: I think that was the original homestead of this whole tract that was sold or that was one of the comments in the petition that I received. They evidently were the original owners.

Commissioner Varone: Leave it up to you, Ed. (Laughter)

Chairman Tinsley: I'm still fond of the last one. (Laughter). Are there further questions? If not, is there a motion?

Commissioner Varone: Mr. Chair, John. I was going to ask the question about whether or not you would agree to the Stoner Homestead. It sounds very enticing, but I believe if we shorten it, I think it would be easier. That being said, Mr. Chair, I make a motion to name the road Stoner Drive and authorize the Chair to sign any documents.

Chairman Tinsley: Second. Any discussion? All in favor of the motion signify by saying aye.

Commissioner Varone: Aye.

Chairman Tinsley: Aye. Motion Passes 2-0.

Is there any public comment to come before the Commission this morning? Seeing none, we stand adjourned.

Public comments on matters not mentioned above. None

Adjourn. 9:15 a.m.