

DRAFT – NOT APPROVED BY BOCC

PUBLIC MEETING
October 18, 2005

Chairman Ed Tinsley called the meeting to order at 9:00 a.m. Commissioner Murray is present. Commissioner Varone is absent. Others attending all or portion of the meeting included Ron Alles, Frank Rives, Greg McNally, Cheryl Green, and Maria Penna.

Pledge of Allegiance. Everyone recited the pledge.

Chairman Tinsley: Good Morning and welcome to our regularly scheduled Tuesday morning meeting. I'm Commissioner Tinsley. To my left is Maria Penna, our Executive Assistant. Commissioner Varone is not here this morning. To my right is Commissioner Murray. To his right is Ron Alles, our Chief Administrative Officer and to his right is Frank Rives our Deputy Director of Community Development and Planning.

The first item on the agenda is our Consent Items. Mr. Alles.

Consent Items.

Ron Alles:

- a. Request for One-Year Extension to 10/7/06 for Big Sky III Subdivision.
- b. Final Plat Approval for Grover Estates Minor Subdivision.

Staff does recommends approval of the items.

Chairman Tinsley: Would the Commission like to remove any of the items, or if not is there a motion?

Commissioner Murray: I move approval of the Consent Agenda.

Chairman Tinsley: Second. We have a motion and a second. Any discussion? All in favor of the motion signify by saying Aye.

Commissioner Murray: Aye.

Chairman Tinsley: Aye. Motion passes 2-0.

Commissioner Murray: Mr. Chair the motion included the right to sign the extension.

Chairman Tinsley: Thank you. Next item on the agenda are two resolutions directing the County Treasurer/Clerk & Recorder to issue tax deeds for certain properties located in Lewis and Clark County for which real property taxes are delinquent for 3 or more taxable years. And I'm assuming Cheryl you are here for that. I'll let you explain what we have.

Two Resolutions Directing County Treasurer/Clerk & Recorder to Issue Tax Deeds for Certain Properties Located in Lewis and Clark County for Which Real Property Taxes are Delinquent for Three or More Taxable Years.

Cheryl Green: Good Morning Commissioners. This is property, 2 different pieces that I put into the tax deed process for tax year 2001. Did all of the legal procedures and that, and no one

come forward to redeem. These are 2 pieces that are left. I guess if we do the first one, the undivided interest in Lot 12, Block 180 of the Brooke Addition. The County owns the other half of that lot now, so if we tax deed to this other half, the County will own the whole lot. I know we have to have an auction, but there's been a gentleman in that this is like part of his yard and he does want to buy the property from the County but I told him we would have to have an auction and he'd have to be the highest bidder on that piece. And then, I think I tried to give you guy's maps of the piece of property that we're talking about.

Commissioner Murray: Mr. Chair?

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: Miss Green, this looks like it's part of a lot, the part that you're suggesting we take is in an alley between Jocelyn and Knight Street?

Cheryl Green: It might about the alley but it is, I mean property that is being used right now by the owner, I mean the neighbor of that property and we do own 1/2 of that lot already, that we took tax deed years back.

Commissioner Murray: Miss Green, did the fellow, or the person that wants to buy it at auction, did they have the chance to pick it up as a tax deed and take it that way rather than us taking it and bidding it?

Cheryl Green: No, he wasn't even aware of it. When I advertised it in the newspaper his neighbor came forward and said, "I think this is part of your property." So that's when he came in. The process had already ended.

Commissioner Murray: Thank you.

Chairman Tinsley: Cheryl or Ron. Do we need to have a Public Hearing on these resolutions?

Ron Alles: Mr. Chairman. I think we may as well have a Public Hearing. I don't believe we need to so we might as well open it up.

Chairman Tinsley: Ok. We'll do the first one. And I'm assuming the first one is.... I'll just read it off of the agenda. I'm going to open up the Public Hearing regarding the property that has the Geo Code of 1887-23-4-11-13-PS01. It's an Undivided 1/2 interest in Lot 12, Block 180 of Brooke Addition. The Owner, G. Curtis Seeker, Jr. & Judy G. Seeker. Is there any public comment or testimony on this resolution? The resolution is directing us to issue a tax deed to those properties that I just outlined. Any public comment? Any public comment? Hearing none, this closes the Public Hearing. Is there a motion?

Commissioner Murray: Mr. Chair, could I ask one more question?

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: In looking at your map, Miss Green, there's a diagonal line that runs south to north and there are two triangular pieces of property. Are these remainders or are these properties that are eventually going to come before us also? It's the last page.

Cheryl Green: No, that property is owned by individual people.

Commissioner Murray: Both triangular pieces?

Cheryl Green: Um huh.

Commissioner Murray: Should we be encouraging the owners to combine these into the a single Geo Code? Are they getting separate tax bills?

Cheryl Green: That I'm not sure of Commissioner Murray.

Commissioner Murray: Miss Green before they get into trouble, after today's meeting will you take a look and see if in fact they are separate Geo Codes, and if they are, encourage the property owners to combine them into a single Geo Code so they're not paying two separate tax bills on them.

Cheryl Green: I have a copy of the owner of the property that is interested in buying this at auction, he has lots 12 through 16 and it's all on one tax bill.

Commissioner Murray: Ok. Thank you. Mr. Chair, I would move a resolution declaring the County Treasurer/Clerk and Recorder to issue a tax deed for certain properties located in Lewis and Clark County for which real property taxes are delinquent for 3 or more taxable years and authorize the Chair to sign.

Chairman Tinsley: Second. Any discussion? Mr. Alles.

Ron Alles: I'm sorry Commissioners. If I could ask one quick question of Cheryl. What happens if, like on the separate property, it's a narrow strip of land, is there interest in that too? I mean, or does the County end up with that on it's, owning that strip of property with nothing to do with it. It's not developable or anything like that. It's only 38 feet wide. Is there an interest in that one as well?

Cheryl Green: No, adjacent to this piece here?

Ron Alles: The one on Bossels Drive.

Commissioner Murray: Mr. Alles we're going to get to that as soon as we finish with this motion. I share question.

Ron Alles: Oh, I thought you did both resolutions.

Chairman Tinsley: No. That's all right.

Ron Alles: I apologize Commissioners

Chairman Tinsley: I was too nice to tell you. (Laughter)

Chairman Tinsley: Ok, we have a motion and a second before us on item 3-A. All in favor of the motion signify by saying Aye.

Commissioner Murray: Aye.

Chairman Tinsley: Aye. Motion Passes 2-0.

Commissioner Murray: Mr. Chair. Mr. Alles' question is mine also.

Cheryl Green: Ok, we're still talking about this?

Chairman Tinsley: No. We're on the next one now.

Cheryl Green: Ok, we're on the next one now. All right this is a piece and you can see by the map it was 2001 delinquent tax year that I used it on under the tax deed process. No one came forward. This is a long strip of property but what is above that property is owned by the Homeowners Association of that Maynard subdivision and right fronting York Road is also, I think it says it's East Valley Water Treatment, or there is like a pump house there on the piece closer to York Road. So I thought, I mean this is a possibility to see if the Homeowners Association is interested in this piece. I don't really think you really can't do anything with it, that I know of, because there's 2 roads on each side of it.

Chairman Tinsley: Are there any questions for Staff? I'm going to open up a Public Hearing on item 3-B Geo Code 1888-12-1-04-01-0000. South ½ of a strip of ground 38.84 feet wide by 330 feet long on the SW corner of Maynard Subdivision No. 3, Section 12, T10N, R3W. Owner, Scott & Maria Wetzel. The Public Hearing is now opened. Are there any comments or testimony? Any comments? Any comments? Hearing none this closes the Public Hearing. Commissioners is there a motion? Or questions?

Commissioner Murray: Mr. Chair, question. Miss Green or Mr. Alles, why do we want to own it? Is there an advantage of the County taking ownership of this strip of land?

Ron Alles: Not in my opinion. Cheryl pointed out that maybe there's interest because of the sewer pump house on the property further north but I'm not sure why the County would want to own this little strip of land. I mean there's no logical use for that piece, unless the Commission just wanted to own it because no one else wants it. I mean, then we'll get tax bills relating to it with all the fees, etc. It can't be that high but it.

Cheryl Green: It's a minimal tax bill of \$5.00 but the County wouldn't get charged. It wouldn't be enough to generate a tax bill.

Ron Alles: Just the fees associated with it.

Cheryl Green: Well, anything with a mill levy is exempt, so I mean the bill would be in the County's name but it wouldn't generate any taxes owing to the County. This was just my theory of possibly the Homeowners Association that owns the piece in front, the possibility of them maybe wanting this other piece, and then I don't know, maybe in the future if that would be part of the road on each side to make the roads wider? I don't know if that's.

Chairman Tinsley: We can determine that at a later date, right? We can go ahead and go forward this morning and quibble over this later, I think. Is there a motion?

Commissioner Murray: Well, I don't really believe the County should be owning a lot of land in the County but I'll make the resolution directing the County Treasurer/Clerk and Recorder to issue a tax deed for certain properties located in Lewis and Clark County for which real property taxes are delinquent for 3 or more taxable years and authorize the Chair to sign.

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

Commissioner Murray: Aye.

Chairman Tinsley: Aye. Motion passes 2-0.

Commissioner Murray: Mr. Chair, who would we contact to see if we can give it to the; and can we give land now that we own it to the Homeowners Association?

Chairman Tinsley: We can abandon it like we would an alley way or something, couldn't we?

Ron Alles: Actually Commissioners, we probably would need to initiate the process of putting it up for bid. Once no one wants to buy it that way, then you might be able to surplus it and dispose of it that way. But, I think we're bound to auction the property first and try it that way.

Commissioner Murray: Mr. Chair. I believe that would be fine. Right now we've created ownership in potentially a weed patch, next to a subdivision where we're going to spend taxpayer's money for maintenance.

Cheryl Green: I'm not sure and maybe I need to look into the statute, but I know the County Commission can give land away. I'm not sure if it's just for Government entities. I don't know if the Homeowners Association would be....

Ron Alles: The Association is not the Government entity and I know the statute requires that we need to advertise it, if there's interest in it, we need to go through that process first. This is different than a road right-of-way, or anything like that, where you can abandon roads and have it split amongst property owners, adjacent property owners. We'll have to follow the formal process, work it out with the association and perhaps grant it at a later date.

Commissioner Murray: Mr. Chair. I wanted to raise the issue, I'm satisfied I've raised the issue that staff is aware it's a piece of property that I personally believe the County needs to dispose of as quickly as possible, whatever process you use Miss Green.

Cheryl Green: Ok.

Chairman Tinsley: Thank you Commissioner. Further discussion?

Chairman Tinsley: Is there any public comment to come before the Board on items not mentioned above? On items not on the agenda this morning. Any public comment? Hearing none this meeting is adjourned. Thank you for your participation this morning Miss Green.

Public comments on matters not mentioned above. None

Adjourn. Adjourned at 9:20 a.m.