

**Custer County Commissioners
Public Hearing Minutes
Bryan Wilson Property/ Partial Road Vacation
August 11, 2025**

Call to Order at 4:00 p.m.

Roll Call

Present: Commissioner Randy Corgatelli, Commissioner Will Naillon, Commissioner Gordon Vaden, Clerk Lura Baker, Prosecutor Paul Rodgers, Planning & Zoning Administrator Jessica Clemenhagen, Deputy Clerk Tina Hawkins. In the audience Curtis Williams, Carla Young, Cade Petersen, A.J. Wilson, Brian Wilson, Tom Thurber

Public Hearing Called to Order at 4:01 p.m. (Recorded)

Commissioner Vice Chairman Randy Corgatelli reminded those attending that this is the second day of the public hearing. This is to support all that wish to testify and will be taken in order of; Support Testimony, Neutral Testimony, then Opposition Testimony.

Support Testimony: (5min)

Support testimony was heard from Curtis Williams.

I live in the subdivision and I have two other ways to access my property. I have no problems with this road vacation. He pointed out the routes on Exhibit B.

Exhibit B was provided – a printout of the County map of Kootenai Walk road in question.

This concluded the support testimony.

There was no Neutral testimony given:

Opposition testimony was then given by Tom Thurber:

Tom stated his understanding is that Bryan Wilson wants to do an amended road route. Tom asked if this process was to vacate the road, or to relocate the road? Tom owns 4 acres in 4 lots in the subdivision. He has never been able to utilize that road right-of-way due to fences and a ditch. I have lived there for 20 years. At one point I came home to find 25 feet of the road was missing and 200 feet of ditch had been dug down the right-of-way. When Frank sold the business, I was prepared to install culverts through a contractor, to enable my use of this road. Mr. Wilson the new owner of the business has since encumbered the road.

Commissioner Naillon asked for clarification on which testimony he should refer to from the exhibit packet?

Mr. Thurber responded that this application is over a year old and information could be from earlier. I have a map with a good representation of the road routes involved. I want some type of guarantee that my access to my parcels will be granted. I want to establish this route as my access road. I haven't used it because of the encumbrances involved. Mr. Thurber asked for verification on just what is being considered today? Is the amended route for this road part of today's decision?

Commissioner Naillon responded that today's hearing is about the partial vacation of Kootenai Walk, it is not about approving an alternate route.

Mr. Thurber provided another map from the application that has confused the process.

Prosecutor Rogers asked that each exhibit page be numbered with Application pages.

Tom stated "I would like to be able to access my property from both directions. In (Exhibit A). (Page 1) This access road has been called Kootenai Walk as well as Kootenai Way. (Exhibit A – Vacation Application by Bryan Wilson) page 2 mentions the Jose Ditch that is a concern and needs to be moved. (Page 3 - map) shows the amended route for Kootenai Way, with 50 feet of the access for this alternative route shown going onto Wilson's property. I would be OK with this alternative route on his property. Page 4 - Alternative B mentions the proposed vacation of Kootenai Way and I'm assuming that the map on page 3 is the new proposed route. The map on page 5 shows a route that goes right through my house; that I am definitely opposed to. I am only in favor of this road vacation if an alternative access route is built and a fence is installed on Wilsons property. If I get no assurance of this alternate route then I oppose the Kootenai Road partial vacation request. I am requesting fencing around the pit area, a 20' setback from the property line to the wall of the pit, reasonable dust control and reasonable hours of operation. I would agree to Alternative B "IF" the above conditions are met. I would like to see some changes made in this county.

Applicant Rebuttal was then given by Brian Wilson.

Mr. Wilson provided a packet of information for the Exhibit record and those present.

In response to Tony Gilliam's neutral concern. The gravel pit will not cross the county road named Lagoon Lane or the city sewer line that parallels the road. He then submitted photos of the right-of-way all around the Thurber property. Mr. Thurber refers to Kootenai Way as "his" road. This is a public road as platted. (Exhibits I through O) Show the public right of way, and where the proposed road vacation is. Other than the subdivision plat map route there have been no improvements done on this road. Mr. Wilson stated that any public culverts to be installed require engineered plans before installation. Exhibit P shows Mr. Thurber's property and his target range that is facing my gravel pit. I don't view this ground as a subdivision. It is a parcel of land that was platted as a subdivision in the 1980's. Mr. Williams lives across Kootenai Way from Mr. Thurber. Due to past issues with Mr. Thurber, they no longer use Kootenai Way for access but use Lagoon Lane for access to their property. I submit information from the DEQ (Exhibit Q thru W) about the ongoing complaints we have experienced. (Exhibit X, Y & Z) The inspection report from the ID Dept. of Lands. These letters show the original reclamation plan is being redrawn to include the additional disturbed acreage. I am currently working on getting my new reclamation plan completed. I also submit a letter dated 8/5/2025 from Sawtooth Law. This letter addresses my "Verified Complaint" and the (Exhibit 20-31) "Settlement Stipulation". When this subdivision was platted in the 1980's the owner mined the whole area for gravel, except for the western side. No subdivision road improvements were made. I am asking to vacate a section of Kootenai Walk.

Commissioner Naillon inquired about the diagram on page 6 that Tom showed? Was this the proposed re-route of Kootenai Walk, right through the Thurber properties? Wilson responded NO that is not the proposed reroute. Naillon then asked about the Page 5 map that showed the proposed route of the reroute. He asked if Wilson had that route surveyed?

Wilson responded that No, he has not had it surveyed, but does have a legal description of the proposed route.

Commissioner Naillon asked Prosecutor Rodgers if the current application will address access to all of Thurber's lots. Does the proposed "P" shaped route provide that access? Prosecutor Rogers explained the fact that this application does not guarantee an alternate route for access. It is the P&Z Board that can establish roadways, not the Board of Commissioners.

Commissioner Corgatelli asked if conditions could be attached to the approval of this road vacation? Prosecutor Rogers responded Yes. They are able to require conditions for additional road access via the P&Z Board.

Commissioner Naillon stated that access to lot #11 must be addressed, as this road vacation will make it land locked. He does not want to set a precedent with this decision.

Testimony was then closed:

Deliberation then ensued between the Board of County Commissioners.

Commissioner Vaden stated that the wrong P&Z process was pursued for the results expected. To resolve this issue we need to amend the subdivision plat.

Commissioner Naillon stated that private property access must not be closed off.

Commissioner Corgatelli floated the idea of a motion that would guarantee access through attached conditions.

Commissioner Naillon stated he wants to address proper access to all subdivision lots at this time.

P&Z Administrator Clemenhagen let the Commissioners know that the P&Z Board would need to hear the testimony, but there is no guarantee it would be approved.

Prosecutor Rogers stated that a conditional approval could be done. The proper steps must include a new P&Z application for a subdivision amendment. Discussion was held on just which Board would do the final approval. There is value in setting precedents that apply to everyone. Commissioner Vaden lamented about the issues that continue to arise because of subdivisions that were platted before Planning & Zoning took effect.

Commissioner Naillon felt they must assure Mr. Thurber that he has access to all of his property.

Commissioner Corgatelli stated there should be a way to guarantee access to Mr. Thurber and lot #11 with attached conditions. He inquired if an amendment of the subdivision could be taken to the P&Z Board by Mr. Wilson to change the lot configuration. Both P&Z Clemenhagen and Prosecutor Rodgers confirmed that scenario.

Commissioner Naillon asked Prosecutor Rogers if the road vacation approval could be finalized only with a condition of approval by the P&Z Board of amending the subdivision plat.

Prosecutor Rogers verified that the road vacation would not be allowed until the subdivision amendment was finalized, providing access to all the lots within. This would assist Mr. Wilson in not having to repeat this road vacation public hearing.

Commissioner Naillon stated that Thurber's requests for fencing, 20' setbacks, dust control and operating hours also need to be addressed. The setback requirements will be verified.

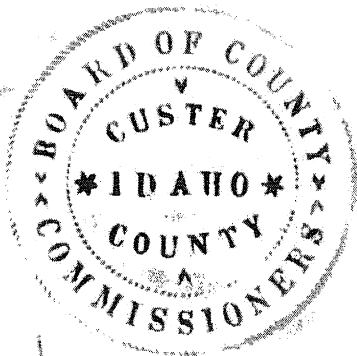
Prosecutor Rogers stated that "setbacks" need to be addressed with a county ordinance by the P&Z Board.

Commissioner Corgatelli urged the Board to arrive at a solution to this long drawn out process.

Commissioner Naillon then made the following motion: I move to approve the Applicants partial road vacation request under the conditions that the Applicant has his proposal approved by the Planning & Zoning Commission through a subdivision amendment application, which was to reiterate placing a road between his property and Thurber's property; which would place the road solely on Wilson's property and possibly dissolving a portion of the subdivision or merging lots together that are no longer to be used as residential lots. Once P&Z approval of the subdivision amendment is received from the P & Z Commission, this road vacation would go into effect. Commissioner Vaden seconded the motion and it passed with a unanimous vote.

Commissioner Naillon stated that he wished to avoid another hearing process for Mr. Wilson. He also stated that he hoped this process will provide closure on this matter. Mr. Thurber responded that if there is a road between his property and Wilson's property, that would be fine. The fence was proposed so Mr. Wilson would know where his property line was. Prosecutor Rogers then reminded everyone that it is now up to the P&Z Commission to decide on the subdivision amendment. If it is approved then the road vacation will go through, if it is denied then we are back to square one. It is encouraging to hear that Mr. Thurber will be satisfied with the alternate road location, and we can avoid lawsuits.

Chairman Randy Corgatelli then concluded the public hearing process and the Hearing was adjourned at 5:15 PM.



Lura H. Baker

Attest: Clerk, Lura H. Baker

Randy Corgatelli
Chairman, Randy Corgatelli