

**Custer County Commissioners
Public Hearing Deliberation Minutes
Kootenai Way Road Vacation
Custer County Courthouse
January 26, 2024**

Present: Commissioner Chairman Randy Corgatelli, Commissioner Steve Smith, Commissioner Jake Zollinger, Clerk Lura Baker, Deputy Clerk Tina Hawkins, P&Z Administrator Jessica Clemenhagen, community members: Bryan Wilson, Walt Taylor, Thomas Thurber, Carla Young. Prosecuting Attorney Justin Oleson via telephone. (see sign in sheet)

Call to Order: (Recorded): Public Hearing meeting reconvened by Commissioner Chairman Corgatelli at 4:00 p.m. for questions and testimony prior to deliberation. Commissioner Corgatelli asked if there were any questions to start with.

Commissioner Steve Smith advised that he had some questions to go over. Commissioner Smith advised that there was an exhibit that had been given to the Commissioners and he had read through the information that was submitted. There were also some codes that were given to the Commissioners for review. He asked that both Mr. Bryan Wilson and Mr. Tom Thurber come forward to review a map that had been submitted. Commissioner Smith advised that in reading I.C. § 50-1321, he believes that this code suggests that both parties should come to an agreement. Commissioner Smith had both parties clarify their property ownership and access in conjunction to the road in question. Commissioner Smith advised that he felt that there was another option that would benefit both parties and also the public in the future. He advised that in reviewing the map and the property lines, he felt that he would not be able to make the decision to vacate the road completely but possibly could agree to a compromise option for re-routing the road to keep the road a continuous flow. P&Z Administrator Jessica Clemenhagen advised that possibly the County Prosecutor could address that, as she felt there would need to be another public hearing to present that option. County Prosecutor Justin Oleson, attending the meeting via telephone, counseled that the purpose of this public hearing was originally submitted as a request to vacate a portion of Kootenai Way Road. That is the sole purpose of the hearing and the only decision that the Commissioners can make is to either vacate the road or not to vacate, as proposed. If the Petitioner would like to come back before the Commissioners with an alternate proposal, he will need to submit another application to request an alternative option, which will then go before Public Hearing and allow the public to voice their opinion and have the Commissioners decide. Commissioners Smith and Corgatelli both acknowledged that they would like to see another option, but agreed that the purpose of this hearing was to vacate the road or not to vacate.

With no further questions, Commissioner Corgatelli closed the testimony portion of the hearing at 4:10 p.m. and opened deliberations between the Commissioners.

Commissioner Smith advised that it is hard for him to make the decision to vacate this road, as the proposal has been submitted. He stated that he feels the need to advocate for the public as

this is a platted subdivision and the road has then been given to the public, even though he understands that the road has never been actually put in or used, he feels the need to preserve future interests. Commissioner Smith stated that there needs to be a continuous flow for emergency vehicles, snow removal, etc. through this platted subdivision. Also, if there had not been opposition, he would have felt better about vacating this road, however there is a clear opposition to that proposal. He stated that there are other options, one that has been discussed briefly, that would allow both property owners the ability to maximize the utilization of their properties. A different plan, if brought back to the Commissioners for review, would be a better option at this time. Commissioner Corgatelli agreed with these comments and stated that he felt the same.

Commissioner Smith made motion to deny the application to vacate a portion of Kootenai Way road. Motion seconded by Corgatelli, motion passed per role call vote.

Both Commissioners advised that they feel there is a solution

Tom Thurber, brought up the problem with not having a survey and then continued on with comment which was interrupted by Commissioner Smith who advised that the time for these comments has passed.

Corgatelli advised that from now on he feels that if there is a new subdivision that is brought before the Commissioners, he feels that all roads and utilities need to be actually put in before the subdivision is even approved. Clemenhagen agreed, and advised that there are several subdivisions that have similar issues. Commissioner Smith advised that he feels it is also up to a property owner or buyer to be responsible when they purchase a property, to be aware of the use of surrounding properties.

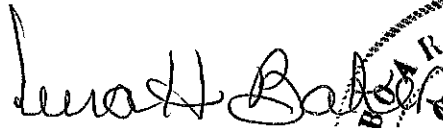
Mr. Bryan Wilson advised that he felt this was a positive decision and thanked the Commissioners.

Mr. Thurber brought up an order issued previously with Planning and Zoning, Prosecutor Oleson interrupted and advised that the order in question was not a topic for this Commissioners meeting.

Hearing adjourned at 4:21 p.m. by Commissioner Corgatelli.


Randy Corgatelli, Chairman
Custer County Commissioner

Attest:


Lura H. Baker
Custer County Clerk



Public Hearing Kootenai Road Vacating Deliberation - January 26, 2024

A	B	C
Name	Address	Phone # or Email
1		
2	Bryan Wilson	45 Lagoon Lane
3	Walt Taylor	411 Round Valley Rd.
4	T. TURNER	149 KODTENA WAY
5	Jake Zollinger	30 Cowboy Way
6	Jessica Clements	1130 10 th St.
7	ARLA YOUNG	109 River Run Rd.
8	Tina Hawkins	5600 Morgan Cr Road
9	Luna Baker	14885 El Fork Rd
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