

# City of Clark Fork

## Minutes of the 6/26/2023 City of Clark Fork Public Hearing

Mayor Russell Schenck called the City of Clark Fork, June 26, 2023 Public Hearing to order at 6:00 p.m.

**Pledge of Allegiance:** Mayor Schenck lead the Pledge of Allegiance.

**Roll Call of Council Members:** Council Members Sharon Banning, Shari Jones, Jay White and Blaine Williams were present, constituting a quorum.

### **New Business:**

#### **A. Discussed Replat of Elk Meadows Ranch Lots 3 & 4 of the Replat of Block 1 Elk Meadows Ranch, ACTION ITEM.**

Jeremy Grimm, of Whiskey Rock Planning & Consulting, spoke on behalf of the developer, Kelly Kearns, for the Replat of Elk Meadows Ranch Lots 3 & 4 of the Replat of Block 1 Elk Meadows Ranch. Grimm stated that the subdivision was replatted in 2018 to accommodate a restaurant, but since the downturn in the economy, there was a change of plans. They instead decided to create two lots of equal size to be in compliance with the City so that he can build a house on each.

Mayor Schenck then read the Public written comments submitted. There were no Pro comments, one Neutral comment and two Con comments.

No Public signed up to speak for Pro.

Bonner County Commissioner Asia Williams gave a Neutral comment, stating that the records relating to the Subdivision are extensive and the legitimacy needs to be determined so property owners and the developer know how to proceed forward.

No Public signed up to speak for Con.

Grimm gave a rebuttal regarding questions raised by the Public in the written comments read by the Mayor. He said that the changes to Lots 3 & 4 were recorded in 2018. And that the current action is to make them uniform. He also stated that any other issues should be tabled for a future Council meeting so that he can gather the documentation requested to address them. Bill Stevenson asked the Mayor if Grimm could answer his question regarding the CC&Rs of the Association pertaining to the lot lines. Grimm responded that the CC&R issue is a civil matter and that the City's concern is for the developer to meet City building codes.

Closed Public Hearing.

Council discussed the information presented. Council Member White asked if there was legal access through Elkhorn Drive. Kearns replied that he had title guaranteed for the road through Alliance Title. Council Member White remarked that on the title report it listed the road as “an exception of easements.” Kearns replied that Deeds run with the land and unless specifically extinguished, can’t be relinquished. Council Member Williams asked if Kearns should provide legal liability for the road and if the onus is on the City. Mayor Schenck responded that the onus is on the property owner, not the City. Council Member Banning asked who does the replat hurt and how? Council Member Williams responded that he believed legal determination needed to be made before any new approvals are given for the subdivision. He would like documentation showing the original sale and what was given, and how the developer has the right to Quitclaim the road to a Home Owners Association. Mayor Schenck would like documentation presented at the next Regular City Council Meeting that shows the legal access of Elkhorn Drive for the properties. Also, he would like the City Planner and City Attorney to comment on the City’s liability regarding this issue.

Council Member White moved to continue the discussion of the Replat of Elk Meadows Ranch Lots 3 &4 of the Replat of Block 1 Elk Meadows Ranch until the next Regular City Council Meeting on July 10, 2023 @ 6:00 pm to address legal access of Elkhorn Drive for the properties and the City’s liability regarding access to Elkhorn Drive for the properties. Council Member Banning seconded the motion.

Roll Call Vote of Council Members:

Sharon Banning-Y

Shari Jones-Y

Jay White –Y

Blaine Williams-Y

Motion carried.

**MOTION TO ADJOURN, ACTION ITEM.**

Council Member Banning moved to adjourn. Council Member White seconded the motion. All in favor. Motion carried. The meeting adjourned at 7:10 p.m.

Respectfully Submitted,

---

Amber Burgess, City Clerk

---

Russell Schenck, Mayor