

City of Clark Fork

Minutes of the 10/28/2024 City of Clark Fork Public Hearing

Council President Sharon Banning called the City of Clark Fork October 28, 2024 Public Hearing to order at 6:00 p.m.

Pledge of Allegiance: Council President Banning lead the Pledge of Allegiance.

Roll Call of Council Members: Council Members Sharon Banning, Tanya Becker, Jay White, and Vicki Woodward were present, constituting a quorum.

New Business:

1. Public Hearing: Scotchman Peak Estates Subdivision Application - ACTION ITEM.

- a. **Preliminary Matters** - President Banning asked if any of the council had need of recusal due to a conflict of interest. Council Member White stated that he would need to be recused due to the location of his property being within 300 feet of the subdivision. After explaining procedures to the public, President Banning then requested that city planner Clare Marley assist in clarifying further procedures. Clare stated for the record that she stepped out of the room with council to discuss procedural matters only and that no issues concerning the subdivision were discussed.
- b. **Staff Report** – Clare Marley read through the staff summary which included draft findings, conclusions and proposed condition of approval. She further listed what was requested of applicant Kearns and what was received. At the time of this meeting the city had not received a response from the Department of Environmental Quality regarding the water main extension.
- c. **Applicant Presentation** - Applicant Kearns gave his statements covering the steps he has taken with the county to obtain an approved plat and produced exhibit A, a plat for elk meadows block 2, subdivision replat performed in 2022. Council member Woodward had questions regarding access to the properties. Mr. Kearns stated the existence of an easement that allows those residents access and that anyone buying property with the easement included would have knowledge of that easement. She also asked about the septic easement along the back lot to a drain field as to whether it was for multiple lots and if it was signed off with Panhandle Health. Mr. Kearns said it was for multiple lots and that he gave a $\frac{3}{4}$ acre easement for the system when he did not need to give that much area and that it was signed off with Panhandle Health. She then asked for confirmation that Mr. Kearns was waiting for approval from the Department of Environmental Quality. Mr. Kearns said that he was still waiting for approval as the person working with him was out of town at the time at that within the week, he should have that approval.

- d. **Public Comments in Support** - There were no public comments in support of the subdivision.
- e. **Neutral Comments** - Kathryn Kolberg of the Panhandle Health District spoke neutrally toward the subdivision. Kathryn explained the district as well as surrounding districts have the information necessary to decide if sewer or sanitary services are adequate as well as the authority to lift restrictions on property to say that property is buildable. Kathryn explained the district works with the Department of Environmental Quality who utilize engineers that work with subdivision engineers to meet the standards in place. She further explained that their department ensures the systems in place meet all requirements so that responsibility does not fall on municipalities. Council questioned the timing of DEQ. Mr. Kearns stated they requested a “will serve” from the city, which was provided approximately a week and a half later. He stated that DEQ was out of town for a week, which slowed things down. He said that was the last thing needed and expected to receive it within a few weeks.
- f. **Public Comments in Opposition** - There were three members of the public speaking in opposition to the application:
 - i. **Bill Stevenson** - Spoke first to the issue of road access, stating that Mr. Kearns does not have a valid easement to use Antelope Loop or Elk Horn Drive and accused the mayor and council of approving an altered document that included the invalid easement on a block 2 replat. Bill summarized saying that Kelly has no legal access and has presented fraudulent documents to try and get what he wants.
 - ii. **Marilyn Lebish** – Requested the statements of opposition which had been submitted in writing be read out loud into the record. Council President granted this request and read aloud statements from Marilyn Lebish, Laura Braniff, and Greg Anderson.
 - iii. **Ralph Todhunter** - Stated he doesn’t believe the easement is valid and therefore opposes the subdivision.
- g. **Rebuttal** - Mr. Kearns provided rebuttal and made statements regarding the easement mentioned by Mr. Stevenson, recorded as 1010401. Mr. Stevenson has 185 feet that Mr. Kearns does not have access on. On the Elk Meadows side he stated he quitclaimed the common space to the HOA after putting in a couple easements to gain access before any property was sold. Property owners would need to go to court to change anything on the title reports. He further stated it was his opinion it was not up to the council to decide the legality of those easements, but only whether Panhandle Health and the Department of Environmental Quality was satisfied and preferred a continuance to supply the needed paperwork.
- h. **Recess** - President Banning requested a 5 minutes recess at the recommendation of City Planner Clare Marley, in order to let the public calm down. Recess called at 7:00pm.
- i. **Decision** - President Banning called the meeting back to order at 7:05pm and asked if council had any clarifying questions to the applicant or staff. There were no further

objections or questions. Council Member Woodward moved to continue the public hearing to Wednesday November 20, 2024 at 6:00 pm to allow for the receipt of additional information, primarily regarding DEQ approval. Council Member Becker seconded the motion.

Roll Call Vote of Council Members:

Sharon Banning-Y

Tanya Becker - Y

Jay White –Recused

Vicki Woodward - Y

Motion carried.

MOTION TO ADJOURN - ACTION ITEM.

Council Member Woodward moved to adjourn. Council Member Becker seconded the motion. All in favor. Motion carried. The meeting adjourned at 7:15 p.m.

Respectfully Submitted,

Kat King, City Clerk

Russell Schenck, Mayor