

Regular City of Athol City Council Meeting

Held in the Council Room in City Hall

**Tuesday, May 16, 2017
7:00pm Regular Council Meeting**

Mayor Wachter called meeting to order: 7:00 P.M

PLEDGE OF ALLEGIANCE and ROLL CALL:

Present: Mayor Wachter; Councilwoman Zichko; Councilman McDaniel; Councilman Spencer; Councilman Hill; Clerk/Treasurer, Lori Yarbrough; Public Works, Stephen Williams; City Planner, Rand Wichman; City Attorney, J. Cafferty

APPROVAL OF LAST MONTH (April 18th) REGULAR MEETING MINUTES:

Motion by Zichko, seconded by McDaniel that we approve last month's meeting minutes without any amendments. *DISCUSSION All in favor- Motion passed

APPROVAL OF LAST MONTH (April 28th) SPECIAL/WORKSHOP MEETING MINUTES:

Motion by Spencer, seconded by Hill that we approve the April 18th special meeting minutes that was for the purposes of reviewing the HJ Grathol annexation agreement. *DISCUSSION All in favor- Motion passed

APPROVAL OF BILLS AS SUBMITTED: Motion by McDaniel, seconded by Spencer that we approve paying April/May's bills as presented. *DISCUSSION-All in favor- Motion passed

TREASURY REPORT - Lori submitted: STCU checking = \$38,305.64; STCU savings = \$55,532.29; LGIP balance = \$517,376.29; some of the misc. income was HJ Grathol's invoice for \$7,078.80; and AARP Tax people's donations = \$124.95.

WATER REPORT- Lori submitted: March usage = 2,784,800 gal. (haulers 116,400); April usage = 2,056,700 gal. (haulers 100,700); Now the 2nd month of late fees in effect = 30 people hadn't paid and will get a late fee. 3 Shut-off letters went out.

OTHER BUSINESS:

- 1. Planner Report** – Update by Rand: 1) Code enforcement he is renewing his efforts a) Dan Ratcliff has been sent a date and notice in which compliance needs to be met before the city will make a record of notice of a lien on the property title. If it comes to that, council will need to decide if they are going to proceed with further legal action. He will keep the city posted. b) Started actions on Simpson's property on 1st Street and has a few more he will be working on this week. 2) Special Use Permit for Jim Allen Quonset hut property on Hwy 54 is asking for residential zoning inside the commercial zone. There are plans to add onto his existing structure as there was a recent fire. Rand believes we will be ready for a Public Hearing at the June regular council meeting. 3) Kootenai Electric Cooperative has requested a new Right-of-Way easement be completed. This will likely be ready for discussion at the June regular council meeting. 4) Reimbursement agreements are being

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done in preparation to move forward with the Cole and Johnson Trust properties who are looking to be annexed into the city in the very near future. 5) The Comp Plan map has been completed by Lake City Engineering and will submit bill to clerk for reimbursement; this will be helpful moving forward as we need to get any future maps completed.

2. **Approval for Eagle Scout Project, Logan Swensen** – Stephen introduced Logan Swensen who is looking for an approval by the city to allow him to complete a project for the city to earn his Eagle Scout award. His plans are to paint and prime, power wash and scrape off the old paint, then caulk and use hardy board for repairs on the city stage in the park as well as the old City Hall building. He 1st needs approval from the city then will go to the Boy Scouts for approval. He estimates the cost of supplies for the project and asks the city to provide is approx. \$650.00. He hopes to have the project finished in July with the help of 20-50 volunteers.

Motion by Spencer, seconded by Hill to approve the proposed Eagle Scout project for Logan Swensen, once approved by the Scouts and approximately \$650.00 for supplies to complete the project.

***DISCUSSION-** Stephen to get the supplies. **All in favor- Motion passed**

3. **Update on the Circus Coming to Athol** – Lori reminded everyone that Tuesday, June 13, 2017 is the day the circus will be here in Athol. Tickets are on sale at City Hall: \$10 for adults and \$7 for kids 2-12 and seniors 65+. Proceeds go to the ABC Food Bank; presale tickets bring in more money to the food bank and ticket prices will go up the day of the circus. Skeeter the Clown will be visiting Athol Elementary and the Sonrise Daycare, June 7th.
4. **Update on Athol Daze (August 12, 2017) – Lori**
5. **Update on Beautification & the City-Wide Yard Sale May 20, 2017** – All ready for this weekend's events. 19 houses signed up for various help. We have a large group from Real Life Ministries Middle School Youth as well as several other groups and individuals ready to volunteer. There are 16 locations so far for the city-wide yard sales and RLM is also doing a free car wash at the Timberlake Fire Station.

PUBLIC HEARING – HJ Grathol Annexation (Mayor OPENS) at 7:35pm to take public comment on the proposed annexation to the city.

The Mayor briefly spoke to the process of how the public hearing will proceed, asking all those wishing to give public comment to be sure to speak loud and clear because it is being recorded. He further stated those wishing to speak tonight will need to complete the gold half sheets of paper on the table. On it, please identify if you are for, against, or neutral and if you wish to speak or not.

First, City Planner, Rand Wichman spoke: He brought up the power point map identifying the requested property locations. He also identified the proposed well site (that it is a 500 gallon per minute well). He stated it's been a long 5 months of negotiations and numerous adjustments to the annexation agreement that both he and the applicant feel good about. He noted there are 2 final amendments that he suggests being made; both are in Section 4.4 related to the topic of Sewer. He stated that all the proper notifications on-site, by mail and to the various agencies have all gone out and been done according to the law. He closed with the statement that Kootenai County are also in agreement with the annexation.

Next: The Applicant, Alan Johnson on behalf of HJ Grathol/Hughes Investments: He stated it has been a long process and hopes this project will bring good wages, jobs, and revenues to the city and its citizens. There are conveniences, and safety has been on their minds. Their brokers are looking for financial intuitions or a credit union, and an Urgent Care be a part of the future build out. Then, Geoff Reeslund, with the development, also spoke. Adding that, in the first phase it is a Super1 grocery store, with an Ace hardware and Medicine Man pharmacy inside. This 1st phase will also bring waterline improvements and a new well for the city. Their contractors are ready and waiting to begin building.

Then: The Mayor opened it up for any public testimony- Those **FOR the annexation 11 comments received** (3 were the applicant, 4 did not want to speak and 3 did wish to speak) Of those 4 who did not wish to speak but submitted a written comment: Deborah Warner of Athol, ID (city resident) stated, "N. Kootenai Water & Sewer District"; Sharon Clearwater of Athol, ID.(county resident) stated, "About time!!" ; Penny Laird of Athol, ID (county resident) stated, "Best thing to happen to Athol"; and Mary Forsythe of Athol, ID (city resident) stated, "Good for the city in several ways!" **And the 3 who are for and spoke: Ryan Swensen** Athol, ID. (city resident) stated, "his son is working on his eagle scout right now and change is inevitable, he is excited for this to come. He hopes for a Plaza with a Dentist office and other medical for kids, because CDA is too far to go when you have sick kids who don't get sick at the most convenient of times." **Ed Berry** Athol, ID (county resident) stated, "has known the owners of super I for years. Likes the tax base it will bring the city and the big footprint it will bring more growth. He also had a question on the water line for future use of 2 story buildings for fire ratings?" And finally, **Janet Ellis** Athol, ID. (city resident, and president of the Athol Chamber of Commerce) stated, "in speaking with the broad spectrum of members, the majority of the merchants are on board. There have been some concerns but no real opposition. Considering the Community review the city had done a few months back- she believes this is exactly what the city needs and it answers a lot of the wish list that was suggested/recommended. She feels it's very proactive of the city to approve this annexation. For it bring the city a new well and so many advantages like a bike trail. Those **Neutral one received and wished to comment: Loreen/Bob Howard** Athol, ID (county resident) stated, "Why would a sewage plant be installed next to a grocery store? What are the impacts on the people behind the plant?" **Those OPPOSED, nothing received**-none to comment, none to speak.

As there were no more comments to be heard. Councilman Spencer wanting to speak briefly, stating, "He hopes that everyone understands the long process that has been involved in this process, and the he feels that he and all of the council has been working very diligently and been probably very hard to work with because they were looking at every aspect of this annexation. Further he believes that the benefits of the new well and the \$10,000.00 in the walking trail are going to be a significant benefit to the city.

Rebuttal: Geoff Reeslund and Denny Davis for HJ Grathol: Geoff addressed the T in the water line question earlier; they are stubbing it at Roberts Rd. He also addressed the question regarding the location of the future treatment plan; saying it will be a pond near the phase 2 area, it will be class A drinking water, little to no order and if or when it did it would be minimal times during the year. Then, Denny Davis (CDA) on behalf of the applicant. - wants to make 2 points; 1st wants to be clear the applicant is fine with the 2 changes presented by the planner on the annexation agreement. 2nd he wants to thank the city, staff and attorney, what's been a very laborious project but believes it will be a great project.

PUBLIC HEARING – MAYOR CLOSES at 8:12pm. The City Attorney, then explained to council the next steps: council can deliberate now or later to annex or not and how you want it to be zoned if you do bring it in. Annex or not and if so what type of zoning, which is anticipated to be commercial – it is commercial in the county right now.

MOTION by Councilman Spencer, second by Zichko to deliberate on the decision of the HJ Grathol Annexation application. *DISCUSSION **Roll Call: Councilman Spencer - yes; Councilman Hill -yes; Councilman McDaniel -yes; and Councilwoman Zichko -yes; Motion Passed**

Council Deliberations: Councilman Spencer wanted to share how this process has evolved and their first thought was how was this going to benefit the city. It was a lot of time and energy to make sure the city that this really is in the best interest for the city. Attorney asked what is their opinions were about the zoning on the property, is commercial what you want and is it appropriate? Councilman McDaniel's- thoughts that there's no better place for that type of commercial use, near the on and off ramps just makes sense. If we don't do it (take into city) it's going to happen anyway and then the city wouldn't have any say. Councilman Hill- said he varied many times through this process. Says personally he doesn't mind driving 14 miles to a grocery store, but looked at the over best interest of the city and feels it is a good thing to have happen here.

Councilwoman Zichko, since she is a longstanding resident, she was glad that this opportunity has come back to Athol again. Thiers a great benefit to seniors and this will allow for more control than if it wasn't inside the city. Also feels appreciative of the hard work the whole council has put into making this decision and yes feels that commercial zoning is appropriate.

MOTION by McDaniel, second by Hill, to approve the annexation agreement with the two changes discussed today, and to approve it as commercial zoning for the property, also finding that it is not in conflict with the comp plan, and it would not result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction and to direct staff to prepare the appropriate ordinances and documents as necessary.

***DISCUSSION Roll Call: Councilman Spencer - yes; Councilman Hill -yes; Councilman McDaniel - yes; and Councilwoman Zichko -yes; Motion Passed**

Attorney, John Cafferty, took the opportunity by adding that he commends our efforts. "I've worked with other cities more regularly and don't go thru the exercise and thought and the heavy lifting to do what you just did. You made it clear to the public why you did what you did and that's what this is all about, so hats off to you guys. You said thanks to everybody but it all stops right here. Bill Hill summed it up best when he said "It's not what's best for Bill Hill, but what's best for Athol" and that's what you're here for." Everyone gave an outstanding applause.

Rand continued for Site Plans: Wants to go thru one at a time.

MOTION by McDaniel, second by Hill, finding in accordance with 8-8B-5.B the lot size is appropriate for the grocery store use that is planned on the 6.9 acre site.***DISCUSSION Roll Call: Councilman Spencer - yes; Councilman Hill -yes; Councilman McDaniel -yes; and Councilwoman Zichko -yes; Motion Passed.**

MOTION by Zichko, second by Hill, that the internal access road crosses through the parcel and the grocery store has approximately 450 feet of frontage at the property line facing the street and finding it in accordance with city code 8-8B-5.0 and meets the minimum width at the street and is appropriate for the proposed use.

***DISCUSSION Roll Call: Councilman Spencer - yes; Councilman Hill -yes; Councilman McDaniel - yes; and Councilwoman Zichko -yes; Motion Passed.**

MOTION by Spencer, second by McDaniel, to approve the plan as it exceeds the requirement of minimum number of parking spaces, and is in accordance with Title 8 chapter 12; they are significate and adequate.

***DISCUSSION Roll Call: Councilman Spencer - yes; Councilman Hill -yes; Councilman McDaniel - yes; and Councilwoman Zichko -yes; Motion Passed.**

MOTION by Hill, second by Zichko, to approve the landscaping plan for the grocery store as it is adequate and meets the requirement of city code section 8-12-9. ***DISCUSSION Roll Call: Councilman Spencer - yes; Councilman Hill -yes; Councilman McDaniel -yes; and Councilwoman Zichko -yes; Motion**

Passed.

OTHER BUSINESS CON'T:

6. Council Deliberation/Decision/Findings on the Application of Annexation submitted by

HJ Grathol. MOTION by Spencer, second by McDaniel, to approve the annexation agreement submitted by HJ Grathol with the changes discussed today and to direct staff to prepare the appropriate ordinance and documents as necessary and authorize the Mayors signature on it. ***DISCUSSION Roll Call:**

Councilman Spencer - yes; Councilman Hill -yes; Councilman McDaniel -yes; and Councilwoman Zichko -yes; Motion Passed.

City Planner, Rand next address the council and the need to address the water rights for the drilling of the new well. He shared that DEQ/IDWR will not issue the well drilling permit without having appropriate documents of the correct water rights. We would like to use the city's existing water right, and adding a diversion point; no additional water right is necessary to bring this new development on-line. There is a lot of paper work to get that accomplished. Attorney John Cafferty stated there is another attorney within his office who can help with this and they specialize this. Dana Hofstetter out of Boise is her name, would like for council to authorize the Mayor to begin the process to move us through this.

MOTION by Spencer, second by Zichko to authorize the Mayor to do what's necessary to continue to proceed on the water and that the final approval will come back to council for final approval.

***DISCUSSION Roll Call: Councilman Spencer - yes; Councilman Hill -yes; Councilman McDaniel - yes; and Councilwoman Zichko -yes; Motion Passed.** Attorney noted: those costs associated to the attorney's time will be pass through cost to the annexation applicant.

PUBLIC COMMENTS: 1) Deborah Warner, Athol, ID - commented on moved 20 yrs. ago here because of Sue Wagner and that we still have greenbelt between us and Farragut. She also is hoping for more solar systems in the city. She has the 1st grid inter-ties in the city for Kootenai Electric.

ADJOURNMENT: at 8:35pm

ANNOUNCEMENTS: None

ATTEST:

Bob Wachter, Mayor

Lori Yarbrough, City Clerk/Treasurer

Approved at Council on