



Approved Minutes Draft

Regular City of Athol City Council Meeting

Held in the Council Room in City Hall

Tuesday, March 20, 2018

7:00pm Regular Council Meeting

Mayor Wachter called meeting to order: 7:02 P.M Visitors please sign in.
PLEDGE OF ALLEGIANCE

ROLL CALL Present: Mayor Wachter; Councilwoman Zichko; Councilman Hill; Councilman McDaniel; Councilman Spencer; Clerk/Treasurer, Lori Yarbrough; City Planner, Rand Wichman; Public Works, Mark Mitchell; and City Attorney, J. Cafferty

MAYOR REQUESTED TO AMEND THE AGENDA -He'd like to add a discussion of DEQ Principal Forgiveness Results that came in Friday, March 16, 2018; in relation to the May Bond Election. **Motion by Zichko**, seconded by McDaniel to add a discussion of the DEQ Principal Forgiveness results.

Roll Call Vote: Zichko – yes; Hill- yes; Spencer-yes; McDaniel -yes. **Motion passed.**

APPROVAL OF LAST (March 6th) REGULAR MEETING MINUTES:

Motion by Spencer, seconded by Hill that we approve last month's regular meeting minutes without amendments. *DISCUSSION All in favor- **Motion passed.**

APPROVAL OF BILLS AS SUBMITTED: Motion by McDaniel, seconded by Spencer, that we approve paying Feb/March bills as submitted, with the revised report in the amount of \$10,967.51. *DISCUSSION-All in favor- **Motion passed.** Councilwoman Zichko asked about the Payroll Information that used to be provided on the back of the bills listing, its been missing the last few months. She would like to see it on there again monthly.

TREASURY REPORT-Lori submitted written report and read aloud the following ending balances: STCU Checking = \$74,200.03; STCU Savings = \$55,717.58; LGIP = \$592,471.48; Misc. income was Josh & Shane's Insurance premiums and restitution from Sally Hansen.

WATER REPORT-Lori submitted written report and read aloud the January usage = 2,930,600 gal. (haulers 177,900) and **February usage = 2,833,600 gal. (haulers 147,600)**; Late fees this month, approximately 28 getting the fee. 5 accounts 60 days past due. Mayor Wachter and Lori brought to council's attention that there were 2 circumstances this month that involved in water leaks. One related to the extension of HJ Grathol lines and the second a home in Northern Meadows. The problems have both been fixed but the residential leak will result in an approximate overage of about \$60 to \$70 dollars. They asked council if they would be willing to forgive this overage and either split with resident or waive the full amount. This was a unique circumstance. While the problem technically was on the meter/city side, it was really because the former home owner improperly installed it there without the city's permission. The current home owner was unaware as was the city that this existed until it broke and caused this leak. Council agreed to waive the full overage for the resident.

***NOTE:** The City will make reasonable accommodations for anyone attending this meeting who require special assistance for hearing, physical or other impairments. Please contact the City Clerk at (208) 683-2101 at least 24 hours in advance of the meeting date and time.*

The MAYOR OPENED the PUBLIC HEARING at 7:12pm To consider comment on the numerous amendments of the **City Code dealing with Land Use matters and procedures, to clarify the process and to ensure compliance with existing requirements. ORDINANCE #416**

The Mayor shared that many of the changes are “housekeeping” matters, minor changes to make the various sections of the code consistent with each other. Some changes make minor adjustments to procedures or requirements to make the code easier to understand or administer. There are also some significant changes that will have an impact on many city residents. **The most significant of these changes are summarized as:**

- A new section is proposed to require that door to door solicitors register with the City
- The limitations for keeping of livestock and animals in the City are being amended and consolidated
- New provisions for parking along public roads are being added
- Provisions for issuing building and site disturbance permits, including the expiration of such permits, are proposed
- Numerous definitions are being revised or deleted
- Code enforcement procedures are being revised
- New provisions are being added to address the use of recreational vehicles in the residential zone
- Changes are proposed to the accessory uses that are allowed in the residential zone
- Minor changes are proposed to the allowed and special uses in the commercial zone
- New, objective standards are proposed for lot size, street frontage and lot coverage in the commercial and light industrial zones
- Major changes are proposed for setting of manufactured homes on individual lots. Provisions for manufactured homes and manufactured home parks are proposed to be brought into compliance with State law
- Provisions for nonconforming uses, parcels and buildings are proposed for significant revision

The Mayor stated how the public hearing will proceed and asked everyone to speak loud and clear- it is being recorded. Up first was City Planner, Rand Wichman. Shred that there had been 2 workshops (Jan. 11th and Feb 6th) with the council to better understand the desired changes, and that he wouldn't go any further with reading all 53 pages of changes, since the Mayor read a summary of them. The City Attorney, John Cafferty also added that for anyone reading the proposed changes the underlined words are new and being added while the words that have a strike through them are being deleted; just to help everyone understand the changes. **The Mayor then asked if there was anyone who wished to speak, asking twice. There was no-one. The public hearing was closed at 7:19pm.**

Motion by Hill, seconded by McDaniel to place proposed ORD #416 which has numerous amendments of the City Code dealing with Land use matters and procedures, to clarify the process and to ensure compliance with existing requirements; **on its first and only reading by title only while under suspension of the rules.** *DISCUSSION Roll Call: Zichko- yes; Hill- yes; Spencer- yes; McDaniel-yes; Motion passed.

Mayor then read the proposed ordinance title. Then a motion to adopt ordinance #416 was made.

ADOPTION OF ORDINANCE #416.

Motion by Spencer, seconded by Hill to approve the passing of Ordinance #416, and finding the following Conclusions of Law:

1. The proposed amendments (or amendments as modified) **ARE** reasonably necessary and in the public interest. 2. The proposed amendments (or amendments as modified) **ARE** in general conformance with the Goals and Policies of the Comprehensive Plan. 3. The proposed amendments (or amendments as modified) **WILL NOT** adversely impact the delivery of services by the City or other Political subdivisions, including schools. *DISCUSSION

Roll Call: Zichko -yes; Hill -yes; Spencer-yes; McDaniel-yes; Motion passed.

Motion by Spencer, seconded by McDaniel to approve ORDINANCE #416 and allow the clerk to publish by summary only. *DISCUSSION Roll Call: Zichko- yes; Hill- yes; Spencer- yes; McDaniel-yes; Motion passed.

OTHER BUSINESS:

1. **Planner Report-** Rand submitted a written report, but then summarized as follows: requests for annexation the Krivor applicant has continued to pursue annexation- we should be seeing an application soon. However, the other inquiry by Jameson, is not expected to move forward with an annexation application. HJ Grathol phase 2, Crossings at Athol, subdivision public hearing is scheduled for next week on Wednesday the 28th at 6pm. Code Enforcement- 2 violation notices were started (Parsell/Isbel) and (Holmes). An initial draft of the comprehensive plan is about 75% done. More on that in the upcoming months. He last added that so far Super 1 Foods is scheduled to open on Wednesday, April 4th but there are still a lot of little things to get done; he and the Mayor will be working on a punch list for them in a day or so. Councilwoman Zichko asked for that list to be shared with the council.
2. **Mayor Wachter shared with the city council that Athol was approved for the \$50,000 LRHIP Grant we applied for last November. This will be used to conduct a Transportation Plan.** This is money the city will not have to pay back. LHTAC will reach out to us and the city will then have to decide if we wish to accept the grant and identify who will be our engineer. We have a few choices on the selection of an engineer. First, we can put a request for proposal and go through that process or we can just make a selection from the ITD's term agreement roster. On that list of consultants, we know that Keller Engineering, our engineers for the water facilities plan, is on that list. The Mayor recommended we select Keller to be ready to move on this in January when the funding is ready. Once a firm has been selected they will put together a draft scope of work describing the tasks that they will perform to complete the transportation plan. This plan and a cover letter should be sent to LHTAC explaining who the city has selected and what the plan is. They will send back a letter indicating their approval and then we wait until January when the checks are generally distributed.

Motion by McDaniel seconded by Spencer to use Keller Engineering from the ITD's term agreement roster for the Transportation Planning, that's being funded by the grant from LHTAC. *DISCUSSION Roll Call: Zichko -yes; Hill -yes; Spencer-yes; McDaniel-yes; Motion passed.

3. **Discussion of DEQ Principal Forgiveness Results (AMENDED)**
 - a. **Possible Repeal of Ordinance #417** Mayor Wachter explained the circumstances regarding the DEQ draft funding results, as they were less than desirable and only total just under 4% for the principal forgiveness. If the city were to move forward with the bond it could result in user rates of around \$64 a month for single family residence. The city will have to let DEQ know before the end of June if they want to accept these terms or not. A detailed sheet was in the council packets written up by Stillman, our engineer that further explained it all. So, what all this means for the bond election is up to the council if you want to continue and move forward with the election. Or an option would be to apply to the USDA Rural Development and see what kind of funding we get approved for there. Depending on the offer, the bond amount could be anywhere from \$2.2 million to \$2.7 million if the city receives at least a 25% grant in the offer. Councilman McDaniel said, "he thought we were trying to keep the bills under the \$50.00 point, so applying to other grants makes sense." The written recommendation by Keller was to apply for the USDA RD funds immediately and put the bond election on hold until November so that there is more certain information.

Motion by Zichko, seconded by Spencer to place proposed ORD #418 an ordinance to rescind and repeal Bond Election Ord. #417 adopted by the City of Athol and to provide for the withdrawal of the Call of a Special Municipal Revenue Bond Election to Finance Certain Improvements to the City’s Water System and Facilities on its first and only reading, and to allow the clerk to publish by title only. *DISCUSSION
Roll Call: Zichko-yes; Hill-yes; Spencer-yes; McDaniel-yes; - Motion passed.

Mayor then read the proposed ordinance by title and then a motion was made.

ADOPTION OF ORDINANCE #418,

Motion by Spencer, seconded by Hill to approve Ordinance #418, an ordinance to rescind and repeal Bond Election Ord. #417 adopted by the City of Athol and to provide for the withdrawal of the Call of a Special Municipal Revenue Bond Election to Finance Certain Improvements to the City’s Water System and Facilities and allow the clerk to publish by title only. *DISCUSSION **Roll Call: Zichko -yes; Hill -yes; Spencer-yes; McDaniel-yes; - Motion passed.**

b. Alternative Funding Options/Keller to help w/ Rural Development Application

The Mayor asked council to allow us to use Keller Assoc. under the general agreement to help complete the Rural Development Grant Application, not to exceed \$1,000.00, so that we may seek additional funding options through Rural Development. This was previously listed in the draft water facilities plan as a plan in the event the DEQ funding was not satisfactory, which is the case. **Motion by McDaniel, seconded by Zichko to use Keller Assoc. under the general agreement to help complete the Rural Development Grant Application, not to exceed \$1000.00.** DISCUSSION

Roll Call: Zichko-yes; Hill-yes; Spencer-yes; McDaniel-yes; - Motion passed.

PUBLIC COMMENTS: Jim Whalen, Athol, ID- wanted to know if there are any concerns for a home owner, as far as their home lines handling the increase, if the city increases the pounds of pressure in the water system. Mayor Wachter replied that he didn’t think it would be an issue as most homes are capable of up to 80 lbs. of pressure. This is going up to 60lbs. Our current system is under both of those.

ANNOUNCEMENTS City Council – Councilman Hill wanted to discuss if the city might be better served if we did the code enforcement ourselves instead of using Rand? He’s just feeling like maybe we are spending too much money on Rand and could it be something we can do ourselves. Brief conversations followed. Attorney John Cafferty pointed out to him, that 1st the council cannot do enforcement themselves, and that there are a lot of rules that need to be followed to do code enforcement correctly, so that it isn’t costlier to the city. It would also provide for no appeal process. Code enforcement is following and carrying out the rule and applying them equally to everyone. You cannot be selective in doing it. It is not a fun thing to do. **Mayor Wachter-** Shared that the city received notice about Sally Hansen’s upcoming release. She will be placed into a half-way house in July and then out on probation as of January 12, 2019; **City Staff- Lori** reminded all of the next Athol Daze and Beautification meeting coming up on April 5th at 1:00pm., Mark- shared he’s gathering bids on some floor options for the basement of the community center.

ADJOURNMENT at 8:26pm

ATTEST:

Bob Wachter, Mayor

Lori Yarbrough, City Clerk/Treasurer

Approved at Council on 4/17/18