



Unapproved Minutes Draft

Regular City of Athol City Council Meeting

Held in the Council Room in City Hall

**Tuesday, December 19, 2017
7:00pm Regular Council Meeting**

Mayor Wachter called meeting to order: 7:00 P.M Visitors please sign in.

PLEDGE OF ALLEGIANCE and ROLL CALL:

Present: Mayor Wachter; Councilwoman Zichko; Councilman McDaniel; Councilman Hill; Councilman Spencer; Clerk/Treasurer, Lori Yarbrough; City Planner, Rand Wichman; & City Attorney, J. Cafferty; Not present: Public Works-Mark Mitchell

APPROVAL OF LAST MONTH (December 5th) REGULAR MEETING MINUTES:

Motion by Zichko, 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 Zichko, seconded by

Spencer that we approve paying Nov/Dec bills with the 3 additional bills presented tonight, making a total of \$11,760.39. *DISCUSSION-All in favor- **Motion passed.**

TREASURER'S REPORT- Lori submitted written and read aloud the following ending balances: STCU checking = \$34,221.55; STCU savings = \$55,662.66; LGIP balance = \$568,967.52; some of the misc. income was Josh's insurance premiums, and the HJ Grathol invoice, and restitution from S. Hansen for a total of misc. in the amount of \$8,997.75. Lori also shared nothing new in the lower section on the bottom of the treasurer's report. She will be leaving those totals of the overall fund balances on the report.

WATER REPORT - Lori submitted written report and read aloud the October usage= 3,401,000 gal. (haulers 221,800); December usage = 2,276,500 gal. (haulers 146,900); Late fees this month = 26 accounts not paid and getting the fee. Approx. 2 or 3 are 60 days past due for letters and hopefully 0 getting shutoff.

OTHER BUSINESS:

- 1. Council Discussion/Decision on Building Use for Proposed Compulsive Eaters Anonymous-HOW – Mayor Wachter welcomed** Debbie. Debbie just recapped her request of use at the discounted rate of \$20 a month for weekly meetings on Sundays at 4pm, beginning January 7th, 2018. She added that having these meetings in Athol she feels is a good balance between Sandpoint and CDA- should get a good turnout. Clerk Lori noted that these meetings are flexible in re-arranging of which meeting area they hold their meeting at, but not like others that can be cancelled within a week for a full-paying customer; like the AA group. Additional keys will need to be made so that they may keep a key. Councilman Spencer would like to have this agreement reviewed each year.

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.

MOTION1st by Zichko, 2nd by Spencer to approve the use of the community center, discounted rate of \$20.00 a month for the purposes of Compulsive Eaters Anonymous-HOW meeting every Sunday at 4pm starting January 7th, 2018. *DISCUSSION **Roll Call Vote:** Councilman Spencer - yes; Councilman Hill- yes; Councilman McDaniel - yes; and Councilwoman Zichko - yes; **Motion Passed.**

2. **Planner Report-** Rand Wichman submitted a written report to the council and only briefly mentioned a few of the items on his report. **Phase 2 of the HJ Grathol development** is continuing. The application was sent out to agencies for review on November 22. The Lakes Highway District has requested some additional information regarding trip generation and traffic distribution from the site. Once that information is provided and reviewed, we will move forward toward a public hearing on the matter. **Code Enforcement-** keeping busy: compliance agreement with Dan Holmes, to address RV Park at the corner of 7th & Bertsch, has been revised again and returned to Mr. Holmes for review and signature. Mr. Ratcliff has indicated that he will be moving off the property at 5777 E Menser. Further, Rand stated he has contacted him about the RV parking in the 3rd street right of way. A new action notice of violation is being sent out on property at 30290 N 1st (Isbel) **City Map update-** Councilman Hill now has a digital copy of the city map and he is willing to add the city addresses and street names to the map as he has an AutoCAD program. Last week we had a workshop on the RFP for a **Comprehensive Plan.** Since then I have contacted a Collin Coles who is a retired planner from the city of Post Falls and current planner for Kellogg. Rand feels he should be able to work with Mr. Coles as well as probably be able to work within the city's budgeted amount for the Comp Plan update. The attorney also mentioned to be sure the ACI is integrated into the Comp plan. Rand said he would also be able to use some of the information gained from the Community Review that was recently done. Finally, Rand has also received **an inquiry from property owners north of the HJ Grathol site; they are considering a request for annexation** of the 2 5-acre parcels between Roberts Road and Highway 95.

3. **Discussion with council on Right of Way Easement issues for 2nd & Hill Ave.** – Planner Rand gave a little background on the said property area. The city and planner has received calls and comments from property owners with concerns of neighbors driving on their property to access their homes. Rand wanted to make clear that 2nd Street does not go all the way through to Hill Ave. It stops at Councilman McDaniel's property where the pavement ends and is an alley. Upon further conversation it was pointed out that from the end of that alley the road (not developed) would really be named Division Street. And further the city water line does go through there but that's it. Yes, the current property owners may choose to block off the road, but Rand advised the council that a longer-term decision really needs to be considered. Councilman McDaniel recused himself from the topic as he owns several parcels being discussed. Rand said no decisions need to be made today, but wants the council to realize this is an area which he feels will need to be further discussed, as there are quite possibly a few other similar areas in town. Councilman Spencer asked when is a good time to look at this because he hadn't realized we have several areas, such as this, in town. Area that are not yet developed and may become a problem if the city doesn't address them. It was answered to him, that is one of many reasons the city is trying to get a \$50,000 grant to have a city transportation plan done. As that type of plan will help to address and give possible prioritization to circumstances such as this.

MOTION1st by Spencer, 2nd by Zichko to withhold objection for erecting a barricade or fence on 2nd and Hill, provided access to city water utility lines are still available. It was advised that the property owner(s) fence meets all the city code requirements. *DISCUSSION **Roll Call Vote:** Councilman Spencer - yes; Councilman Hill- yes; Councilman McDaniel – recused/no vote; and Councilwoman Zichko - yes; **Motion Passed.**

4. **Discussion on RE18-01 Right of Way Easement Northern Meadows Neighborhood-** Planner Rand recapped the request and knows the initial decision is made at the staff level. He stated he feels the council has given clear direction via the minutes he received from the meeting regarding the

general policy conversation on issues such as access or right of way road easements such as the one north of Northern Meadows. He wanted to share with council before he issued his decision to the applicant, RE18-01 Kreavor, that this application might have a few more issues such as possible limited access off Sheep Springs or would like to possibly offer any other workable solutions as he feels that the applicant has stated he has retained an attorney and will likely want to fight a denial of access. Rand is concerned we may be headed down a path we may not like.

With that the Attorney offered to the council that any further discussion on this matter may be allowed under Executive Session under Idaho Code 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of the legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

MOTION by McDaniel, second by Spencer to amend the agenda and go into EXECUTIVE SESSION under Idaho Code 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of the legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Specifically related to the Right of Way Easement application RE18-01.
*DISCUSSION Roll Call Vote: Councilman Spencer -yes; Councilman Hill -yes; Councilman McDaniel - yes; and Councilwoman Zichko -yes; Motion Passed.

At 8:06pm a request for a short break was made by Councilman Spencer, returned at 8:12pm

PUBLIC COMMENTS - Margaret Whellon, Athol, ID- shared there is a truck parked in the right of way at 3rd and Grove street. Councilman Hill commented that he believed it will only be parked there temporarily as that individual works out of town.

- **Mel Bertsch, Athol, ID** – noticed the new development (Super 1) working on N. Old Hwy 95 will hit a water line or meter and is concerned. Mayor Wachter said the city is working on replacing and updating that meter.

ANNOUNCEMENTS City Council / Mayor / Staff- Lori/Mark Lori – shared with the council that Diane with Idaho Rural Water Assoc. has begun working on the rate study. The Mayor and clerk met with Diane last week and she has been in a few times since to work on data files and gathering information needed to conduct the study. She is hoping the end of January or first of February she should be complete with her review and will share with the council at that time.

5. Approval to go into EXECUTIVE SESSION:

MOTION by McDaniel second by Spencer to go into executive session under Idaho Code 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

Specifically, whether related to the Right of Way Easement applications just previously discussed as well as the on-going code violations and dispute with Gary Fast and his attorney. *DISCUSSION Roll Call Vote: Councilman Spencer -yes; Councilman Hill -yes; Councilman McDaniel -yes; and Councilwoman Zichko -yes; Motion Passed.

EXECUTIVE SESSION: Began at 8:28pm and Ended at 9:17pm- ROW Easement
Began at 9:18 and Ended at 9:28pm – Gary Fast

RESUME REGULAR MEETING at 9:30pm

No additional decisions or actions need, nothing further for the evening.

ADJOURNMENT at 9:31pm

ATTEST:

Bob Wachter, Mayor

Lori Yarbrough, City Clerk/Treasurer

Approved at Council on