



Approved Minutes

Regular City of Athol City Council Meeting  
Held in the Council Room in City Hall

Tuesday, July 16, 2019  
7:00pm Regular Council Meeting

Mayor, Mary Zichko, called the meeting to order at 7:01 P.M.  
**PLEDGE OF ALLEGIANCE      ROLL CALL:**

**Present:** Mayor Zichko; Councilman McDaniel; Councilman Hill; Councilman Spencer; Councilwoman Denis, City Clerk/Treasurer-Lori Yarbrough; Public Works- Anthony Brandt; City Planner- Rand Wichman; and City Attorney- John Cafferty. **Not present:** n/a

**REPORTS:**

**Treasurer Report** – Lori submitted written report and read the ending account balances. STCU Checking = \$55,154.01; STCU Savings = \$106,186.04; LGIP = \$735,594.96; Misc. income was Shane’s regular insurance \$50.00; Josh’s regular insurance \$734.06; Fat Beam \$470.77; DH Holding \$3,531.56; DEQ WFP reimbursement \$2,504.00.

**Water Report** – Lori submitted written report and read aloud. May usage = 3,646,400 gal. (haulers 229,200) and **June usage = 5,494,653 gal. (haulers 284,300); Billing in June was \$14,650.00 plus \$340.00 in late fees and collected was \$13,326.80.** Late fees this month are unknown, Lori did not have time to calculate. 30-45 likely getting the late fee.

**Planner Report** – Rand submitted a written report and summarized the following: **Building Location/Site Disturbance Permits** – No new building location permits. **Crossings at Athol** – Some progress in discussion regarding the complete dedication of Phase 1 water system improvements to be further discussed tonight. No new progress to report on the infrastructure issues for Phase 2 of the development. Waiting on DEQ for approval of the sewer system before we can start on those aspects. **Code Enforcement** – no new action. **Webb Annexation** - Annexation consideration on tonight’s agenda. Cole Annexation – they may have a renewed interest in annexing, more info in the upcoming months. **Other/Misc.** – 1) Application for subdivision from Gary Fast property on Old Hwy 95, still not 100% complete. 2) Cyd Rossi Special Use Permit to allow residential use on commercial property at the old Love’s gas station is still waiting on agency comments from the fire department before we schedule a public hearing. 3) Lastly, we are beginning to get a regular number of inquiries regarding food trucks. There was then a brief discussion between council and staff as to how aggressive we should be with this matter; the conclusion was at this time to really carry-on as we have been, and we’ll see if we need to define things any more.

**ACTION ITEMS:**

**1. APPROVAL OF THE July 2<sup>nd</sup> REGULAR MEETING MINUTES:**

**Motion by McDaniel, seconded by Hill that we approve the regular meeting on the 2<sup>nd</sup>, minutes without amendments. \*DISCUSSION All in favor- Motion passed. ACTION ITEM**

*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.*

2. **APPROVAL OF BILLS AS SUBMITTED: Motion by Spencer, 2<sup>nd</sup> by McDaniel** to approve paying July/August bills as submitted. **\*DISCUSSION- All in favor- Motion passed. ACTION ITEM**

3. **DISCUSSION/APPROVAL of the DISCUSSION/Request for APPROVAL of tentative FY 2020 Budget - MOTION by Spencer, second by Hill, to approve the tentative FY 2020 budget without changes to allow the clerk to post in the CDA press.** The public hearing is set for the next month's regular council meeting on August 20<sup>th</sup> at 7:00pm **\*DISCUSSION** Lori shared that there will be some changes in the state liquor money the city receives. The state office did apologize to us for not making contact, there was new staff and it didn't get caught, that the city hadn't been contacted. It will be a year before the city sees a change; depending on the sales. And reminder of the elimination of the street fund, it basically is being moved into the General fund. **Roll Call: Councilman Spencer-yes; Councilman Hill-yes; Councilman McDaniel-yes; & Councilwoman Denis-yes; Motion Passed. ACTION ITEM**

4. **DISCUSSION/APPROVAL to get the Water Tower Tank Inspection done by Aqua Drone - Anthony to discuss. Motion by McDaniel, second by Denis that we approve the bid by Aqua Drone to have the water tank inspection done; not to exceed \$800.00. \*DISCUSSION-** this was a recommendation by Keller Engineering, who's doing the water design improvements. **Roll Call: Hill-yes; McDaniel-yes; Denis-yes; Spencer-yes; Motion passed. ACTION ITEM**

5. **DISCUSSION/APPROVAL to do an Exhaust repair on the long bed Chevy truck, at C & L Auto repair, not to exceed \$550.00. -Anthony Motion by McDaniel, second by Denis that we approve the exhaust repair on the long bed Chevy truck, work to be done, not to exceed \$550.00. \*DISCUSSION –** He should at least call another location just to check the price and compare. **Roll Call: McDaniel-yes; Denis-yes; Spencer-yes; Hill-yes. Motion passed. ACTION ITEM**

6. **DISCUSSION/APPROVAL on Water Account Refunds;** - Staff is needing direction on this. Lori shared that currently we have a number of people who keep a credit balance on their water bills, and now for the first time – they are requesting a refund, since they are selling the home. This is the first time in 5 yrs. of getting this request and the Clerk and Mayor wanted clarification from the council how they should proceed. After a short discussion the following motion was made: **Motion by Spencer, second by McDaniel to allow for water refunds by the Mayor or City Clerk; not to exceed \$500.00. \*DISCUSSION Roll Call: Denis-yes; Spencer-yes; Hill-yes; McDaniel-yes; Motion passed. ACTION ITEM**

7. **DISCUSSION/APPROVAL for the Clerk and Deputy Clerk to attend the ICCTFOA Conference in Sept. in Nampa, ID –** Lori shared break down of possible expenses, and Deputy Clerk will apply for a Scholarship to help cover costs. City Hall would need to be closed for 2.5 days the week of the conference. **Motion by Spencer, second by Denis to allow for both the Clerk and Deputy Clerk to attend the Sept. ICCTFOA Conference in Nampa, ID.; not to exceed \$1500.00 \*DISCUSSION Roll Call: Call: McDaniel-yes; Denis-yes; Spencer-yes; Hill-yes; Motion passed. ACTION ITEM**

8. **ANNEXATION CONSIDERATION: Loren Webb for Parcel #069470010020** This was a discussion with the council to understand what the applicant is requesting. The only real concern that staff shared with this request is the water situation. Until the city has decided that the planned water improvements are going to happen (waiting on construction bids in the spring to know for sure) they would not think it's wise for anyone to request this; if they can wait until the city knows what exactly and when exactly it is going forward with the city water improvements, it would make more sense. The council wants to make it fair to the applicant, the city water system is not 100% ready, for them to know what would be involved yet. It was also briefly discussed that it is a future priority to try and get the city water system to be looped and this would be a parcel that would be a part of that

priority plan. It was also mentioned that a similar request just a few parcels down(south) of this parcel, the fire flow requirements killed the project. **No Motion, NO ACTION Taken.**

**9. DISCUSSION/APPROVAL of the term of the required warranty for water system improvements associated with the HJ Grathol / Super 1 annexation, the amount of the warranty bond, and other outstanding issues related to the dedication of improvements to the City.** City Planner, Rand introduced the conversation about where we are with the dedication for phase one. **Staff is needing 3 things: what length of warranty do you want, the amount of the warranty bond, and lastly the miscellaneous list of outstanding items(punch-list).** First the length of the bond, if it were a sub-division then your city code clearly identifies this in regard to warranties for water systems, which is 1 year from the time of acceptance and a bond 50% of the original construction costs. It is different for street improvements, and these are not street related- they are water improvements, which our code does not address this as it is an annexation. The system has been in operation for a year already, which has been shaking out the bugs in the system, though there are still some outstanding items that still need to be addressed. Which leads Rand to the 3<sup>rd</sup> question- the Developer is asking if the city will move forward with accepting those outstanding items, as they are covered in the warranty anyway. Rand says staff needs to know if these are acceptable and what are your thoughts. City Attorney, John Cafferty just repeated to the council- staff needs to know the time of the warranty, the amount of the bond and lastly what is or can be done on the list of items left to be done or conditions of acceptance. City Councilman McDaniel said easy 1 year on the overall bond, 2 years for the piece at \$15,000 of the short stretch that we have already had problems with and in order to get the dollar amount they would need to provide a cost and do 50% of that cost. Then a short discussion began about issues still happening at the Howard Well. City Public Works, Anthony – call from Bob this morning with issues and the developers engineer, Jim Coleman, was cussing and screaming, spitting mad, and rude to him. Jim Coleman stood and made an apology to Anthony for this morning and went into a discussion as to how the well is meant to operate and that it will never function like the city thinks it should. He went on to explain a number of items/components of what is happening on the well and how he plans to address them and what just can't be addressed. He maintained that the problems happen when filling the water trucks. Mayor added that why can't the water be taken from the city hydrant here at city hall; and the other comment is that his (Coleman's) behavior to her city employee is unacceptable. A further discussion was had, as Coleman tried to better explain what is happening and Councilman Hill also added into some of this conversation and felt he had a little better understanding as the conversation went on. Coleman believes a restrictor plate on the hydrant should fix this problem. Developer Attorney, Denny Davis says they are here tonight to help get things winnowed down to get to a place that the city can accept the phase one improvements. He would like Coleman to give a rundown of his memo on the response to the outstanding issues. Then get a final plat and move on with the development and get some additional businesses and start generating some additional tax revenue. The last offer to the city for length of the warranty amount was one year on \$100,000 surety bond on the entire system, and an additional year on the joints that had a failing issue, but did not remember the \$15,000 on that. The 50% on the value, in this case with a well becomes quite onerous on the developer and not legally required but understand it may give the council direction. **In summary, the developer believes that \$100,000 warranty is very generous and another year additional contractual warranty on the joints where there were issues.** Councilman Hill- had a question on the bond on how it works. There was then an additional small conversation as to when it comes into play. Denny Davis just added \$100,000 amount on a 2-year period for a warranty. The council then had a discussion amongst themselves, which was followed by: **Motion by Spencer, second by McDaniel to wait until completion of the listed outstanding items, before we reach the amount, or length of bond information.** \*DISCUSSION Roll Call: McDaniel-yes; Denis-yes; Spencer-yes; Hill-No; Motion passed. **ACTION ITEM**

**10. DISCUSSION/APPROVAL regarding Athol Daze Beer Vendors and Catering Permits for The American Legion and The Bent Tree Brewery for this year's Athol Daze, a one-day event Saturday, August 10,2019.** - Lori shared the state required steps in issuing a catering permit, and the city code language on this matter. We had been working ourselves into a better understanding of these steps with the legion each year

and this would be the first year we are fully in compliance with the required steps to secure the correct permits for Athol Daze Beer Gardens. This year there are 2 applicants: the American Legion who has been doing it for years, and a new brewery- Bent Tree Brewery, who is a Craft beer place. The Legion is ok with another business also hosting a beer garden and the clerk made the recommendation to the council to approve both permits, for this year's one-day event. Motion by Spencer, second by McDaniel to approve the 2 Catering Permits For The American Legion and The Bent Tree Brewery, for this year's Athol Daze, under the parameters recommended. \*DISCUSSION Roll Call: Denis-yes; Spencer-yes; Hill-yes; McDaniel-yes; Motion passed.

**ACTION ITEM**

Lori shared that the Athol Daze committee could not make any single selection for this year's Athol Citizen of the Year, so she had two names to present for council. Dixie Kubart for support and efforts getting the PHD program Fit and Fall and Sit-ercise up and running; as well as her consistent effort in helping with needs of the community center building, recently facilitating the help of others to really clean out the clothing donation room, and for her participation in Athol Daze and making newspaper hats for the kids of the community. Sheryl McDaniel – also a very active and long-time member in the Athol Grandmothers Club, and the Fit and Fall program in addition of her facilitating and decorating of the community center at Christmas time, her years of time and attention at council meetings, past service as a former Athol City Clerk and the on-going participation with Athol Daze cake walk. - Motion by Spencer, second by Hill to approve Sheryl McDaniel as the 2019 Athol Citizen of the Year. \*DISCUSSION All in favor. McDaniel-did not vote, as Shery is his mother; Motion passed. **ACTION ITEM**

**DISCUSSION ITEMS:**

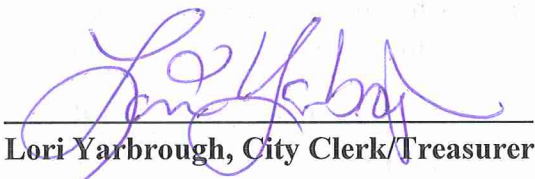
11. ICRMP Cyber Security Awareness Training-Lori shared that this is something that ICRMP is offering the cities at no cost and the Mayor and she felt the city should do this training. Council agreed it can't hurt to take part. Lori will keep you posted.
12. Burlington Northern Santa Fe (BNSF) Railroad Meeting Update, Courtney Wallace- the Mayor was unable to make the appointment, so this meeting was planned to be rescheduled, so nothing to report.

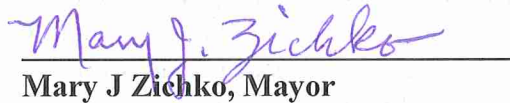
**PUBLIC COMMENTS- No comments.**

**ANNOUNCEMENTS** City Council – None / Mayor – None / Staff- Lori 1) There will be a Water Design Meeting on Aug. 6<sup>th</sup> just before the regular city council meeting at 5:30pm 2) there will be a CDBG Grantee Info meeting at 3pm on the 17<sup>th</sup>, tomorrow with Panhandle Area Council (PAC). 3) The Transportation Plan recently had a meeting, engineers helping to create a capital facilities plan. Copies of the draft were provided to the council, to look at as they are looking for some feedback on the street repair list. Please let Anthony know if you see anything that doesn't make sense or may need to be looked at again.

**ADJOURNMENT at 9:36pm.**

**ATTEST:**

  
Lori Yarbrough, City Clerk/Treasurer

  
Mary J Zichko, Mayor

Approved at Council on

8/6/19