

Approved Minutes Draft

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

Tuesday, October 15, 2019
7:00pm Regular Council Meeting

Mayor, Mary Zichko, called the meeting to order at 7:00 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- Caitlin Kling & John Cafferty; **Not Present:**

REPORTS:

Treasurer Report – Lori submitted written report and read the ending account balances. STCU Checking = \$50,100.95; STCU Savings = \$106,319.92; LGIP = \$764,040.77; Misc. income was Shane’s regular insurance \$50.00; Josh’s regular insurance \$1469.02; Elections \$40.00; Park electricity \$25.00; & ID unclaimed property \$10.18 (plus \$476.30 TWC in cell \$) and WFP last DEQ grant payment \$1,200.00) = total \$2,794.20.

Water Report – Lori submitted written report and read aloud. August usage = 5,638,638 gal. (haulers 350,100) and **September usage = 3,777,700 gal. (haulers 263,300); Billing in September was \$13,480.00 plus \$420.00 in late fees and collected was \$18,574.00.** Late fees this month are unknown as today is the 15th, the last day to receive payments before late fees.

Planner Report – Rand submitted a written report and summarized the following: **Building Location/Site Disturbance Permits** – Several new building location permits this month: 1) R Toliver got his permit issued for a new accessory building at 29670 N. 6th St. 2) J Ely had requested a land use permit for a food truck at 5950 E. Hwy 54 (New Athol Motel). Due to the cost of parking & landscaping improvements required, he has withdrawn the permit. 3) M Mihlfried of Northwoods Veterinary Clinic was issued a permit for an addition to the clinic at 30425 N. Meadow. 4) Idaho Forest Group was issued a permit for a new 40’x80’ fabric covered storage building at the mill, 5400 E. Hwy 54. 5) Coffee Corral was issued a permit for a new coffee stand at 6115 E. Hwy 54. **Crossings at Athol** – DEQ approved the construction drawings for the new sewer treatment facility. The documents required for final plat approval have been submitted to Rand and he has started his review. Some aspects require review and a recommendation from the city engineer & that should be soon. They would like to be on the agenda for Nov. 5th meeting, but Rand & Council think the Nov. 19th meeting would be better, when the planner & attorney would be present. **Code Enforcement** – A notice of violation was sent to Brian Bellante for a junkyard at 29475 N. Miller Rd. The owners seem willing to clean up the property and bring it into compliance. A notice of violation was also sent to Kelvin Shin for an unpermitted RV park at 6200 E. Hwy 54 (adjacent to the Conoco station). The RV’s have been removed from that property and violation is considered closed. **Cole Annexation** – The Coles have not yet signed the reimbursement agreement for their proposed annexation. The request is back on hold. **Fast Subdivision** – Coffee stand has been removed from site. Still has a few things to do before moving forward on subdivision. His application has been accepted as complete. He has signed the reimbursement agreement. Agency review letter has been sent to the appropriate agencies. **Cyd Rossi Special Use Permit** - will be discussed later on agenda. **Miller Text Amendment** – will be discussed later on agenda. **Idaho**

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.

Forest Group Annexation - They have submitted a request for annexation consideration for approx. 147 acres south of existing mill. Request will be presented to Council at Nov. 19th meeting.

ACTION ITEMS:

1. APPROVAL OF THE October 1st REGULAR MEETING MINUTES:

Motion by McDaniel, second by Hill that we approve the regular meeting on the 1st, minutes without amendments. *DISCUSSION All in favor- Motion passed. ACTION ITEM

2. APPROVAL OF BILLS AS SUBMITTED: Motion by Hill, second by McDaniel to approve

Paying Oct/Nov bills as submitted without amendments. *DISCUSSION- All in favor- Motion passed. ACTION ITEM

3. DISCUSSION/APPROVAL TO allow Planner Rand Wichman to get the City Zoning Map and Address Map updated, not to exceed \$500.00. – Rand to discuss. Motion by McDaniel, second by Denis that we approve the planner to print updated copies of the Zoning map and an Address Map for the city, not to exceed \$500.00. *DISCUSSION All in favor- Motion passed. ACTION ITEM

4. DISCUSSION/APPROVAL of the Athol Farmer's Market to use the community center for a second day for the Annual Christmas Market, making it a Saturday and Sunday event. *DISCUSSION Motion by Denis , second by Hill to approve the additional day use for the Athol Farmer's Christmas Market for an additional day, Sunday; and want it acknowledged that this is an extension of the current contract on file for this year between the farmer's market and city. Roll Call: Denis-yes; McDaniel-yes; Spencer-Abstained, due to conflict of interest as he is an active part of the farmers market group; Hill-yes: Motion passed. ACTION ITEM

PUBLIC HEARING #1- City Code Amendment Request by Lewis Miller. Request to amend Section 8-8A-3 , A. changing from the two (2) acres to one (1) acre parcel; of the Athol City Code. Mayor opened the hearing at 7:23pm for any and all public comment related to this code amendment request. City Planner, Rand introduced the matter sharing the background of how the amendment came to be and the position Mr. Miller would be in without a change in the code. Rand shared the applicable legal standards of changing the city code and that this change would not be in conflict with the City's Comprehensive Plan. After sharing his evaluation and comments on the matter, the planner did recommend to the council that he was in full support of the requested amendment. He also noted that only 4 residential parcels in the city would be affected by this amendment. The council then had a brief discussion on this proposal and reviewed the conclusions of law as identified in the staff report. The applicant Mr. Miller was not present and therefore did not speak on the matter before the council.

The Mayor then requested for any public testimony regarding the request to amend the code just discussed. She asked twice; hearing none she closed the public hearing.

Mayor closed the hearing at 7:29pm.

The full section of the code to read as follows:

Detached garages or carports for the private use of the residence, not to exceed one thousand two hundred (1,200) square feet in size in the aggregate, except for lots greater than ~~two (2) acres~~ one (1) acre in size which shall be allowed up to five thousand (5,000) square feet in aggregate. Toilets and sinks are allowed in accessory buildings; however, no cooking and/or bathing facilities are allowed in accessory buildings. Accessory living units are prohibited.

5. DISCUSSION/APPROVAL to amend the Athol City Code portion of Section 8-8A-3 , A. changing from the two (2) acres to one (1) acre parcel; with City Ordinance #427.

City Planner, Rand to introduce and discuss the possible motion. **ACTION ITEM**

Motion by Hill, second by McDaniel to place the proposed ORDINANCE #427 which is to Amend the size of parcels that qualify for 5000 square feet of detached storage buildings, on its first and only reading by title only while under suspension of the rules. *DISCUSSION Roll Call: Denis-yes; McDaniel-yes; Spencer-yes; Hill-yes. Motion passed. ACTION ITEM

Mayor then reads the proposed ordinance by title: ORD #427- AN ORDINANCE OF THE CITY OF ATHOL, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING THE ATHOL CITY CODE BY AMENDING TITLE 8, CHAPTER 8, SECTION 8-8A-3 A.TO AMEND THE SIZE OF PARCELS THAT QUALIFY FOR 5000 SQUARE FEET OF DETACHED STORAGE BUILDINGS; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Motion by Hill, second by Denis to approve ORD #427, which amends the size of parcels that qualify for 5000 square feet for detached storage buildings. Make the change from two (2) acres to one (1) acre based upon the conclusions that the proposed amendments are reasonably necessary and in the public interest; and the amendments are in general conformance with the Goals and Policies of the Comprehensive Plan; amendments will not adversely impact the delivery of services by the City or other Political subdivisions, including schools. *DISCUSSION Roll Call: Denis-yes; McDaniel-yes; Spencer-yes; Hill-yes. Motion passed. ACTION ITEM

PUBLIC HEARING #2- Conditional Use Permit # CUP19-01 for Dante T Properties LLC for a Special Use Permit for Residential Use in the Commercial Zone.

Mayor OPENED the hearing at 7:32 pm to take public comment on the proposed Special Use Permit # CUP19-01 which is a request by Dante T Properties LLC for a special use permit to allow residential use in the commercial zone at 29801 N Old Hwy 95 Athol, ID.

The applicant, Cyd Rossi of Dante T Properties, was not present to speak to the council. The City Planner, Rand Wichman, on behalf of the City, spoke. Rand summarized the history of the application and the request to allow for residential use in the commercial zone. He discussed the landscaping and parking aspects, a brief review of the various neighboring agencies who commented, such as Panhandle Health District and Timberlake Fire District. He shared with the council the applicable legal standards and ended with his recommended conditions of approval. **Then the Mayor began taking public testimony.** She reminded everyone that public comment will be taken, and there will be an opportunity to be heard on your position of for, neutral, or opposed. She asked them to remember to speak loud and clear, since it is being recorded. Those wishing to speak tonight need to fill out the purple form that is available in the back of the room. The Mayor first asked for any public comments whose position was for the CUP- she received one comment sheet from Ryan Swensen of 30430 Alice Ct in Athol, ID. who did not want to speak so the Mayor read his comment, as follows: "It's his lot, let him do what he can with it". The Mayor next asked for any comments whose position was neutral; she asked a second time, and hearing none she moved on to the final position. The Mayor asked if there was anyone wanting to make a comment that opposed this request tonight. Again she heard none. No one wanted to have any further comments and the applicant was not present so no need for a rebuttal, and so the Mayor closed the public hearing. **Total public comments: For was 1, Neutral was 0, and Opposed was 0.**

Mayor CLOSED PUBLIC HEARING at 7:46pm.

6. **DISCUSSION/DELIBERATIONS/FINDINGS/APPROVAL of Conditional Use Permit # CUP19-01 for Dante T Properties LLC for a Special Use Permit for Residential Use in the Commercial Zone at 29801 N Old Highway 95.** Attorney, Caitlyn reminded the council that this is a Quasi-Judicial Proceeding and encouraged the council that now is a good time to share their findings and state why they believe those findings to be true. There was a brief discussion regarding the findings that were recommended by the City Planner. Then the following motion was made:

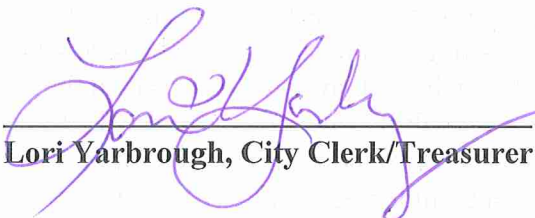
Motion by Denis, second by McDaniel that we find in the matter of the request # CUP19-01 the proposed use will be consistent with the various elements and policies of the comprehensive plan; the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment; the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property; that adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are or will be provided for the proposed use; the proposed use will not adversely impact the delivery of services by the City or other political subdivisions, including schools and therefore do approve of Conditional Use Permit # CUP19-01 based upon staff's recommendations in his report, and to approve with the two previously mentioned conditions related to the Fire District and Panhandle Health Districts requests as noted in the staff report. *DISCUSSION- Roll Call: McDaniel-yes; Spencer-yes; Hill-yes; Denis-yes. Motion passed. ACTION ITEM A formal Order of Decision for this matter will be drafted up for councils review and approval authoring the Mayor's signature at the Nov 5th meeting.

PUBLIC COMMENTS: None


ANNOUNCEMENTS City Council- Councilman Hill wanted to thank the Sheriff's Dept. for the reports they give the City each month on accidents, arrests, etc. and for the work they do in our City. **Mayor-None. Staff-** 1)The Mayor asked Lori to share that today she collected on the only outstanding money for a rental that remained on the City books. Lori felt good because she prides herself in not having to use a collection agency like many other cities do and has always been able to work with the individuals. 2) Secondly, she also shared what she feels is "a success or small win for the city". A number of agencies and citizens worked together to get nuisance RV's moved out of town. (City of Athol, BNSF, Idaho State Patrol, Idaho Transportation Dept., Kootenai County Sheriff Dept., and a private landowner living in CA.)

ADJOURNMENT at 8:03 pm.

ATTEST:



Lori Yarbrough, City Clerk/Treasurer



Mary J Zichko, Mayor

Approved at Council on 11/5/19