

Approved Minutes

City of Athol
City Council Regular Meeting Minutes

April 20, 2021

Location: City Hall, Downstairs Council Chambers, 30355 N 3rd St., Athol, ID 83801

Zoom: No one attended via zoom. **Mayor, Bill Hill, called the meeting to order at 6:00 P.M**

PLEDGE OF ALLEGIANCE / CALL TO ORDER

6:00P.M.

ROLL CALL Visitors please sign in, on the back counter.

Mayor Hill; Councilwoman Denis; Councilman Stack; Councilman McDaniel; Clerk/Treasurer; Public Works/Water Op.; Planner, Rand; and Attorney, Caitlin. Not present: Councilwoman Baldwin

REPORTS:

Treasurer Report – Lori submitted the report and read the ending totals for each of the city accounts: STCU Checking = \$44,432.27; STCU Savings = \$136,863.37; LGIP = \$709,853.58. And the 2nd Quarter Financial statement, 50% into the budget year. Our year to date for revenues we have received are at 46.42% in the General Fund and at 19% in the Water Fund. The 2nd Quarter YTD Report will be available on the city website or at City Hall.

Water Report – Lori submitted written report and read aloud. February usage = 2,496,181 gal. (haulers 164,000) and **March usage = 3,426,457 gal. (haulers 217,100); Billing in March was \$14,824.00 plus \$280.00 in late fees and collected was \$16,815.60.** Late fees this month are likely to be at about 28, and 4 accounts to get notices of shut-off for being greater than 60 days past due. Lori also shared how we are tracking bulk/hydrant use, as she had been asked by the council. There was a brief discussion on it and how we are tracking it, but that it will never be 100% accurate, and once annually we will do an adjustment so we can track each year.

PLANNER REPORT – Rand submitted written report and briefly gave the following updates and comments. Building location permits – there was one new one issued at 30150 2nd St for a new porch and 2 Site Disturbance Permits – Both for lots south of City Hall at 30290 N 1st. The Development at the Crossings subdivision -We are getting close to approving Sweet Lou's- just waiting on some other agency's approvals and Grease Monkey, not sure what the holdup is there. But it is possible that both will be ready to break ground in the next month or so. Staff is continuing the work on the right-of-way permit for Beacon Pizza. Rand reported that ITD is issuing a permit for some use on the north side of Hwy 54 right of way. Clerk, Lori, then asked the council if they would be open to possibly having a special meeting for Beacon Pizza Beer and Wine Alcohol permits if the other permits and agencies were complete, as the city does not want to be the only thing holding them up from opening. They turned in their request on Monday but the agenda for this meeting had already been posted. Council was open to having a special meeting if it was warranted. Rand also shared he has not really had a chance to work on Code Enforcement much this month, been a little behind, but it is next on his list. The Badger Annexation- approved at the last month's meeting, we are just waiting for the legal description and map to finalize the paperwork. The Ordinance to come possibly by the next council meeting. Not much new

***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.*

on anything else, except for the Public Hearing tonight for the Colton Acres Subdivision request. Active West Development (PUD)- Not heard anything from them yet, assume they are working on their design.

ACTION ITEMS:

1. APPROVAL OF THE April 6th REGULAR MEETING MINUTES:

Motion by McDaniel, that we approve the regular meeting on the 6th, minutes without amendments.

***DISCUSSION *All in favor-none opposed.* Motion passed. ACTION ITEM**

2. APPROVAL OF BILLS AS SUBMITTED: Motion by Stack, to approve paying the

April/May bills as submitted without amendments. *DISCUSSION – *All in favor - none opposed.* Motion passed. ACTION ITEM

3. APPROVAL OF WORK CHANGE DIRECTIVE #1 and #2: Motion by McDaniel, to

approve work change directives #1 and #2, for the Water Improvement Project as submitted without amendments. *DISCUSSION Anthony briefly explained that the change is to connect existing smaller, missed or mystery water mains into the greater system. Also, to place the water line on the north side of Grove and east side of 5th, due to the location of the gas line and other utilities, which is opposite of what the plan called for originally. The big tree on Grove in front of the Mayor's house will be removed by Kootenai Electric. **Roll Call Vote: McDaniel-yes; Stack-yes; Denis-yes. **Motion passed. ACTION ITEM****

4. DISCUSSION/APPROVAL for Baseball Field Renovations – Anthony to discuss.

Motion by Stack to approve the request to make improvements to the city baseball field, i.e., infield work, bases with anchors, gravel for dugout and new team benches; city's portion not to exceed \$2,000. * DISCUSSION – Anthony said he has begun getting a few donations from local businesses in the area who are also interested in helping, so it may not cost quite so much. **Roll Call Vote: Stack-yes; Denis-yes; McDaniel-yes. **Motion Passed. ACTION ITEM****

5. DISCUSSION/APPROVAL to begin using Radio Read Digital Meters and purchase

through the DEQ Water Loan Water Improvement Project, approx. \$80,000. – Anthony shared that the digital or radio read meters will allow for year-round reading, which will be useful in early leak detection, as the biggest reason to buy this type of meter. He is working with Consolidated and prefers that we get Mueller brand meters. Motion by McDaniel, to approve going with Radio Read Digital Meters as recommended by staff and to run the cost through the water improvements project and DEQ loan. *DISCUSSION **Roll Call Vote: Denis-yes; McDaniel-yes; Stack-yes. **Motion passed. ACTION ITEM****

6. DISCUSSION/APPROVAL of City Clerk/Treasurer to attend the June AIC Conference in

Boise and the III-A Board meeting – Lori shared that she would like to attend the conference this year, as they are having it in person. It is also the same time for the III-A Board of Trustees meeting. If you do allow me to go, the flight and one night hotel will be covered by the III-A, so it will not cost the city as much. Motion by McDaniel, to approve the City Clerk/Treasurer to go to Boise June 15th through June 18th to attend the AIC Conference and the III-A Board of Trustees meeting. *DISCUSSION- Also mentioned was that Lori will miss the June 15th meeting because of this conference and Tanya is also going to be off for her daughter's wedding that same day. Tanya will return to open the office on Thursday the 17th. Attorney, Caitlin said she can take minutes for Lori. **Roll Call Vote: Denis-yes; McDaniel-yes; Stack-yes. **Motion passed. ACTION ITEM****

PUBLIC HEARING #1: - Forestbrook LLC for Colton Acres Subdivision The Mayor opened at 6:37pm to take public comment on a preliminary subdivision plat approval for a 26-lot residential

subdivision in the residential zone. The subdivision is called Colton Acres. City Attorney, Caitlin, shared as a reminder that this is a Quasi-judicial public hearing and that there are strict procedures as to how to have this meeting and how the council can deliberate. Council is the decision maker on a land use application and decide if the applicant has met the standards. Different from the 2nd Public Hearing tonight, that is a legislative hearing that is on the city code; much less strict.

The Mayor said the order of who will be speaking before 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 comment tonight will need to complete the yellow half sheets of paper on the table. On it, please identify if you are for, against, or neutral. *If you wish not to speak, we can read it for you.*

First: City Planner, Rand Wichman, introduced the case. The applicant is Forestbrook LLC. They are requesting a preliminary subdivision plat approval for a 26-lot residential subdivision in the Residential zone. It will be called Colton Acres, and 25 lots of approximately 1/3 acre each with a 26th lot serving as a remainder which is likely to be redivided in the future. It is located north of the Northern Meadows neighborhood. This was previously annexed into the city as residential use and the city did get a 3-acre parcel that was dedicated for a future city park. The applicant would have to pay for the development of the roads to the city standards, as well as extended and use of city water paid for by the applicant. The city solicited comments from Panhandle Health District, Lakes Highway District, Idaho Transportation Department, Lakeland Joint School District and Timberlake Fire District. Rand notes that the Fire District didn't comment on a 2nd approach other than for emergencies, which is a common ask so staff would recommend an approval with conditions of some connection to Sheep Springs Rd. The lots meet the minimum standard size, of 1/3 acre sized lots. He added that at this point no traffic study was necessary, however if there are additional phases, that will likely be needed. For wastewater, while the perception of the 1 septic tank per 5-acres rule applies, that is true for the allocation of DE's. The argument is that by design the DE's could be clustered to facilitate and foster alternative solutions to septic tanks. It is clear the City did not anticipate a cluster of housing something that could be allowed. Panhandle Health District would allow, by design, this type of clustering to happen if that was what the city wanted. Rand said its like you must make a problem worse to make it cost-effective to solve it. Which is what the applicant is doing. Rand also shared this really is not too different than what was done at The Crossings.

Super 1 was allowed and used all the DE's and no other development was able to happen until there was a wastewater facility to connect to. A final point Rand wanted to make is in his staff report 5.08 he would make the recommendation to change words from "shall" to the city "may" be required to hook up to a wastewater treatment facility. Rand finished by noting that if or when there is a second phase to this development, there would likely be more things to consider such as a traffic study. Currently, it is just the 25 new homes to consider.

Then the Applicant, Introduced himself and his team: They closed on the lot January 2020, we are Jimmy Black, Shawn Mort and Rick Decker. Entry level housing is in high demand, which is why they are looking to fill that demand with their 25 new home proposal. He just wanted to share they are all local guys from the area, and they care about the community. Next their two Engineers, Ryan Forbes and Jim Kimball, each spoke. Ryan shared that future development or phases may force them to have a sewer. They are planning for future developments and the plans would be up in the northern part of the development, likely a Class B Wastewater facility. They have submitted a plan to DEQ. Jim Kimball added he was part of the Sewer Facility plan done for the city 20 or 30 years ago, so he is somewhat familiar with Athol.

Public Comment: 2 For's, but they were Ryan Fobes and James Kimball (engineers for the applicants), and they just spoke. **The Mayor asked if there were any other Comments For? Hearing None, he moved on to those who are Neutral. 5 neutral:** Jeanette Kramer (5155 E Forest Ave)- Terribly upset and feels Rathdrum lost that quality of life and fears that for Athol now. Traffic is a high concern. This is a family neighborhood, and all that construction is concerning. She hoped this would be her forever home, and now it will not. She also had concerns over being forced to connect into this new sewer system and how much it will cost her and her neighbors. Mary Zichko (30150 N 3rd ST) - wanted to know 1) if there will be a secondary road access 2) what will happen to the well currently on site? 3) regarding DE allocations...will it affect her DE's for her property? Bruce Schonebaum- understands growth but is concerned about the increased traffic and how it will impact the current neighborhood.

Annie & Dan Sundstrom (30525 N Alice Ct)- Concerned about the lack of concern over road access and it only being for emergency access. Plus add in all the trains with the additional traffic and construction Corey Royce (5130 E Valley Ave)- 1) Most concerned about construction workers speeding through streets. He understands progress is necessary but really thought it would be developed in 5-acre parcels only. 2) He also does not want to have to hook up to sewer. 3) Is curious what exactly is affordable housing? 4) Are they going to be rentals or homeowners living in the neighborhood? Fears they will be going from a quiet neighborhood to one that everyone will need the Ring security systems, and that is sad. **The Mayor asked if there were any Comments Opposed.**

He received only one, that was emailed in. From Alan & Linda Littlejohn (33213 N Sheep Springs Rd.) – Asking to deny the application until the infrastructure exists to hook the new residences into the new sewer system; because he feels it is harmful to the Rathdrum Prairie Aquifer, water source. Growth is exploding and new subdivisions everywhere. More homes bring more water usage from the aquifer and another sewage system over the aquifer. Wants to be sure the precious water source is protected both from potential contamination, and from overuse.

The Applicant then Rebutted: Ryan Fobes, Engineer for Forestbrook: To clarify, we are planning for Entry level housing, not Affordable housing. They guess the houses may sell for \$300,000 to \$350,000. They intend or hope for those people looking at buying their homes will be people who live local and work local, mill workers etc. Ryan initially commented sorry as to why everyone thinks it could only be developed in 5-acre parcels. (This led to a side conversation regarding the City's understanding of their Sewage Management Plan (SMP) with Panhandle Health District (PHD) being the reason the city and citizens both thought it could only be 5-acre parcels.) As for the traffic concerns, Ryan said that use of Meadow St. is really a short-term answer, and that long term they do plan for Sheep Springs Road to be the main access into the development. 2nd phase as Rand alluded to, a Traffic study will have to be done. The current wellhead on-site will be used for testing or monitoring well and is not currently active. They have plans for an 8-inch water main and those plans have been submitted to DEQ. As for rentals, we cannot say who will buy them. And for the emergency access it would be barriered off or gated. Once a wastewater system is in and the subdivision built out, it will be less harmful than all the septic tanks. Change is the only constant in today's world.

Mayor closed it at 7:49pm. The City Council can deliberate now and remember to identify or answer the 5 conclusions of law as listed in the staff report, page 6.

During the **Council deliberations** the following things were mentioned or discussed: McDaniel would like to see the overall design. What is planned for after these 25 houses? Feels like we are saying that in the rest of the build out all the lots will be at the 1/3 acre in size. Also, shared he is not a fan of these little systems within the city. The Council then read through the proposed findings or conclusions of law and answered them as follows:

- 6.01 The applicant **HAS** provided sufficient information to determine whether the application complies with the relevant requirements of Title 9, Chapter 3 Athol City Code.
- 6.02 The application **COMPLIES** with the requirements of Title 9, Chapter 3 and other applicable standards of Athol City Code.
- 6.03 The proposal **COMPLIES** with or **IS** capable of complying with the requirements of other agencies with jurisdiction or providing services to the proposed development.
- 6.04 The proposal **WILL** contribute to the orderly development of the area, and uses and density **ARE** compatible with existing characteristics of the area.
- 6.05 Services and facilities such as schools, electricity, water, sewer, police, and fire protection **ARE** feasible, available, and adequate. Any request by an agency for actions to be taken, or fees to be paid, to mitigate impacts of a subdivision are not included as a condition of preliminary approval unless the proposed actions or fees are roughly proportional, in both nature and extent, to the impact of the proposed development.

The Mayor then asked if anyone was ready to make a motion. None of the Council wanted to make a motion at this time. After further discussion, the City Attorney advised the Council of some options. Caitlin said, if you are needing specific information, you can continue the meeting to another day and direct staff or the applicant to get that information, which may require you to also continue the public

hearing and re-open for public comment. Or, if you are just wanting more time to think about it, you can continue the deliberations to another date and time. But she cautioned Council to not deliberate outside of this meeting or talk with anyone except staff about the application. The Council all shared their frustration of feeling like their hands are tied and cannot really decide to deny, which sounds like what the public who voted them in wants; and that they have to approve to application for the subdivision. The city attorney advised that the applicant has, per your findings, met all the conditions to the subdivision application. The Council would need to identify where the applicant does not meet the various conditions of the application process in order to deny or give good reason as to why you would deny the application. You can approve with any number of conditions you feel might be warranted to this subdivision application.

7. DISCUSSION/APPROVAL of the Preliminary Subdivision Request for Colton Acres – Motion by Denis to continue deliberations until the May 18th regular Council meeting at 6:00pm.
***DISCUSSION-Roll Call Vote: Denis=yes; Stack=yes; McDaniel=yes. Motion passed. ACTION ITEM**

Quick Break at 8:40pm.....and resumed the meeting at 9:01pm.

PUBLIC HEARING #2: A Code Amendment to modify the definition of accessory building or structure and add a definition for portable storage container. Ordinance #432.

Mayor opened at 9:01pm to take public comment on the proposed adoption by the city.

The Mayor asked Planner, Rand, to give a brief about the ORD., and then the Mayor asked if anyone wished to give public comment. Please complete the green half sheets that are on the back table.

City Planner introduced: This ordinance is about portable storage containers. They were previously considered as accessory buildings. This ordinance would make its own definition for a portable storage container and further define parameters in which they would be allowed for in the Residential, Commercial, and Light Industrial areas. In the residential and commercial zones, they would only be allowed for temporary use, not more than 60 days in any 12-month period. They would require a building location permit and may not exceed 10' x 20' and cannot be set within any right of way or setback area. In the light industry zone, there are slightly different provisions such as they cannot exceed 8' x 40' in size and 3 in number, still not set in the right of way or setback area, and still requires a Building Location Permit.

The Mayor asked for any Comments: There was no-one left in the audience, so there was no public present to comment. No comments made. Mayor closed at 9:11pm. The City Council may then begin their deliberations and make a motion if they choose to.

8. DISCUSSION/APPROVAL to Suspend the reading of the rules for Ordinance #432 a Code Amendment to modify the definition of accessory building or structure and add a definition for portable storage container. – No further discussion was needed. Motion by McDaniel, to approve ORD 432 and read by title only, on its first and only read. * DISCUSSION - Roll Call Vote: Stack=yes; McDaniel=yes; Denis=yes. Motion passed. ACTION ITEM

Mayor reads ORD #432 by Title: AN ORDINANCE OF THE CITY OF ATHOL, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING THE ATHOL CITY CODE BY AMENDING TITLE 8, CHAPTER 1, SECTION 4 TO MODIFY THE DEFINITION OF ACCESSORY BUILDING OR STRUCTURE AND ADD A DEFINITION FOR PORTABLE STORAGE CONTAINER; AMENDING TITLE 8, CHAPTER 8A, SECTION 3, TO ADD PORTABLE STORAGE CONTAINER AS A PERMITTED ACCESSORY USE IN THE RESIDENTIAL ZONE; AMENDING TITLE 8, CHAPTER 8B, SECTION 3, TO ADD PORTABLE STORAGE CONTAINER AS A PERMITTED ACCESSORY USE IN THE

COMMERCIAL ZONE; AMENDING TITLE 8, CHAPTER 8C, SECTION 3, TO ADD PORTABLE STORAGE CONTAINERS AS A PERMITTED ACCESSORY USE IN THE LIGHT INDUSTRIAL ZONE; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

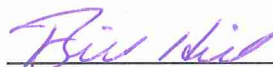
9. **DISCUSSION/APPROVAL to Adopt Ordinance #432 a Code Amendment to modify the definition of accessory building or structure and add a definition for portable storage container.**
– Rand to did not have anything further, but City Clerk Lori asked that if this Ordinance is passed; that we do an inventory of which parcels currently have shipping containers on them, so we can best track them. Identifying who is previously permitted verses, pre-existing non-conforming use, etc. Staff and council agreed. **Motion by Denis, to approve ORD #432 which modifies the definition of accessory building and adds a definition for portable storage containers and authorize the Mayor’s signature and direct staff to publish by summary only.** * DISCUSSION - Roll Call Vote: McDaniel-yes; Denis-yes; Stack-yes. Motion passed. **ACTION ITEM**

PUBLIC COMMENTS – none; no-one present.

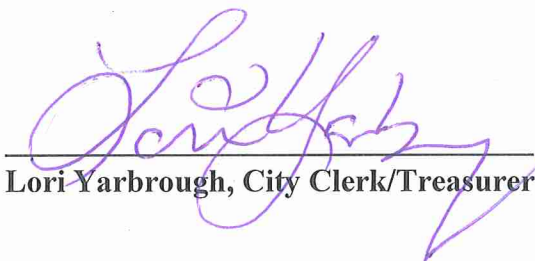
ANNOUNCEMENTS City Council- none. / Mayor- shared that he was informed the flag in this room was an ornamental flag and has been asked to replace. / Staff – Lori 1) reminded the Council that the next meeting on May 4th includes the Budget Workshop at 5:00pm 2) With the approval of the LHRIP Grant of \$100k- staff would like to get with the engineers and begin looking at the next steps. This will help with both the budget process and timeline for events i.e., bids. 3) PHD has reached out to the city about us applying for some smaller grant funds that may help with various city park improvements. Staff is thinking about garbage cans and/or park benches. Staff would like to begin putting that together and will bring it back for the Council approval at the May 18th meeting, as the deadline to submit is May 25th.

ADJOURNMENT at 9:19pm

ATTEST:



Bill Hill, Mayor



Lori Yarbrough, City Clerk/Treasurer

Approved at Council on 5/18/2021

Meeting Rules: Each speaker will be allowed a maximum of 3 minutes to address the City Council on matters that relate to City government business. The council may not hear or take testimony regarding any planning and zoning matter that is before the city or is known to be a likely application. Please be advised that the City Council can only take official action this evening for those items listed on the agenda as an ACTION ITEM. Citizens may use this time to request that items be placed on future agendas for further discussion.