

Approved Minutes

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

Tuesday, August 3, 2021  
6:00pm Regular Council Meeting

Mayor Hill called the meeting to order at 6:01 P.M.

**ROLL CALL:** Present: Mayor Hill; Councilwoman Denis; Councilman Cutaiar; Councilman McDaniel; Clerk/Treasurer-Lori Yarbrough; Public Works-Anthony Brandt. Not Present: Caitlin Kling, Attorney; Rand Wichman, City Planner; and Council#2- vacant.

**ACTION ITEMS:** Mayor Bill Hill made an appointment of the vacant Council Seat #2 to Jeanette Kramer; then asked for the council to confirm.

1) **APPROVAL/CONFIRMATION by the Council for the Appointment of Jeanette Kramer for the vacant Seat #2. Motion by Denis to approve the mayor's appointment of Jeanette Kramer for Council Seat #2.** She will fill this vacant seat until January 2022, replacing Calvin Stack; with this seat up for election this November 2021, for a 2-year term. \*DISCUSSION- None as council was aware of Jeanettes interest to serve and she had been coming to council meetings for several months now. **Roll Call: Denis-yes; McDaniel-yes; Cutaiar-yes. Motion passed. ACTION ITEM**

-----Mayor Hill then swore in Jeanette Kramer-----

**REPORTS:**

**Public Works** – Anthony submitted the July written report. Councilman McDaniel asked about the progress on the Cemetery tower for the water improvements? Anthony answered maybe next week they will be onsite, and it will be a 6–8-week project. There was also a brief discussion on the water usage especially for water haulers being higher, if any research was done on that yet from the last meeting. Anthony replied not really, just using lots more water. Truck traffic is constant and looks like this month will be just as high again. Councilwoman Denis asked about the stop work order, what was it for, and where? Anthony replied for a small shed being built and some new electrical and plumbing lines. A possible RV park sites being set up on Pastime. Mayor Hill also added that they apparently didn't pull state permits, so they likely are getting it from more than just the city. The shed is less than 200 square feet so it was fine but will need to be moved to a new location. He can't place it on a vacant lot. Staff will work with Rand and follow up.

**ACTION ITEMS CONTINUED:**

1) **APPROVAL OF THE July 20<sup>th</sup> REGULAR MEETING MINUTES:**

Clerk, Lori asked to table this since she did not get the minutes done yet. This was the over 3-hour long meeting and she has just been very busy in the office. They will be ready at the next meeting.

\*DISCUSSION No Motion. **NO ACTION TAKEN**

*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 and NNAC payment #5 (DEQ Loan #3) for the Water Improvement Project AS SUBMITTED: Motion by McDaniel, that we approve paying bills and payment #5 to NNAC as submitted. \*DISCUSSION- Lori explained the bills briefly regarding which bills are related to the DEQ loan, Athol Daze related or are reimbursable bills. All in favor-none opposed. Motion passed. ACTION ITEM

3) DISCUSSION/APPROVAL of Change Order #4 from NNAC for the Water Improvement Project. Anthony- shared this is primarily to add the Lorraine Loop to the project and a few other small things like utility conflict on 4<sup>th</sup> and Davis, Grove well upgrades and service. Motion by McDaniel, to approve the NNAC change order request #4 as submitted without changes. \*DISCUSSION Roll Call: McDaniel-yes; Kramer-yes; Denis-yes; Cutaiar-yes. Motion passed. ACTION ITEM

4) DISCUSSION/APPROVAL for an Interim Opening of Beacon Pizza – Lori shared an update since the last council meeting that Beacon Pizza had submitted a new plan for when they can get paving and the parking lot matter into compliance. But since the attorney and planner do not attend the first meeting of the month that matter of Beacon Pizza will come before the council again on the 17<sup>th</sup>. The planner will be asking for council’s decision on terms for the Right of Way permit, as their ability to get it paved will need to be pushed out. Today the question is: 1) Can they open now as of August 3<sup>rd</sup>, until the 17<sup>th</sup> at the next council meeting? If so for any specific hours, days, or just whatever times they want? or 2) Do they have to wait and not open at all until the agreed upon terms can come before the council? She shared the Mayor and Staff has allowed for the past 2 weeks for them to open Friday, Saturday, and Sunday only, but has since heard some of the council ask why we allowed that. This was our thoughts on trying to show compromise and understanding for them as a new business. Knowing that another new local similar business chose shorter soft opening hours, we thought this might help them out. And weekends are generally busier than weekdays. It was made clear to them it was only temporary until a final resolution could be figured out. But, now knowing that it is going to be two more weeks before this matter, that their new request for more time regarding the right of way permit, can come before the council, staff is asking council how they want this interim time handled? Can they open and do business as they would like to be allowed to open full time? \*DISCUSSION- a brief discussion by the council on the possible parking lot configurations that was not relevant to the decision needed from the council at this meeting. Councilwoman Kramer- stated that the owner of Beacon was extremely adamant at the last meeting, about what do I need to do to open. Council gave him the 4 items to do: move railroad ties to edge of asphalt, plot/pave the area, paint it, and copy of updated plan. That is what he needed to open. So, she said they didn’t meet those requirements and the law says no they cannot open until we meet again to discuss new terms, or they have met those requirements. It also sucks that saying no does not benefit anybody but its council’s job to uphold the code. We all want to see it open. Councilman Cutaiar – says last time I tried because I thought it was the right thing to do, but I don’t anymore. We follow the law, and he was given the opportunity, but it didn’t work. Motion by Kramer, to deny an interim opening of Beacon Pizza until the August 17<sup>th</sup> council meeting. Roll Call: Kramer-yes; Denis-yes; Cutaiar-yes; McDaniel-yes. Motion passed. Mayor Hill then wanted to share an email from the City Attorney regarding in the event you made the decision to close tonight, and they opened anyway. What kind of recourse the city had? Her recommendation was that if the council says no to Beacon Pizza opening, and they do it anyway then she feels the city should contact the Sheriff’s department and get started to get vehicles parked there removed. Our code does have a provision for removing vehicles using an unpermitted area as a parking lot. Since an encroachment permit has not been issued, that area cannot serve as a parking lot. Also, if the business has no parking lot, it likely cannot be open under the business license. Basically, she is saying unless or until an encroachment (right of way) permit is granted and issued by the City, Beacon Pizza has no right to use that area for parking. The mayor wanted confirmation that you are aware of the steps we would take if they opened anyway. ACTION ITEM

**5) DISCUSSION/APPROVAL to Purchase Playground Chips from Idaho Forest Group**

Anthony – shared that we found that IFG has playground chips at a better price than we were just looking at. We want to replace the pea gravel with chips on the playground at the city park. That is why he is requesting 2 loads of chips to replace the pea gravel in the playground area at a donation price of \$1,000.00 per load. The previous estimate from somewhere else was almost \$5,000.00. After a short discussion the following motion was made Motion by Denis, to approve the purchase of 2 loads of playground chips for the park, from Idaho Forest Group; not to exceed \$2000.00. \*DISCUSSION  
Roll Call: McDaniel-yes; Kramer-yes; Denis-yes; Cutaiar-yes. **Motion passed. ACTION ITEM**

**6) DISCUSSION/APPROVAL to Waive the Encroachment Permit Fee for Athol**

**Elementary School.** Councilman McDaniel asked why take an application or waive a fee for something that isn't allowed. They want to put gravel in the right of way for more parking. Anthony shared the concern of the water meter box and how he feels they had some ideas as to how to better protect it, and he thinks they are still planning on using that area for snow removal. Lori shared, we don't have a full application yet that includes the map or plan of what exactly they are wanting to do. But it is before you now because we know that, like the fire district, they are also a government entity, and are requesting a waiver of the \$50.00 fee. Since the city does not yet have a policy in place, it must come to the council for each waiver; that is what this item is about. We must accept applications to allow for the denial and appeal processes to play out, as a right to the applicants. We don't fully know what they are requesting yet, but Rand will be working with them on this. Councilwoman Denis- asked if they started doing this before they got an approval therefore asking if are we charging them double? So are you are really asking us to waive \$100.00? Lori- responded that would be a council decision, but no staff was not planning on charging them double. This is the first time the school has done something requiring a permit. So, we try and use it as a learning experience and next time they will know they need to ask first. After a brief discussion the following motion was made: Motion by Denis to approve the request to waive the \$50.00 Encroachment fee and direct staff to work with the attorney to draft up a resolution for the next meeting for a policy to waive the fee for other government agencies for permits in the city; they do still have to complete the permit request, it just waives the fee. \*DISCUSSION Roll Call: Kramer-yes; Denis-yes; Cutaiar-yes; McDaniel-yes. **Motion passed. ACTION ITEM**

**7) APPROVAL for Athol Daze T-shirt Order, not to exceed \$1500.00**

Lori shared the design idea for this year's t-shirt and that they again asked local businesses to help sponsor the shirt for \$25 each that cuts the cost of the shirt to a more reasonable price for us to sell them to the public for. Shirts this year will be \$15.00 each and past years' shirts are available in the office for \$5.00 each. She also asked for a little increase in the amount, up to \$1725.00, as the final cost invoice came in and it was a bit higher. We switched companies at the last minute but have collected over \$1,100 towards the cost of the shirts so the city's cost is only around \$625.00. There is one last Athol Daze planning meeting this Thursday at 3:00pm if anyone wants to come. Also, this year we are not doing a live auction, but instead we were able to secure 3 larger businesses who are event sponsors to help cover costs related to trophies, entertainment, and other costs. This should help balance out the city's costs like past years' events. They are Idaho Forest Group, P1FCU and Athol Baptist Church. Bed Races are new this year; no cost just come race for bragging rights. Motion by Denis to approve the request to purchase Athol Daze event T-Shirts; not to exceed \$1725.00. \*DISCUSSION Roll Call: Denis-yes; Cutaiar-yes; McDaniel-yes; Kramer-yes. **Motion passed. ACTION ITEM**

**PUBLIC COMMENTS:** 1) Mary Zichko (city resident)- 1<sup>st</sup> question - Anthony's report, it would be nice to have a copy of his report available at the meeting. Council said we can have it out and available to the public. 2<sup>nd</sup> – Regarding the park, she wants to be sure they will use her \$1,000 from doing the Mayor's Walking Challenge that she earned, Mayor Hill also said yes and his money is in there too. So, there is \$2,000 for the  
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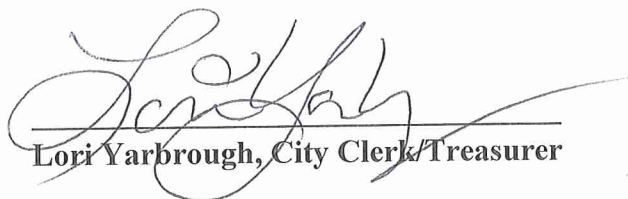
new chips. 2) Vince Austin (county resident)- to the new councilwoman, have you been updated on our situation and know about the email dated July 29<sup>th</sup>? He went on to share his version of what he has been going through with working with Rand and the staff and various other points of his steps he has done. He wanted her and the council to understand that he has not just been sitting on his thumbs. Councilwoman Kramer- responded that she had been coming to council meetings the last several months and does feel aware of the situation. She stated she doesn't like him accusing the staff of a lot of things, and said you hadn't opened, when you had, and at the last meeting you said just tell me what I got to do, the council did just that listed 4 things, and they were kind enough to allow for a soft opening when they didn't have to, and you were still not happy with that. She feels they have been trying to work with you. Overall if you want people to work with you, you need to work with them in a kind way. Councilman Cutaiar- spoke up and told Vince to stop interrupting the Councilwoman as she is talking, and this is the exact thing you were doing at the last council meeting. You got aggressive and you keep saying you weren't, but you were it's got to stop. Kramer continued – just work with us. You are going to have to wait until the next meeting. Vince then asked why he was asked to submit paperwork and none of the council has even seen it? Clerk Lori- then said because that is not how the process works. The council will see your new plan on the 17<sup>th</sup>, when the attorney and planner are at the meeting. They do not come to the first meeting of the month. The staff are the ones who do the work that is what they are hired for. Councilwoman Kramer- reminded him that tonight is only to discuss if we will allow for you to continue to open without the permit until the 17<sup>th</sup> when the council and Rand can further discuss the new plan you just submitted. Lori added regarding Vince feeling like Rand is not passing along the full conversation to the council, the council is the legislative body-they make the laws and rules, basically the city code. The Mayor and staff are the administrative body-they are there to carry out those laws. The council doesn't see everything, and part of that process is if there is an appeal then it goes to council. The council relies on the reports and information the staff brings them. 3) Rod Twete (county resident) and Lakes Highway District (LHD) Commissioner- question about the right of way. When ITD gave it to LHW it came with the stipulation that we give an encroachment permit to that business, so he assumed that when it went to the city, that it would follow suit. If not, has the city approved an encroachment permit? Lori- said per the city attorney, it does not go with the transfer. There is a letter also included from LHD stating that they would issue a permit for the same and even that they would consider vacating some of the land for possible permanent use to that parcel. But we do not have anything else showing us that that was ever done. Either way our attorney has reviewed those documents and says they do not have a bearing or requirement for the city to do the same, and therefore Beacon Pizza needed to get one from the city. Which is why we asked Beacon to apply for it, and the council has said they would grant it once the parking lot conditions were met. Rod stated no way in the world he would spend money on pavement for a parking lot didn't have. Councilman McDaniel – agreed and said that normally the owner of the building would have done all that. It's between them two, not the city. The city did give approval upon meeting the conditions of the parking, but he has not done that yet. That is what must happen, and we have made every other new business do it. Not from years ago, but the newer stuff yes. We are trying to set a standard and not jump around like has happened in past years. Vince asked for clarity on any new business or new construction. Lori shared it's when a land use permit (building location, right of way, etc.) trigger happens, not a new ownership, and different from a new business license or a liquor license. 4) Beth Washabaugh (county resident) – commented that from a public perspective the city looks foolish in how this has been handled. As a consumer she wonders why is it ok or different to be open on a weekend verses a weekday? It's silly, if you want to clean up the city then go to Little Town Market because of their potholes; she avoids businesses like that because of the parking lot. She understands you can back date and back mandate things but going forward there should be more implementation across the board. Excited that someone is cleaning up this eye sore, it's the first thing you see when you come into our town. It was a dump and she's irritated that someone wants to spend money in this town and just gets the run around and miscommunication from the city. Mayor Hill- Little Town Market driveway is state property. We don't pave that, it's the state. As far as them being open, ok shame on us but the reason is they were doing it anyway. They opened without our permission and


social media is just a nightmare. We do want them to open but we want them to open having met the rules. There has been a lot of miscommunications. Lori added that she's not aware of another lot that is like this one. The building is built right up to the property lines; there is not parking. After more back and forth with no real direction, we had 5) Shonda Heacock (county resident)- asked if the city has any kind of ordinances on slum lords; seems like there should be something in place? Mayor- responded that 2016 is when the codes really started to be enforced, the reason things look they way they are is because prior to that councils didn't do much for enforcement. 6) Michelle Erhart (county resident) – feels like there are two problems in this whole scenario, Chan, and Rand. Sounds like the Mayor has said Rand has made some mistakes, how is that allowed? How does he have power? Mayor responded- we gave it to him and he's human; people make mistakes. Councilman McDaniel- we don't know that it is Rand that is causing this. There were a few more minutes of multiple conversations happening at once with no real direction again. Mayor reeled everyone back in asking everyone to have their conversations after the meeting. This is a city council meeting, and it is a city matter. We get a lot of county people coming in and try to tell us how to run the city. He further added that we have done a City Review some years ago that we did include county residents because we were wanting their opinions too on what kinds of services to have.

**ANNOUNCEMENTS** **City Council-** Cutaiar 1) asked about the grader for the new construction at Colton Acres subdivision driving way too fast through the neighborhood, and how he almost hit 5 kids when going too fast. - we could put up a lower speed through that neighborhood or temporary speed bumps, but Anthony did go talk to them and they said they would slow down. 2) How does everyone feel about putting in an AC unit into city office for the ladies? He ran through some options and costs and council asked him to bring the total cost back on an agenda for them to approve. He will work with Anthony to get it figured out. / Denis asking about the house on Alice Court that put in larger decorative rock in the right of way. Did they get a permit to do this? Staff responded they were aware and no, they did not get a permit. They had been in contact with Rand, who said those are trickier to handle. After a brief discussion about swales the council directed the staff to send out a letter to the homeowner informing them of the proper process when wishing to do work in the right of way. **Mayor Hill** – None/**Staff-** None

**ADJOURNMENT at 7:48pm**

**ATTEST:**

  
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**Lori Yarbrough, City Clerk/Treasurer**

  
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**Bill Hill, Mayor**

Approved at Council on 8/17/2021

