

Approved Minutes

City of Athol

City Council Regular Meeting Minutes

July 20, 2021

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

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; Councilman Cutaiar; Clerk/Treasurer- Lori Public Works-Anthony, Planner- Rand, and Attorney- Caitlyn. Not present: none. Mayor thanked Councilman Stack for his service, this is his last council meeting.

REPORTS:

Treasurer Report and 3rd Quarter Financial Statement – Lori submitted the report and read the ending totals for each of the city accounts. STCU Checking = \$166,519.40; STCU Savings = \$136,931.62; LGIP = \$776,318.82. Lori provided the council with the 3rd quarter financial statement and shared it would be posted on the city website for future reference.

Water Report – Lori and Anthony submitted written report. May usage = 5,036,257 gal. (haulers 316,376) and **June usage = 9,275,556 gal. (haulers 731,124); Billing in June was \$14,912.00 in base rate, \$3,412 in overage plus \$260.00 in late fees totaling \$18,400.80. Total collected was \$19,675.90. As of the 16th 8 people getting shut-off letters and 30 people getting late fee this month.** Councilman McDaniel asked about the overall usage being very high, at 9 million, wanted to know why and just how much bulk water has been sold. Anthony will do some research as to why there is a higher-than-normal usage and Lori can provide the council the bulk haulers amount on the next month's report.

Public Works Report – Anthony submitted a written report and shared that the pieces for the water tank at the cemetery are on site now, it'll be a few weeks before NNAC is back to put it together. Otherwise just putting in a new water meter for Sweet Lou's and three more for Idaho Forest Group. No other questions were asked.

PLANNER REPORT – Rand submitted written report and briefly gave the following updates and comments. **Building location permits** – there was one new permit issued for: 29950 5th Street (BLP21-15) for Chris Henry for a new residential deck. **Beacon Pizza** - The council approved right-of-way in March with conditions back in March. There have been several developments related to this site. This matter is on the agenda for tonight to further discuss. **Code Enforcement** Nothing new as of the writing of the report but did do some inspections today before the meeting and sent out 2 new letters today. **Badger Annexation**- property is up for sale and staff has been working with the potential buyer on the required improvements and potential uses for the property. He does not yet have a firm plan on what he wants to do with it. **Allund West Subdivision** – the final subdivision approval was granted by the Council at the June 15th meeting. This subdivision is considered complete and will not appear in future

***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.*

reports. Colton Acres Subdivision – Council approved the subdivision at the May meeting. The applicant is now working on infrastructure plan approvals; nothing else new. John Symington parcel – he owns a residential lot south of Menser Ave., between 2nd & 3rd Streets that has been for sale a few months. The road that will access this lot has not been constructed and there is currently no water service. Staff has talked with numerous potential buyers regarding required improvements to make this lot eligible for a building permit. The city may see a request soon for approval of plans for road and water system improvements, and we may see a request for a vacation of part of the road right of way. Pastime/Freemont Street Improvements- Hester’s are working on plans to improve Pastime and Freemont Streets north of Grove Ave. to make several lots eligible for building permits. This issue is on the agenda for discussion later tonight. Idaho Forest Group, Cole Annexation and Fast Subdivision - all have had no changes and nothing new to report.

ACTION ITEMS:

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

Motion by Denis, 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 McDaniel, to approve paying the

July/August bills as submitted without amendments. *DISCUSSION – *All in favor - None opposed.*

Motion passed. ACTION ITEM

3. DISCUSSION/APPROVAL for a Catering Permit for Bent Tree Brewing at Athol Daze on Saturday August 14, 2021, from 10am to 5pm. – Lori shared that Bent Tree has attended past events in the city and there have been no issues. She recommends approving this permit. Motion by

Denis to approve the request for a one-day Catering permit for Bent Tree Brewing at the August 14th Athol Daze. * DISCUSSION Roll Call Vote: McDaniel-yes; Denis-yes; Stack-yes; Cutaiar-yes.

Motion Passed. ACTION ITEM

4. DISCUSSION/APPROVAL for a Catering Permit for the American Legion at Athol

Daze on Saturday August 14, 2021, from 10am to 5pm – Lori shared the American Legion has operated a beer garden for many years at this event and there have been no issues. She recommends approving this permit. Motion by Denis to approve the request for a one-day Catering permit for

The American Legion at the August 14th Athol Daze. * DISCUSSION Roll Call Vote: McDaniel-yes; Denis-yes; Stack-yes; Cutaiar-yes. Motion Passed. ACTION ITEM

5. DISCUSSION/APPROVAL a Catering Permit/ New Beer & Wine License for Iron Pizza

2 in Athol – Lori shared that Iron Pizza is a new business in Athol but has been operating a business in CDA for some time now. They have met all the state and county licenses and have received catering permits from the city, and there have been no issues. She recommends approving this permit. Motion

by Denis to approve the request of a Catering Permit for Iron Pizza 2 in Athol for Athol Daze and to approve a new City annual Beer & Wine Alcohol license. *DISCUSSION Roll Call Vote:

Denis-yes; Stack-yes; Cutaiar-yes; McDaniel-yes. Motion passed. ACTION ITEM

6. DISCUSSION/APPROVAL to Declare Various Properties as a Nuisance. – Planner, Rand

to discuss, option with the council. This has been an issue we have discussed off and on for some time. We have made amendments to the code to improve our abilities to do enforcement, better definitions of such in the code, and our procedures. We are here today to assess some properties to see if you want to declare them a nuisance. A common nuisance can be junk or trash which is visible from the street or other properties; something that creates fire hazards; is odor offensive or injurious to health, safety, and

welfare to inhabitants of the city; any vehicle, boat or trash receptacle or other object that is kept on a public street or right of way for longer than 3 days. You have a list before you that qualifies as having junk, that we believe would qualify. If the council declares property as a nuisance, we will go through our regular procedures to create a file, giving them 45 days to correct the problem before the notice of violation gets issued, and the file then gets handed over to the Sheriff's Department. This is a new area for the city and likely learning as we go. This will also require the city to do the daily citations and charging \$50 a day fine. ***DISCUSSION Motion by Stack to declare all 6 of the properties listed as a Nuisance and direct staff to take the next steps.** (Robert Allen -5717 Hwy 54; John Carmack -6001 Lorraine Drive; Chris Critchfield/George Fotsch -5699 Menser; Dan Ratcliff -5777 Menser; Joel Jensen -30650 Meadow St.; John Miller -5790 Grove Ave.) **Roll Call Vote:** Councilman Cutaiar-yes; Councilman McDaniel-yes; Councilwoman Denis-yes; & Councilman Stack-yes; **Motion Passed.**

ACTION ITEM

7. DISCUSSION/APPROVAL of Street Improvements on Pastime and Freemont Street by AJ Homes LLC (Hester) – Rand began that Pastime runs from Hwy 54 to Grove, and from Grove to the north, what should be Freemont Street, is essentially the size of a driveway. On the north side, Freemont would then run east west right into Railroad Street that goes south to Grove. We are working with the Hester's, who own the entire block with the exception of the Grove Street Well, that is on 2 city lots. The Hester's have 4 manufactured homes along the rest of Grove. They would like to place 6 more manufactured homes on the north side on what would be Freemont. But for them to get building permits, it is required that all homes have frontage on a maintained city street. They are working with an engineer to look at the costs to improve both Pastime and Freemont Streets. Pastime north of Grove does not meet city standards; it is too small. The right of way is also problematic, as the street is not centered in the right of way. Correction of this involves moving utilities, and thus the costs are going to be great. The first question is how we want to handle Pastime Street? Our City Planner and Engineer both recommend that ideally, we correct this street problem when there are improvements being made, centering the right of way, and widening the street to city standards. We researched putting the cost on the utilities, but it is not an option per the contracts or leases. As the Hester's consider moving forward, they need the city to answer: who is going to have to pay for these utilities to be relocated? Is that on the Hester's to pay for this or is the city willing to participate in the costs? Or is the city ok with Pastime to be widened in its current alignment? There is enough room for the right of way that the utilities don't have to be relocated. That is the Council's decision. This is a road that has never been constructed yet from back in 1908. In today's day this wouldn't happen because the developers of the subdivisions take care of this. Rand does feel it is an unfortunate circumstance that the property owner may have to bear this, but the city doesn't have a bunch of money either. So, the only way this road gets built is if the property owners do it. The planner and the attorney have discussed this, and they feel it's most appropriate both legally and from a fairness standpoint to accept the minimum improvements possible for them to build on their lots. If the city wants to participate in correcting this, that could change. **After a bit of discussion, the Council decided they need to hear from the Fire District, if they would accept the size of Pastime as is or require a correction of some type. This item was tabled to contact the Fire District. NO Motion made.** ***DISCUSSION ONLY. NO ACTION TAKEN.**

8. DISCUSSION/APPROVAL of Beacon Pizza located at 30401 N Old Hwy 95 – Planner, Rand led the discussion reminding the council that they had previously seen the request from Beacon Pizza to allow for parking in the Right of Way to use N Old Hwy 95 just north from Hwy 54. The city acquired the right of way with the annexation of the HJ Grathol property where Super 1 and other businesses now are. This Beacon Pizza lot is a without any parking for the lot. No parking. The building sits right up to within a few feet of the property line. The south side of this property is along Hwy 54 and that is controlled by the State of Idaho (ITD). The State issued Beacon Pizza a permit for ingress and

egress but will not allow for parking in their right of way. So, they have no onsite parking. On March 16th, the City said they would be amenable to issuing Beacon Pizza a permit to use their right of way for parking if they brought the conditions of the parking lot up to city standards. The Council gave direction for the Planner to work with the applicant to figure out what needs to happen, what does the right of way need to be made into a parking lot. There are some things we don't want that we would normally require, like the continuous concrete curb would be problematic, so we may not want that. On the owner's suggestion we decided that the use of railroad ties at the edge would be much more affordable and solve that problem. But the code also requires a paved parking area, with a surface that is comparable to roads in the area. What we interpret that to mean is it's got to be asphalt, concrete, or triple shot chip seal type of surface. Beacon Pizza looked at their lot further and found that there was still some form of old asphalt under the gravel, in somewhat rough shape, and it was not the entire lot that they need to use for parking. They recently put a seal coat on the existing paved area, but you can see where they didn't put the seal coat on the dirt, and it makes sense that they wouldn't put it on dirt. So, because the parking lot is unfinished, not striped yet because they have to figure out how to get what they need for their entire parking area they need to use, as the code would indicate. Can they move the railroad ties to edge of existing pavement, then stripe? Will that be enough space, or do they pave to get to the railroad ties. Then stripe the parking lot? And the last item, his most important item, and reason for it going onto the agenda. ITD is adamant no parking in their right of way, and they will not allow for a jersey barrier or something similar be placed in the right of way, but they would allow for some nature of landscaping. Rand spoke with Stacy with ITD, and they would work with the city if they wanted to pursue this idea and expedite the permit. The landscaping would mitigate the ability for people to park in the state right of way and dress up a prominent intersection in town. Rand had a map to demonstrate to the council a better idea of what he was speaking of. It would not be something we need to complete tomorrow, and it would not hold up Beacon Pizza from opening. Councilman Cutaiar- asked hasn't it already been open? Rand responded that he has heard from people here in the city that it has been open the last two weekends. Councilman McDaniel- asked if this is a permit requested by the city or the business? It was responded that Beacon has already gotten their permit from ITD for ingress and egress only, no parking. McDaniel asked so why the city should get involved; ITD wants the city to police their right of way for no parking...why should the city get involved there. Rand responded it's to help prevent us from having another unauthorized parking lot in the right of way. **After a discussion of what type of landscaping might work in this space the council didn't seem to have interest in doing this. The council then lead themselves to the parking lot requirements and ultimately the council felt they should let Rand continue to work with the applicant until the requirements they have been discussing have been met, then they can open. It's another issue if they are opening before they have been given their permits to do so.** Rand asked for final clarification from the council to sum this up. One, are you comfortable with him to stay the course with the parking requirements, that you want to see the entire parking area paved in some fashion or at least not see gravel or dirt anywhere in the parking lot? If that means using some of what's already there and only adding new to complete the parking? And two, what direction on the Hwy 54 side do you want to do? We wash our hands of that idea and say not interested...or should we request a solution from Beacon Pizza as to how they are going to comply with the state's requirement of no parking there? **Another brief discussion by council ultimately leading into no interest in doing anything with the state right of way at this time. Then Mayor Hill asked if Beacon Pizza would like a minute to speak before the council makes their motion. Clerk, Lori first asked if Rand had shared with the council his opinion of the current condition of the parking lot since seal coating was done.** Rand said the existing paved portion is poor, but would it be accepted as a road in the city? No; but would I take it as a compromise in this case and accept that part but still require that the unpaved areas be paved? It might make more sense, to just do the whole thing but yes, I could accept the current but require the balance of the lot be paved. It could be chip seal, thought may not make the most sense or asphalt. Lori asked for clarity and for Rand to further

define the balance of the lot, that you are talking about... Meaning making it complete edges, everywhere they plan to park? Yes, we need a fully paved parking lot, and they need to try and maximize as many spots as possible because they are going to need it. -----BREAK -----

Mayor asked then if Beacon Pizza would like to speak?

Vince Austin began that he asked Rand about the railroad ties back in May and says he never got a response to it. Anthony came out and looked at it and took pictures. Feels that it is not a matter of Beacon dragging their feet as they are asking for advice on what to do. They gave a drawing, but it wasn't enough as it was just a sketch. Also asked for more time to fix the driveway as they are a lessee, but feels that was forgotten, and that they agreed they would clean it up. They hosed it all off and found the old asphalt, and don't have a problem fixing it in due time. He just doesn't have a lot of money. The state has told him that they have complied with everything they (ITD) have asked for. The gravel in front of the building is Panhandle Health District (PHD) area because of the leach field and septic, so they can't touch that. Recently, they contacted the City Attorney asking her what they had to do to get their permits? Email received from City Attorney saying seal it or asphalt the lot. He then went on sharing how he has a lot wrapped up in this new business and that its just the city not communicating with him. Just tell him what he needs to do, and he will do it, maybe give him some time but he will do it. The discussion went on back and forth over random topics related to this matter. Vince said I have a business license to open. The Clerk added but you have not received you Right of Way permit for parking, you have no parking. Then Clerk, Lori said to the council most of what Vince is saying is true in some form, there is conversation there is emails back and forth, but this is his opinion of those emails. We are happy to share those with you if you want. But he is only telling his thoughts on them, half of what was being said. There was further back and forth conversation over the parking lot portions that were dirt and old pavement. The parking lot plans that you have given has not yet matched up with what is there, and the communication piece has clearly been the issue. Mayor Hill then asked it sounds like the city requires a paved parking lot, and he's asking for more time, is this something we can give him? After more back and forth of technicalities of understanding words and still no real consensus, Councilman McDaniel- says it is not the city's job to design and tell you step by step how to do a parking lot. We tell you the code, what is acceptable, and you do the work you give us your plan that says exactly what you're going to do, and we say do that and then we give you the permit once it is done. More back and forth this time on other new businesses not having to do this; council responded primarily because no one has tried to open a business in that location for some years (12- 15 years), as well as since then, the state (meant city) has acquired the right of way there. Rand goes back to saying that is why it's best to have a preferably professional drawing to scale because 2 feet here and two feet there matters. Mayor Hill shared that prior to 2015 the past council didn't do much of anything regarding code enforcement, and that much of what you are seeing is not in compliance. Clerk Lori shared you requested a permit (right of way) and that is what makes the city able to ask you to come into compliance. We can't just change the code and then go to everyone and say now change. It's a tough location. Councilman McDaniel says again that Rand has been working on this and he has done the same thing with all the others and doing exactly what we asked him to do. Let him continue. Vince brough up the fact he was told he was good a long time ago, that he would be grandfathered in back in February, then Lori calls and said it was an oversight and you will need to do a permit. Rand then explained how the process of these state transfer of right of ways happened and how we knew there was one but didn't realize that it was expired until we looked at it. And notified him as soon as we realized, and he came in for the right of way permit. And to date the entire parking lot is still not completed to meet the standards that are required. There was again another back-and-forth discussion on the timeline of who said what, and what can or should be done and when. Overall, Rand then restated the option has always been if you can clean it off and find pavement under there then great, you have pavement, then you have a paved parking lot. But if you find pavement and it doesn't go to the whole area that you need for a parking lot, then we have never given them any indication that they could have a gravel

parking. So, it goes back to them, what do you propose to do. Because what you propose to do determines what your requirements are. If you are going to have a parking lot, it needs to be paved. Today I am willing to give them the benefit of the doubt on that crappy existing pavement and accept that, that is the only area he is using for parking lot. He will need to pull the wheel stops (railroad ties) back to the edge of pavement and then its going to get tight in there for parking and a 24-foot travel isle, and likely not enough room to have parking on both sides. Rand is willing to field verify but not willing to listen to someone complain when they don't want to give us a plan and they go do something and take pictures, then after to find it doesn't meet standards, cause that is a lot more expensive to do it that way. Mayor Hill asked again what do we want to do today?

After this ongoing DISCUSSION the following motions were made A) Motion by Stack to approve all the changes, the conditions just stated by the attorney to fix parking lot. Attorney Caitlin recapped the requirements needed to meet those parking requirements. 1) Move the railroad ties to the edge of the parking lot pavement 2) striped for the maximum number of parking spaces possible 3) maintain the 24-foot drive isle for both the fire and city code 4) parking spaces to be at an angle and accompany a scale drawing to the city. Roll Call Vote: Cutaiar-yes; McDaniel-no; Denis-no; Stack-yes. Tied VOTE, Mayor Hill – yes. Motion passed. **ACTION ITEM B) Motion by Denis to not participate on the State right of way Hwy 54 side.** Roll Call Vote: Cutaiar-yes; McDaniel-yes; Denis-yes; Stack-yes. Motion passed. **ACTION ITEM**

9. DISCUSSION/APPROVAL for Lori and Tanya to attend the ICCTFOA Annual Clerks Conference in Sept. in Boise – Lori gave a brief rundown of the dates and costs, then the following motion was made. Motion by Denis to approve sending both Lori and Tanya to the Conference in Sept. *DISCUSSION Roll Call Vote: McDaniel-yes; Denis-yes; Stack-yes; Cutaiar-yes. Motion passed. **ACTION ITEM**

DISCUSSION ITEMS:

- 1. ORD #427 (Typo on the posted agenda, should have been #432) On Shipping Containers-** Staff is looking for clarification from Council on the various types of containers to be included in this ordinance. Clarification by the council that this ordinance was not meant to include the Ziggy's or Bert's storage is our question. Rand shared staff has compiled a list of those properties who fit the description of having a shipping container of the metal cargo/railroad cars type. Staff does not want to control every Bert's or Ziggy's storage. After a brief discussion on this matter, it was clear this ordinance was for metal cargo/shipping/railroad type containers.
- 2. Reconstruction of Parking Around the City Park** –Anthony shared we are seeing people parking on the grass all around the park for Farmers Market, Athol Daze, and others. So, we started thinking, what about making it all gravel for less maintenance. We have also talked with the property owners' ground to park who so far seem to be ok with it being changed to gravel instead of grass. The Park needs more parking, and people just do it anyway, but on the grass. Staff has some ideas for creating some additional parking around the park. This conversation ran right into the next item #3 for Bennett Avenue and the parking lot behind city hall. After a brief discussion it might make more sense to fix the bulk water hauling first before we look at the parking around the rest of the park.
- 3. Bennett Avenue Bulk Water and Parking Lot Reconfiguration** – Previously just discussed in #2. Consider relocating the bulk water hauler to N. Old Hwy 95 and use the right of way between Kays Conoco and the school, where there is a current water hydrant.

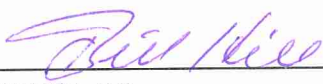
There are solar panels, that can power the new device to run the meter on the hydrant. Some of these improvements for bulk water hauling and the City Hall parking lot could line up with the planned Bennett Avenue reconstruction next spring. Ultimately the council was very interested in these ideas and told staff to investigate, talk with the engineers a bit more and bring it back to the council.

PUBLIC COMMENTS: 1) Steve Pegg (county resident) – how does the code get changed? And does the city exempt itself from the rules? Rand answered that changing the code is a fairly simple process the council must comply with the process outlined in state law and there are different types or areas of the city code that may require public hearings, and some don't. Land matters do require hearings. Attorney responded to the second half of his question, that the city often does generally exempt itself. 2) Mary Zichko (city resident)- Wasn't clear but wanted to know if it was commercial use for the water haulers or bulk haulers? It was responded to that it was for commercial use, the bulk haulers. Yes, the coin haulers use is much higher than normal this year. 3) Janet Pegg (county resident) – What determined what parking lot needs to be paved or not? Because there are a lot of gravel parking lots in town that are not. Mayor responded that about 2016 we started to enforced code. We can't really go back on the existing stuff until there is a trigger. We have been sticking to code since. Lori added that new ownership is not a trigger, but more the land use changes like a building location, right of way or a complete change in the nature of the business. 4) Jeanette Kramer (city resident)- wanted to know why the code does not allow for gravel lots, why pave it? Rand shared it's the best way to delineate parking spaces on pavement verses gravel and better for snow plowing, aesthetics, it improves the ability for stormwater treatment, dust control and keeps oil from going into the ground.

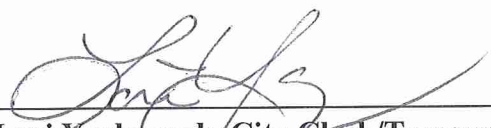
ANNOUNCEMENTS: City Council-none. / Mayor-none. / Staff – Lori 1) Reminder, we hope to pass a tentative budget at the next meeting; we have a timeline which we must meet. 2) The library hosted the 1st movie in the park, playing Honey I Shrank the Kids. About 15 families or 75 people attended. They are considering maybe doing one more in late fall, Hocus Pocus maybe? 3) We are required to have a public hearing for the Water Project due to our Community Development Block Grant once the project reached 50-70% completion, which we are approaching. The question is does the council want a separate meeting for this or just hold it during a regular city council meeting, likely Sept. 7th. The council decided to just have it during the regular council meeting. 4) Open enrollment -for Medical through the III-A is August 1- Aug 31st; let Lori know if you want any changes.

ADJOURNMENT at 9:06pm

ATTEST:



Bill Hill, Mayor



Lori Yarbrough, City Clerk/Treasurer

Approved at Council on 8/17/2021

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.

