

Approved Minutes

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

Tuesday, March 16, 2021
6:00pm Regular Council Meeting

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

Join Zoom Meeting **No one called in.**

Meeting ID: 896 8427 7456

Passcode: 187152

Roll Call: Present: Mayor Bill Hill; Councilman McDaniel; Councilwoman Baldwin; Councilwoman Denis; Councilman Stack; City Clerk/Treasurer-Lori Yarbrough; Public Works- Anthony Brandt. City Attorney- Caitlin Kling; and City Planner- Rand Wichman. **Not Present:** n/a

REPORTS:

Treasurer Report – Lori submitted the report and read the ending totals for each of the city accounts: STCU Checking = \$46,464.47; STCU Savings = \$136,840.12; LGIP = \$709,731.01.

Planner Report – Rand submitted a written report. Recapping: No new building location permits this month. One new sign permit for Beacon Pizza at 30401 N Old Hwy 95. As part of the business license review process, staff determined that the permit had expired which allowed parking in the right of way adjacent to the proposed Beacon Pizza building (Old Jimmy C's) There is a Right of Way Encroachment permit from them that will be addressed later in this meeting. Idaho Forest Group annexation- nothing new this month; still waiting to hear from them. Anthony and Stillman have been working with the IFG's engineer on some new water service at the mill. Code enforcement: 1) Timberlake Fire Department for the new parking area at 5959 E Hwy 54 is on tonight's agenda. Caitlin has talked with their attorney. They are opposed to having the notice to title recorded against the property. 2) We are still working with the tenant for an illegal junkyard at 6001 E Lorraine Drive (J Carmack property). 3) We sent an informational letter to Kevin Brown regarding recreational vehicles in his mobile home park at 30050 N Davis Lane. Mr. Brown was initially cooperative and interested in bringing the park into compliance. He has since hired an attorney that appears eager to fight over what is allowed at that location. Cole Annexation – Nothing new to report; waiting for the applicant. Fast Subdivision- nothing new to report; waiting on applicant to demonstrate how he has complied with the conditions for approval of the final plat. Badger Annexation- is on the agenda tonight for a public hearing. Colton Acres Subdivision –This subdivision includes 25 lots that are approximately 1/3 acre in size, and a large remainder lot of approximately 130 acres. This is located on the recently annexed property north of Northern Meadows (by DH Holdings), we are still receiving agency comments and might be ready for a public hearing in April. Code Amendments for Active West Development- A public hearing is scheduled for tonight on their request to allow for residential development in the commercial zone, as requested by Dennis Cunningham. Development at The Crossings Subdivision – 1) We have received an initial incomplete submittal to permit the "Grease Monkey" facility on Lot #18 at The Crossings. This will be an oil change service and car wash. 2) Initial design concepts have been reviewed by staff for the proposed Sweet Lou's restaurant. This resulted in concerns over the sign for the site. After some discussion there is a request before the council tonight to amend the master sign program for the development.

***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.*

ACTION ITEMS:

1. APPROVAL OF THE March 2nd REGULAR MEETING MINUTES:

Motion by McDaniel, that we approve the regular meeting on the 2nd, 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

March/April bills as submitted without amendments. *DISCUSSION- *All in favor-None opposed.*

Motion passed. ACTION ITEM

3. APPROVAL OF NNAC CHANGE ORDER #2 AS SUBMITTED: Motion by McDaniel, to approve change order #2, with NNAC, for the Water Improvement Project as submitted without amendments. *DISCUSSION Anthony – Shared the purpose of change order #2 is to add on additional

waterline work as a result of some savings on the elevated reservoir work that was described in change order #1. They would like to include an upsize of 5th & Grove main line, and water meter service taps, and new boxes. The Lorraine Loop has been pushed until the end. Now the city will need to decide which meters to go with: radio read or another type. **Roll Call Vote:** McDaniel-yes; Stack-yes; Baldwin-yes; Denis-yes. **Motion passed.**

ACTION ITEM

4. DISCUSSION/APPROVAL of the Annual Renewal of the Athol Farmers Market 2021

Rental Contract. – Lori reminded the council this was previously discussed at a prior meeting and this is the final agreed upon contract for this year. The biggest change was allowing the market to move into the big City park this year, with provisions. **Motion by Baldwin to approve the 2021 rental contract with the Athol Farmers Market as presented.** * **DISCUSSION Roll Call Vote:** McDaniel-yes; Stack-yes; Baldwin-yes; Denis-yes.

Motion Passed. ACTION ITEM

5. DISCUSSION/APPROVAL for use of City Right of Way Encroachment Permit, (ROW21-03) for a Parking Lot by Beacon Pizza at 30401 N Old Hwy 95. City Planner, Rand Wichman, explained how through the recent years, north bound Old Hwy 95 on both sides of the road has moved from Idaho Transportation Dept. (ITD) to Lakes Highway District (LHD), and now to the city jurisdiction, through the passing of the HJ Grathol Annexation. **Normally staff will handle Right of Way Encroachment permits. This was an atypical situation,** making that right of way on the east side of this building the city's. For some time that building has not had a parking lot, nor a business located in it. When Rand initially received a call about a potential new business, "he didn't think much of it", thinking that there was an old ITD permit on file. But, through further conversation with city staff, he looked it back up to confirm, and found it was in fact no longer valid, as it has changed hands in ownership. The business owner was then informed that before the city issued the business license, we'd need him to address this parking lot issue. He was then informed that a Right of Way Encroachment permit from the city would be required, which is what we are now discussing. Similarly, he is in the same situation for the south side of this lot/building. It is in the jurisdiction of ITD, and therefore they would need to get a permit from them for that side. But since it is not the city's right of way, we do not control that. The question before the city council tonight is, does the city want to allow this business a permit for his business, that would give him an allowance for about 11 cars along his frontage, leaving a 20-foot drive isle for maneuvering, and leaves another 20-feet or so to the edge of the pavement. There is plenty of room to accommodate. Rand does think it is appropriate to allow for the use. His only concern is do we impose design standards on him. With paving, curbs, and landscaping, what happens is people start to improvise how it gets used. You get a busy night and many conflicting traffic movements start happening. As well as this is the most highly seen intersection in the city and if you do not impose the standards as required in the code for parking and landscaping then it is always going to look the way it does. If council is ok with it, then ok, but now is your opportunity to deal with it. So, council needs to answer two things: 1) are you ok with the use and 2) do you want them to comply with the design standards, by doing the paving and landscaping requirements.

Attorney, Caitlin then asked about the permit being temporary use verses a permanent use or are we abandoning the right of way. Rand clarified that he believes it should only allow for the temporary use to this business, as there is no need to vacate because there is enough space. We don't know what 15-20 years from now looks like and should keep the right of way. She clarified what type of improvements like paving over water lines and such. Rand felt we could look at some variations of landscaping identifying what is necessary and appropriate for that particular lot. Councilman McDaniel says drainage is a problem there and that lot was paved years ago. He added he felt we have to hold him to same standards as everyone else. In sum, Rand would like council to indicate if you are ok and if design standards should be imposed, and that means working with the staff to identify to what extent it best works on this lot. **Motion by McDaniel, to approve ROW21-03 for Beacon Pizza with the stipulations that Beacon Pizza does need to follow the city parking and landscaping standards and work with staff on what is necessary and appropriate for this lot.** *DISCUSSION Roll Call Vote: Stack-yes; Baldwin-yes; Denis-yes; McDaniel-yes. Motion passed.

ACTION ITEM

6. **DISCUSSION/APPROVAL of an Amendment to the Master Sign Program for The Crossings at Athol Subdivision** – Rand shared how the Master Sign Program was originally approved by the council and therefore the council would need to agree to any amendments. The proposed amendment consists of the addition of only 3 words: “and the city” which basically would allow for exceptions or alternate designs to the plan when necessary and agreed upon by both the developer and the city. After a brief discussion, the following motion was made: **Motion by Denis, to approve the amendment request to the Master Sign Program for The Crossings at Athol Subdivision as submitted.** *DISCUSSION- Roll Call Vote: Baldwin-yes; Denis-yes; Stack-yes; McDaniel-yes. Motion passed. **ACTION ITEM**

PUBLIC HEARING #1: - Badger Athol LLC Annexation- The Mayor opened the public hearing at 6:28pm to take public comment on the proposed annexation to the city. The Mayor briefly spoke to the process of how 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 speak 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 and if you wish to speak or not.

First: City Planner introduced the application: City Planner, Rand Wichman, shared that this is an annexation request from Badger Athol LLC, by Lee and Kim Badger. Sandy Young with Verdis has been their consultant and it is for 8.3 acres in a total of 4 parcels with adjacent road right of way into the City of Athol, for the purpose of commercial development. The property is located in Section 9, Township 53 North, Range 3 West, B.M. The property is bound by Old Highway 95 on the west, Highway 54 on the north, and Highway 95 on the east. There are 4 DE's associated with these parcels. The biggest advantage to the applicant is access to the city water system, but that comes to them at a large cost. City engineers, Keller Associates, and the Fire District reviewed water options. They came up with the recommendation of doing 2 bores, one at the south side of Hwy

54 and again at Menser Ave, to create the loop. It is expensive, but the first bore completely benefits the applicant, while the second crossing benefits the city more and other potential properties along that side. That being said, they would request a proportional reimbursement be allowed in the agreement terms. There is a method and calculation on page 2 section 4, 1.3 of the annexation agreement. Access was also briefly discussed.

It will include a 10 ft ROW on the south side of Hwy 54, east of Old Hwy 95. Through this annexation we are also doing some cleanup to our city limit lines, specifically we are picking up the bump on the north side of Hwy 54 and Old Hwy 95 that was missed in the last annexation boundary lines. ITD will not grant access off Hwy 54, so their only access will be off Old Hwy 95. The city will then control the access points. Council asked a few brief questions of Rand regarding the application and the annexation agreement.

Then the Applicant's Consultant, Sandy Young with Verdis, spoke briefly regarding the Annexation Agreement page 3, the first full page to show the boundary line adjustments after annexation, and they will likely want to consolidate into 2 parcels: one parcel with 1 DE and the other with 3 DE's. The full cost estimate of this water project to the applicant is about \$365,718.00 and therefore they would request a cost sharing measure for any future parcel annexations to the south of this parcel. The cost sharing portion would only be on the 2nd bore

crossing at Menser Ave, not the whole amount of the project. **Then the applicant, Lee Badger, spoke,** sharing that the plan is for a Badger Building Center- Athol and lumber yard. They purchased property on both sides of Hwy 95; they are just not sure which side of the road the store will be on yet. He said it really comes down to which sells first.

Public Comment: The only yellow comment card completed and submitted was from the applicant's consultant, Sandy Young, and we just heard from her. The Mayor asked if there were anyone else wishing to speak tonight on the matter. Any For, Neutral, or Opposed? There was no-one else who came forward.

The Applicant did not need to Rebut; there were no public comments.

The Mayor then closed the public hearing at 6:44pm. The City Attorney and Planner then explained to council that the next steps are for the council to deliberate now or later whether to annex or not; and if so, identify how you want it to be zoned if you do bring it in. Rand provided you his staff report that really details the information for you to now consider. Once the council is ready to decide, then be sure to address in your motion: Annex or not, and if so, what type of zoning, which is anticipated to be commercial – it is commercial in the county right now. And to direct staff to prepare necessary paperwork. Council must also read through the 3 findings sharing the proposed conclusions of law. 1) “The proposed annexation and zoning WILL NOT have an adverse effect on the delivery of services by any political subdivision providing public services to the property.” 2) “The proposed annexation and zoning IS in general conformance with the goals and policies and future land use map of the Comprehensive Plan.” 3) “And finally, the proposed zoning WILL NOT result in incompatible land uses in the area of the request.” After this brief discussion and findings, the following motion was made:

7. DISCUSSION/APPROVAL of the Findings for the Badger Annexation Request – Motion by McDaniel, to approve the Badger Annexation request into the City of Athol; adopting the commercial zoning as it complied with the 3 findings of facts just previously discussed; and direct staff to prepare the final ordinance and other necessary paperwork. *DISCUSSION – Roll Call Vote: Denis-yes; Stack-yes; McDaniel-yes; Baldwin-yes. Motion passed. ACTION ITEM

PUBLIC HEARING #2: Active West Development Request for Code Amendment, Ordinance #431.

The Mayor opened the public hearing at 6:51pm to take public comment on the proposed adoption to the city. The Mayor reminded everyone wishing to give public comment to be sure to speak loud and clear because it is being recorded. He further stated those wishing to speak tonight will need to complete the green half sheets of paper on the table. On it, please identify if you are For, Against, or Neutral and if you wish to speak or not.

First: City Planner, Rand Wichman, introduced the code amendment initiated by Active West Development on the larger lot, lot #22, in the northeast corner of The Crossings subdivision, at 4.4 acres in size. Mr.

Cunningham has addressed the council a couple times in the past, asking to do a higher density residential development than what is allowed. The code does currently allow for residential in the commercial zone, but at a lesser density than he would need for this type of project. An example mentioned has been the Meadow Ranch Subdivision behind Fred Meyer in CDA. A Planned Unit Development (PUD) is allowed in the commercial zone, but at the same density as the residential zone, and higher density is needed for this development. Lot #22, or some combination of lots, is the only area in which this type of project can happen within The Crossings, as they have to be 3 acres or larger in size and have wastewater treatment. If the city adopts this proposed change, there will be distinctly different standards for a PUD in the residential zone verses a PUD in the commercial zone; the procedures are the same. Primary standards that are different are the maximum density: they have agreed upon 8 units per acre. This allows for very small residences on small lots, with less maintenance, and still be attractive. Roads in the PUD could be privately maintained. Zero lot line development (shared walls of one building, owned separately) has also been discussed, but is mostly a concern of the Fire District. If you require the normal setbacks, then you can't have zero lot line structures. Zero lot lines does mean there is a higher importance to be sure the Fire District is kept in the loop of this type of project. Rand does recommend allowing for zero lot line for the PUD in this project. He reminded the council this just puts the standards and language into the city code; you are not approving the PUD now.

Then the Requester, Dennis Cunningham, addressed the council. He shared that he likes the solution before Council, and thinks it is something the city could be proud of. If Council approves this amendment to the code, then they will move forward to the PUD process and application. He also wanted to share that if Council agreed to the zero-lot lines, it doesn't mean the whole project will have that. It will be a mix of different housing sizes and price points, bringing 2 or 3 types of buyers. This is meant for age in place and low maintenance type home buyers. It was asked if Active West could try to market these units to locals before the greater population and out of state buyers. He was agreeable and said he would try to reach out to the Athol zip code or maybe even have a kiosk at Super 1 about the development.

Public Comment: The Mayor asked if there were anyone else wishing to speak tonight on the matter. Any For, Neutral, or Opposed? No-one came forward.

The Requester did not need to Rebut; there were no public comments.

The Mayor then closed the public hearing at 7:26pm. He asked if the council was ready to deliberate now or later, and whether someone was ready to make a motion.

8. DISCUSSION/APPROVAL to Suspend the reading of the rules for Ordinance #431 a Request for Code Amendment from Active West LLC. – Motion by Denis, to approve the suspension of the reading of the rules for ORD 413 and read by title only on its first and only read. *DISCUSSION Roll Call Vote: Stack-yes; McDaniel-yes; Baldwin-yes; Denis-yes. Motion passed. ACTION ITEM

Mayor then read ORDINANCE #431 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 8B, SECTION 4 TO ALLOW RESIDENTIAL PLANNED UNIT DEVELOPMENTS IN THE COMMERCIAL ZONE WITHOUT A SPECIAL USE PERMIT, AMENDING TITLE 8, CHAPTER 9, SECTION 4 TO ALLOW RESIDENTIAL PLANNED UNIT DEVELOPMENTS IN THE COMMERCIAL ZONE, AMENDING TITLE 8, CHAPTER 9, SECTION 5 TO CLARIFY SUBSECTION A, AMENDING TITLE 8, CHAPTER 9, SECTION 6 TO DIVIDE THE SECTION INTO SUBSECTIONS A AND B, AND TO ADD STANDARDS FOR RESIDENTIAL PLANNED UNIT DEVELOPMENTS IN THE COMMERCIAL ZONE, PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

After that, a short discussion by the council and then the following motion was made:

9. DISCUSSION/APPROVAL to Adopt Ordinance #431 a Request for Code Amendment from Active West Development LLC. – Rand added for clarification, if you are to adopt this please be sure to amend article B Section D from the number 12 to the number 8. Motion by Baldwin, to approve ORD #413 as just read by title only, with staff's recommended conditions for approval, with the clarification to change article B Section D from the number 12 to the number 8, and then to authorize the Mayor's signature and direct staff to publish by summary only. *DISCUSSION - Roll Call Vote: Stack-yes; McDaniel-yes; Baldwin-yes; Denis-yes. Motion passed. ACTION ITEM

DISCUSSION ITEMS:

Before discussion item #1 started, Councilwoman Denis asked a question about the City's procedure for code violation letters. Staff explained the process of doing a Friendly Reminder first, and if there is no response or resolution, then it's turned over to the City Planner to send a formal letter. This led to Councilwoman Baldwin asking where we're at with code enforcement: people living in RV's, new animal code, and nuisances. This was a helpful discussion to have before item#1.

- 1) Updated discussions on Options for Addressing Cargo Containers – Rand to discuss. This is a discussion that has come up before and staff wanted direction on where to go next. Rand gave

several options to consider. The code could be amended to be able to address cargo containers separately from other types of storage buildings. The city could regulate the number, size, and placement of the units, can limit the size of the parcel on which they are allowed, and can require special screening. The council liked being able to regulate separately, so Planner & Attorney will draft a code amendment.


- 2) Discussions on Permit Coordination with Timberlake Fire District – Rand/Lori to discuss. They discussed the importance of having good communication with the Fire Department and an idea of how they could work together. After some discussion, no conclusion was drawn, so staff will continue to work on a plan.

PUBLIC COMMENTS: None

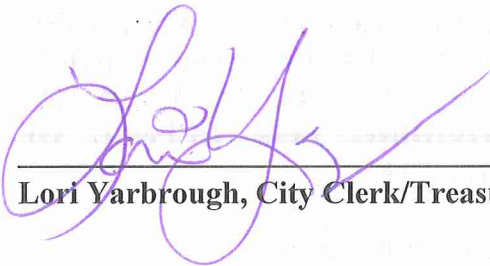
ANNOUNCEMENTS: **City Council**-none /**Mayor**-None / **Staff- Lori** - City was awarded LHRIP Grant for Street Improvements for \$100,000. **Anthony**- none.

ADJOURNMENT at 8:16pm

ATTEST:



Bill Hill, Mayor



Lori Yarbrough, City Clerk/Treasurer

Approved at Council on 4/6/21