



Approved Minutes

City of Athol
City Council Regular Meeting Minutes

May 18, 2021

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

Mayor, Bill Hill, called the meeting to order at 6:01 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: Council Seat #1- Vacant

REPORTS:

Treasurer Report – Lori submitted the report and read the ending totals for each of the city accounts: STCU Checking = \$46,239.23; STCU Savings = \$136,885.87; LGIP = \$760,466.39.

Water Report – Lori submitted written report and read aloud. March usage = 3,426,457 gal. (haulers 217,100) and April usage = 3,536,026 gal. (haulers 207,100); Billing in April was \$14,824.00 in base rate, \$6,086 in overage plus \$280.00 in late fees totaling \$21,190.00. Total collected was \$14,034.50. Late fees this month are 44, and 12 accounts to get notices of shut-off for being greater than 60 days past due. Coins from the Water hauling station was \$1,035.50.

PLANNER REPORT – Rand submitted written report and briefly gave the following updates and comments. Building location permits – there were three new permits issued at: 5825 E Grove Ave for Lori Morgan; 2nd St for a new home at corner of 2nd and Bennett for Justice Owens; and one for a new accessory building at 30695 N Alice Ct for J. Krause. The Development at The Crossings subdivision - We approved Sweet Lou's and no real progress on Grease Monkey. Beacon Pizza -Staff is still working with applicant on the appropriate parking lot design and landscaping. The council approved right-of-way permit with those conditions back in March. Rand shared he still has not 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- has been published and recorded; Next steps for the applicant will be the water system improvements and map to finalize the paperwork. Code amendment for cargo containers has also been published and now in effect. Staff met with Panhandle Health District to discuss the sewage management plan and how the city administers the “dwelling equivalents” (DE’s) that were allotted in that agreement. Meeting was productive and will result in simplified procedures for future permitting. We will be proposing amendments to the SMP to provide additional flexibility on these issues soon. The Allund West Subdivision – we have received the application requesting final subdivision approval; it may be ready at the next Council meeting for a decision. Colton Acres Sub-division – Council deliberations were continued from April 20th meeting and is on the agenda tonight.

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 April 20th REGULAR MEETING MINUTES:

Motion by Denis that we approve the regular meeting on the 20th, minutes without amendments.

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

2. APPROVAL OF THE May 4th REGULAR MEETING MINUTES:

Motion by Denis, that we approve the regular meeting on the 4th, minutes without amendments.

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

3. 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

4. DISCUSSION/APPROVAL for an Athol Elementary 2nd Grade Class Project proposal for a Permanent Storywalk type program located in the City Park. Teacher, Julie Anderson, to present to the council the wishes of the 2nd Grade class of Athol Elementary and their hopes that the city will allow their project to be permanently placed in the city park. She brought an example of a possible pedestal that would be made to be placed in the park and the story pages themselves would be replaced by the 2nd graders annually. After a few short questions the following was made: **Motion by McDaniel to approve the request to place this storywalk type program in the city park as just discussed; staff to work the details out with Athol Elementary.** * DISCUSSION **Roll Call Vote:** McDaniel-yes; Denis-yes; Stack-yes. **Motion Passed. ACTION ITEM**

5. DISCUSSION/APPROVAL to Use Anderson Bros for the FY2021 Annual Audits. – Lori shared this is the same company we have been using, nothing different, other than it will cost a little bit more this year because we are now required to do a single audit as well as the regular annual audit, and it is based upon the level of grant monies we have received in the year. **Motion by McDaniel, to authorize the Mayor’s signature on the FY2021 Anderson Bros Audit Engagement letter, not to exceed \$9,000.00.** *DISCUSSION **Roll Call Vote:** Denis-yes; Stack-yes; McDaniel-yes. **Motion passed. ACTION ITEM**

6. DISCUSSION/APPROVAL to Approve the IPAN Grant Proposal completed by staff, for the purchase of 6 new park benches. – Lori provided a copy to the council of the grant application she prepared and showed them the benches she had selected for the grant if council approves for her to submit. Depending on the amount received from the grant, there might be a small amount for the city to cover, but that will come back for council approval if over the \$500.00 threshold. **Motion by Stack, to approve the submission of the IPAN grant through the Panhandle Health District.** *DISCUSSION **Roll Call Vote:** Stack-yes; McDaniel-yes; Denis-yes. **Motion passed. ACTION ITEM**

DISCUSSION/CONTINUATION of Deliberations by the Council for the Preliminary Subdivision Request for Colton Acres from April 20, 2021.

City Planner, Rand Wichman, addressed the council, recapping that a PUBLIC HEARING regarding Forestbrook LLC for the Colton Acres Subdivision was held on April 20th, 2021. After taking public testimony for a 26-lot residential subdivision in the residential zone, the Colton Acres Subdivision, the hearing was closed, and the council deliberated. The council was not ready to decide; so, they made the motion to continue deliberations to the May 18th, 2021, meeting as they needed time to think about the application.

During this time City staff met with Panhandle Health District (PHD) to review if definitions of the health district and city roles and goals were both being met according to the current Sewage Management Plan. The Sewage Management Plan (SMP) between the City and PHD, allows for growth in the city without the City having to build a municipal sewer treatment plant, but it comes with conditions. The City assumes the responsible of the aggregate effect of all subsurface sewage disposal systems within its boundaries. To reduce the likelihood of that septic systems, in the city, will have a detrimental on the aquifer, there is a list of dos and don'ts in the appendix A in the SMP. He briefly shared those verbally. While the concept of clustering DE's in to smaller than 5 acres lots is not specifically addressed in the plan, it is not precluded, and its therefore allowed under the agreement. The health district has some additional guidance that they with situations like this, where they can consider issuing septic permit on lots that are less than 5 acres, over the Rathdrum Prairie Aquifer, where they have a current sewage management plan with the City as exists with this case. The health district outlined in the April 15th comment letter for this subdivision, which is in the record, this discretion to allow septic systems for development like this is "subject to plans for the construction and operation of a central sewage treatment plant to serve the development and the City also needs to agree with this approach." In sum PHD accepts this approach contingent upon DEQ approval of plans from the developer for the sewage treatment facility to accept wastewater from this development and future redevelopment of lot #26. **Rand then asked if council was interested in re-open the public hearing and accept testimony to hear from Eric with PHD, to clarify their position, and then we would proceed with the appropriate steps from there. City Attorney advised the appropriate steps in which the hearing would proceed if they re-opened it.**

Motion by Denis to re-open the public hearing that was held on April 20, 2021. Roll Call Vote: McDaniel-yes; Stack-yes; Denis-yes. Motion passed. ACTION ITEM

Public Hearing re-opened at 6:23pm

Erik Ketner with PHD then spoke: He first wanted to remind everyone of the history of this agreement, and that it has been in place in some form since the late 70's and they have similar agreements with other municipalities that exist over the aquifer. The end goal of these agreements being, developing a sewer at some point and eliminating septic tanks as it is a higher risk to the aquifer. In 2015 it was clear that Athol was not working towards a sewer and the agreement was amended. Every parcel then was identified, and DE's were assigned, not to be transferred between parcels. It was written to only allow for the allotment of 1 DE per 5 acres, as is in the rest of the county. As Rand just mentioned there are times when not every circumstance is specifically listed in the agreement as was the case with this subdivision request. The concept of clustering is now what is being presented; but to different from what the situation at the Crossing Development was. To increase density of septic's, interim or not then the end game must result in a sewer system to treat that higher density. **The health district will allow for this request but with the condition that they will not lift sanitary restrictions and sign off on final plat until all their conditions have been met.** Councilman McDaniel – asked if the sewage treatment plant never comes about by the landowner what will happen. Being clear it is not the City who is building this or required to. He does not want to hurt the city's position with PHD. Erik said if that were to happen then likely more restrictions will need to be placed upon the city regarding future annexations and development. On behalf of the Applicant, Forestbrook LLC. - Jeremy Grimm introduced himself and spoke. He listened to the minutes from April 20th so is aware of what has been said. So, he agrees the SMP does then allow for this to be possible if there is a treatment solution. All zoning regulations have been met, minimum lot sizes are met, access is addressed and by council's own finding at the April 20th public hearing the applicant has met all the standards and conditions for approval of their subdivision application and they are excited to move forward into phase 2. They are happy to be inline with the SMP and working together making this investment in Athol. Mayor then

City Council Minutes May 18, 2021

opened it up for any other public comment that did not speak last time. **Any for: hearing none; any Neutral: hearing none, any opposed: there were two.** 1) Cindy Cook- 5125 E Valley Ave. – too much traffic with only one way into the neighborhood. Her 1st experience with these changes and her property abuts to the new proposed development. Every tree was cleared and left a mess in the powerline easement area; it was not a good experience. She feels there will be too much traffic and the beautiful forest and animals will no longer be passing by like they were. Are the properties fenced, or a fence around the entire project? Big construction trucks have been coming through causing more traffic? Is there another entrance big trucks can be used instead? If there are 25 new houses that will be another 50 cars coming through, kid scary. Wants to know where the water will be coming from. How will that affect her water rates are they going to go up because of this? Are they going to be single family homes? Are they going to clean up the easement area? 2) Josh Krause – 30675 N Alice Ct. – traffic and kids are his highest concern as well as the fact there is only one way in and one way out. Rebuttal on the Applicant's behalf- Jeremey Grimm reminded everyone that this subdivision application is only for the 25 homes in this phase, not 150 homes. It was the previous landowner who cut down the trees, this developer wants a nice attractive and harmonious with the neighborhood.

Public Hearing was closed at 6:42pm

City Planner Rand then briefly ran down the options for the City Council regarding the Preliminary Subdivision Request for Colton Acres. 1) Council at this time can either Approve, Deny or Continue the Deliberations, but request what specifically you are needing. **It is Staff's recommendation that you approve the application with conditions and based upon the findings (6.01-6.05 below) previously discussed on April 20th. He also included changes to two conditions 5.07 and 5.08.** He summarized those 2 changes: 5.07 adding language that the individual lot owner shall not be charged for a connect fee or capital improvement fee by the wastewater provider. And that a Stmt shall be added to the final plat to inform future owners of the requirement to connect and that such connection shall not require payment of a connection fee or capital improvement fee. 5.08 removing all but the first sentence. Language regarding Colton Acres and Northern Meadows being charged a connection fee to the wastewater system in the future. If Council chooses to deny the request, then you must tell how it does not conform with the SMP or city code. You do not get to just deny and it goes away. The applicant must know how they can cure the deficiency and bring the application back with the correct modifications. If the council chooses to remand the application back to the applicant for changes or revisions- you will need to be specific on what the concern is. Councilman McDaniel asked about when a traffic study would be warranted. Rand responded he has already implied that with the next phase he feels it would be appropriate and warrant a traffic study. As a comparison the current 61 houses in Northern Meadows plus the proposed new 25 homes bring the total to 86 lots with this one access point. Look at Howard Road just down the street, there are over 250 lots all with one access point. This is only about a 1/3 of the Howard Road traffic. With nothing further, the following motion was made:

- 6.01 The applicant **HAS / HAS NOT** 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 / DOES NOT COMPLY** with the requirements of Title 9, Chapter 3 and other applicable standards of Athol City Code.
- 6.03 The proposal **COMPLIES / DOES NOT COMPLY** with or **IS / IS NOT** capable of complying with the requirements of other agencies with jurisdiction or providing services to the proposed development.
- 6.04 The proposal **WILL / WILL NOT** contribute to the orderly development of the area and uses, and density **ARE / ARE NOT** compatible with existing characteristics of the area.
- 6.05 Services and facilities such as schools, electricity, water, sewer, police, and fire protection **ARE / ARE NOT** 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.

7. DISCUSSION/APPROVAL of the Preliminary Subdivision Request for Colton Acres – Motion by Stack, approve with the staff recommended conditions the Colton Acres Preliminary Subdivision request in the City of Athol; and with the findings/conclusions 6.01-6.05 as discussed on April 20th as recommended in the staff report; and direct staff to prepare the final order of decision. *DISCUSSION Roll Call Vote: McDaniel-yes; Denis-yes; Stack-yes. Motion passed. ACTION ITEM


DISCUSSION ITEM: Water Improvement Project- Anthony shared with the council a recent discovery regarding the water improvement project and how it will likely be coming to you soon in a Work Change Directive Orders. **USDA and DEQ made the city aware that it is not acceptable to have one meter service two or multiple homes.** After a review there are possibly 8 or 9 locations within the project scope that have single meters serving one or more homes. They (USDA and DEQ) made said maybe in times past the former council and or staff has allowed for that use, but it is time to correct that when you are doing project improvements. **Each home/residence should have their own meter. Staff also further reminded that technically, per the city code, there are not to be more than one home on any single parcel except the few duplexes in town.** This is just part of the clean up that comes with doing improvements. Anthony also shared that it has also been noticed that at least one maybe a few more have even more than the 2 lines connected illegally. There will be further conversations on how to handle these circumstances as we get more information.

PUBLIC COMMENTS: 1) Mary Zichko- asked about who will be paying for those new meters and lines, she was told they have not figured that part out yet. When are the city right of ways going to be hydro seeded or planted because she has allergies to dust? Staff said it will probably be in the fall when it rains more, as it will be more successful then to grow the grass if no-one waters it. 2) Janet Kramer- asked why only 1 meter per house. Staff briefly shared several reasons mainly is you can't track use or overage and know who it applies to, and it is a problem when trying to detect leaks. 3) Kootenai County Sheriff's officers in attendance of the meeting Sargent Solar Larson and the new Deputy replacing Brett Clausen, Deputy J. Fontaine spoke briefly, and Deputy Fontaine introduced himself.

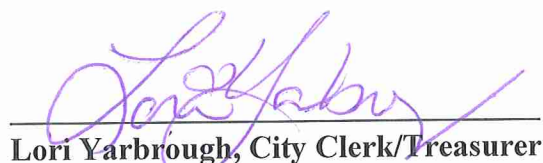
ANNOUNCEMENTS City Council- none. / Mayor- shared that he wants to be sure the Fire Department is notifying the city when they take a hydrant out of service so we can get it fixed as soon as possible. Staff shared they have been communicating with the fire department and the hydrant in Northern Meadows has now been repaired, waiting for the fire department to test. / **Staff – Lori** 1) Gave an update regarding HB389 regarding the Property Tax cap at 8% and provided them a handout from AIC to help them better understand the impacts this will have our budget this year.

ADJOURNMENT at 7:16pm

ATTEST:



Bill Hill, Mayor



Lori Yarbrough, City Clerk/Treasurer

Approved at Council on **6/1/2021**

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.

