

Approved Minutes

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

Tuesday, February 15, 2022
6:00pm Regular Council Meeting

Mayor Hill called the meeting to order at 6:26 P.M.

ROLL CALL: Present: Mayor Hill; Councilwoman Devine; Councilman McDaniel; Councilwoman Kramer; Councilman Cutaiar; Clerk/Treasurer-Lori Yarbrough; Public Works-Anthony Brandt; and Rand Wichman, City Planner; Jason Wing, Attorney & Stillman Norton, City Engineer. Not Present:0.

REPORTS:

Treasurer Report – Lori submitted December written report and read aloud the ending bank account balances. **Checking was \$65,412.30; Savings/MM was \$257,146.48; and LGIP was \$883,454.06.**

Water Report – Lori submitted January written report and read the totals aloud. January usage was 3,337,327 gallons and coin haulers were 170,700 gallons. Coin Haulers money deposited in January was \$853.50, and bulk water payments received was \$218.80. Lori didn't know yet how many accounts getting a late fee or how many letters going out for shut off's, as the closing date was just today.

Planner Report – Rand submitted written report and briefly ran through it by subject matter: Colton Acres- they have started the process for final plat approval. It may be ready for council review in March 2022. Pastime/Freemont Street Improvements – The revised plans for the street improvements and water line extension in the area of Pastime and Freemont has been approved by the city's engineer. They will need to get a site disturbance permit application so they can begin road construction once the weather allows. They will also need to do the road vacation request, and he suspects they may get that done next to keep moving forward. Idaho Forest Group – nothing new to report. Fast Subdivision – Consultants for Gary Fast were working towards finalization of the Fast Subdivision, but there has not been any activity on it in a while and the preliminary plat approval will expire April 21, 2022 if they do not apply for final plat approval prior to that date. Active West Development – A PUD and a Subdivision revised application for 30 residential units on 4.38 acres on Lot 22 at The Crossings was received and there is a public hearing on that matter tonight. Road Improvements on 2nd Street – The road vacation associated with 2nd Street road improvements was approved by the Council at the December 21 meeting. The proponents are working on the construction plans to be reviewed and approved by the city engineer.

PUBLIC HEARING: Active West Development Request for PUD and Subdivision for Athol Grove. The Mayor opened the hearing at 6:29pm to take public comment on the Active West PUD and Subdivision request. *(This was delayed due to moving the meeting from downstairs to the gym upstairs because of the large turnout.)*

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

***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.*

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.

The Mayor First Invited up: The City Planner, Rand Wichman, to introduce the nature of the application. Rand shared basics about the application, like what was being asked and where it was in the city. He referenced his Staff report that had further information regarding other agency reviews, it addressed how the application sits with regards to compliance of city standards, access and circulation, things like water and wastewater services. Lastly, his report provided the council his staff evaluation and recommendations.

Then the Mayor Invited up: The Applicant, Dennis Cunningham, (Owner of Active West) spoke regarding the evolution of his application today. Thanked everyone for their time to showing up today. He shared he had approached the Developer of the Crossings, HJ Grathol, about a small infill project. He felt it fit well with the business model of Active West. Infill is generally smaller lots and typically an older age group. He shared some of the basic features his homes provide that are desirable by the older tenants. He gave the history of coming to the city about a year and half ago and at that time he brought a local economist who spoke to the city about the demographics of the area, which helped to support why he was requesting a code amendment to allow for a Planned Unit Development (PUD) in a commercial zone in the city. That was approved by the city a year ago and the code was amended to allow for the PUD in a commercial zone, with specific requirements. He has amended his application once, reducing the number of units from 35 to 30, spoke a bit as to why he didn't want to limit to a specific age group and that said he could be flexible on things like the parking. His amendments also addressed snow storage concerns and the lack of a sidewalk and access to the trail to the North of the Development.

The Mayor then asked Council if they had any questions: Councilwoman Kramer spoke first: She listed numerous areas in which she had concerns or felt the application was lacking. Things such as the impact on the local school district if no age limit was included; the size and more specifically the 2nd story units were of great concern. Her concerns were the overall impact on parking and roads if these new homes had children and teens in the family who also drive. Additionally, she questioned the trip generator letter. She wanted to know why sidewalks were only being proposed on one side and on the inside instead of the side people lived on? She asked if there was still only one fire hydrant in the whole development, as she thought the fire department called for 2 hydrants. Lastly, she wanted to know about the cost of the homes. Are they affordable to the people who live in the area and how much more will it cost these homeowners with HOA fees? ***Councilman Cutaiar:*** First the open space area: what is happening there is it usable space? Can you put a swing in a swale that big? ***Applicant responded:*** Most of the time they offer garden boxes that are elevated and apple trees in the grassy spaces. ***Cutaiar*** was a bit frustrated and wanted to know why the application was before the council now if there were still so many possible changes necessary. ***Mayor Hill then added:*** He thought it was an area for the elderly, not for families to be moving in and adding more teens driving and parking. He's concerned with traffic and such once the rest of The Crossings has been built out and more businesses are in. ***Councilwoman Devine asked:*** She thought it was only single-level homes and catered to the 55 and older crowd, that is what was previously mentioned and now there are some units that are two-stories family homes? ***Applicant responded:*** Age is often addressed in the CC & R's, some do, and some don't. Approx. 20% of past homes in a development have an upstairs for things like crafting or quilting rooms. 2 units in the past have even had chair lifts put in the units at an owner's request. ***Devine*** also was concerned with where any company would part while visiting residents. ***Applicant responded:*** They do have 2 car garages and two additional parking spaces outside in the driveway, that meets the city code requirements; he would also consider add a few visitor parking spaces. ***Councilman McDaniel:*** Doesn't like the zero lot lines and the duplexes for the 6 lots. It's not what fits with the style of residences we have here already, and he feels more like they are not suited for families. He also feels there are no overflow parking areas if these homes are going to be for possible

families. Lastly, he hadn't seen fencing, or a barrier addressed anywhere. He would like to see a 6- or 8-foot vinyl fence around the whole development and fences between each of the individual units.

Then: Public Comments:

There were no 0 comments received to Speak FOR the Development.	For/Speaking (0):
There were 2 comments received to NOT Speak FOR the Development	For/Not Speaking (2):
There were 13 comments to Speak Against the Development	Against/Speaking (13):
There were 65 comments to NOT Speak Against the Development	Against/Not Speaking (65):
There was 1 comment received to Speak that was Neutral	Neutral/Speaking (1):
There was 1 comment received to Not Speak that was Neutral	Neutral/Not Speaking (1):

Amongst the majority of those against the Development similar issues were repeated as primary concerns. Things such as inadequate parking and no visitor parking; poor location of sidewalks or not having it on both sides of the road; not limiting a specific age range, brought great concerns for the impact on the local schools; impact of the increased traffic in and around The Crossings development, on and off both Howard Rd and Hwy 54; the idea of zero lot lines, two-story homes, aesthetics of the home designs, and the overall poor selection of locating residential use in the middle of a commercial zone lead to a constant, “don't let growth happen in Athol”.

Applicant was invited to Rebut: He been working on this for the past two years, and feels he's provided information items and is ready to proceed. He understands there may be some conditions placed on him for things just discussed, he's willing to look at the open space, and fencing. For the dwellings being one or two stories it's really whatever the market is driving. He doesn't advocate for two-story homes, but he's willing to accommodate the requests.

The Mayor closed the hearing at 8:03pm. The **City Attorney, Jason Wing**, then explained to Council the next steps. He encouraged the Council to look at this specific application and weigh evidence in records, testimony, look over the staff reports, agency comment letters, and apply the code on whether this application meets the compliance and comprehensive planning requirements for a PUD and Subdivision. This is what the property right of the developer is allowed. Then make your decision based upon those provisions of the code and your interpretations of the rules being met or not met. He closed with saying Council may Approve, Deny, and give clear reasons for denial and what the applicant can do to address those issues, or Remand back to applicant and let him address the concerns brought forward that will let him revise the proposal and would include the requirement to re-open the public hearing process again.

Mayor asked the Council to begin their deliberations. The **City Planner, Rand Wichman**, was again briefly asked to speak to clarify a question regarding the Fire District comments in the application packet.

The Council each began reviewing the information presented, any outstanding concerns they had or conditions they wanted to see. Upon reviewing the findings of facts, applicable legal standards, staff and the engineer's evaluations and recommendations, they found they needed more time. They still needed to look over this information and it is hard to just provide any kind of proposed conclusions of law. The Council then decided to postpone deciding until the March 1st council meeting. At which time the Council will and reconvene their deliberations. This will give them more time to review information, and to address deficiencies or concerns they still had.

ACTION ITEMS:

1) DISCUSSION/APPROVAL to Approve/Deny/Remand the PUD and Subdivision Preliminary Plat Request from Active West LLC for Athol Grove. – Planner, Rand recapped for the Council their choices of approval, remanding, or denying. After a discussion the Council decided to continue their deliberations until the next meeting on March 1st. **Motion by McDaniel, to continue the**

public hearing for the PUD/Subdivision for Athol Grove until the March 1st council meeting at 6:00pm. * DISCUSSION - Roll Call Vote: Devine-yes; Kramer-yes; McDaniel-yes; Cutaiar-yes. **Motion passed. ACTION ITEM**

-----The Mayor then called for a 5 minute break.-----

2) APPROVAL OF THE February 1st REGULAR MEETING MINUTES:

Motion by McDaniel, that we approve the last regular meeting on the 1st, minutes without amendments. *DISCUSSION * All in favor-none opposed. **Motion passed. ACTION ITEM**

3) APPROVAL OF BILLS AS SUBMITTED: Motion by Kramer, that we approve paying the February/March bills as submitted without amendments. *DISCUSSION-All in favor-none opposed. **Motion passed. ACTION ITEM**

4) DISCUSSION/APPROVAL of Change Order #5 for the Water Project which includes the Leg Extension Costs and the Contract Extension Request from NNAC. – Councilman McDaniel shared information he had regarding the costs and amount of contingency remaining after this change order request. Stillman with Keller Associates was also there and added a few comments. After a brief conversation the following motion was made: **Motion by Cutaiar, to approve change order request #5 for the Water Project which addresses the cost of the extensions and the project time extension.** *DISCUSSION- New contract extension date brought it out to April 30th 2022 for completion. **Roll Call Vote:** Kramer-yes; McDaniel-yes; Cutaiar-yes; Devine (left early, no vote). **Motion passed. ACTION ITEM**

5) DISCUSSION/APPROVAL of a Cemetery Property Survey Contract by Keller Assoc. – Stillman was present if council had any questions. Staff began the discussion sharing their concern with the number of plots left available. After a brief discussion the following motion was made: **Motion by Kramer, that we table this until we can get more information on the road access or find if there is an easement for the city to get to the cemetery property before we get it surveyed.** *DISCUSSION- Roll Call: Kramer-yes; McDaniel-yes; Cutaiar-yes. **Motion passed. ACTION ITEM**

6) DISCUSSION/APPROVAL of a Road Right of Way Survey for Menser Ave from 3rd to the School by Keller Assoc. - **Motion by Kramer, that we table what was presented until next month so staff can get more information and see if the Child Pedestrian Grant is awarded to the city for a sidewalk along Menser or not.** *DISCUSSION- Stillman to discuss. **Roll Call:** Kramer-yes; McDaniel-yes; Cutaiar-yes. **Motion passed. ACTION ITEM**

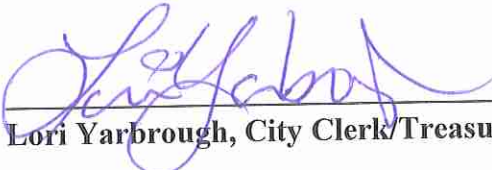
7) DISCUSSION/APPROVAL of using Keller Associates for the “2022 Street Project” (Bennett full reconstruct/Menser resurface) for the Project Contract and Specifications Manual etc. to gather bids for spring/summer construction. **Motion by Kramer to approve using Keller Associates to design and put together the bid manual for the Bennett and Menser Street projects; and direct staff to work with the engineers to get a contract together for the work and bring back to the council for final approval of the contract.** *DISCUSSION NOTE- this will be partially funded with the LHTAC LHRIP Grant we were awarded. **Roll Call:** McDaniel-yes; Cutaiar-yes; Kramer-yes. **Motion passed. ACTION ITEM**

PUBLIC COMMENTS- 1) Joe Sheasby (county) – Wanted to first apologize for how he may have come across during the public hearing regarding his arguing with the attorney on the words “may verses shall”; and secondly, he highly recommends the city updating its Ordinances for PUD and Subdivisions, soon.


ANNOUNCEMENTS Council- none. / Mayor- none. / Staff -Lori shared they are setting up an internal meeting regarding the Sewage Management Plan and any updates before the city meets with Panhandle Health District. Wanting to know who plans on sitting in for that meeting. It was determined that Councilman McDaniel and Councilwoman Kramer would both attend with staff on Wednesday 23rd at 9am; Lori will send an email reminder.

ADJOURNMENT at 9:35pm

ATTEST:



Lori Yarbrough, City Clerk/Treasurer



Bill Hill, Mayor

Approved at Council on 3/1/2022

