

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

Tuesday, January 18, 2022
6:00pm Regular Council Meeting

Mayor Hill was absent (sick) so Council President McDaniel called the meeting to order at 6:05 P.M.

ROLL CALL: Present: Councilwoman Devine (formerly Denis); Councilman McDaniel; Councilwoman Kramer; Councilman Cutaia; Clerk/Treasurer-Lori Yarbrough; Public Works-Anthony Brandt; and Rand Wichman, City Planner; Jason Wing, Attorney & Caitlin Kling, Attorney. Not Present: Mayor Hill.

-----**SWEARING IN OF NEWLY ELECTED OFFICIALS**-----
Mayor was absent, so City Clerk Treasurer, Lori Yarbrough, swore in Council #1 Steve Cutaia; Council #2 Jeanette Kramer; Council #3 Cindi Devine; and Council #4 Shane McDaniel.

REPORTS:

Treasurer Report – Lori submitted December written report and read aloud the bank account balances. Checking was \$65,412.30; Savings/MM was \$257,146.48; and LGIP was \$883,454.06. Lori did transfer \$40,000 from checking to savings this past month. The 1st Quarter financial statement was included in this packet and can also be found on the city website.

Water Report – Lori submitted December written report and read the totals aloud. December usage was 1,737,558mil gallons and coin haulers were 149,200 gallons. Coin Haulers money deposited in December was \$1,057.25, and bulk water payments received was \$0.00. There are 36 accounts getting a late fee and 5 letters going out for shut offs.

Public Works – Anthony submitted both his November and December written reports. Council had just a few questions on the water hauling station repairs.

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. Will likely 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 application for 35 residential units on 4.38 acres on Lot 22 at The Crossings was received and cued up for a public hearing on that matter tonight, but the applicant has requested to revise their application, so the public hearing will be rescheduled for February. We have not yet seen what changes they are making and

***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.*

may need to also do another agency review period. Road Improvements on 2nd Street – The street vacation that is associated with 2nd Street road improvements is scheduled for a hearing later during this meeting. A separate report was prepared for that.

ACTION ITEMS:

1) APPROVAL OF THE December 21st REGULAR MEETING MINUTES:

Motion by Devine, that we approve the last regular meeting on the 21st, minutes without amendments.

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

2) APPROVAL OF BILLS AS SUBMITTED: Motion by Devine, that we approve paying the

December/January bills as submitted without amendments. *DISCUSSION-All in favor-none opposed.

Motion passed. ACTION ITEM

3) DISCUSSION/APPROVAL of the council to select a council president, for a 2-year term.

Motion by Devine, that Shane McDaniel continues to serve as the council president. *DISCUSSION

Roll Call Vote: Kramer-yes; McDaniel-yes; Cutaiar-yes; Denis-yes. Motion passed. ACTION ITEM

4) DISCUSSION/APPROVAL of the Order of Decision for the Vacation of 2nd Street near Hill

Avenue requested by Levi Thomason and Shane McDaniel – Rand reminded the council that this Order of Decision is to document how we got to where we are and why you did what you did. Next step will be to pass an Ordinance, but we will plan to do that at the same time as the dedication of the road ROW. And that is waiting on construction drawings that still need to be approved by the city engineer. Once that is all done the road will need to be constructed before any building location permits can be issued. Motion by Devine to approve the Order of Decision for the Vacation of 2nd Street south of Menser Avenue, and the 20' wide platted alley in Block 10 of States Addition to Athol.

***DISCUSSION Roll Call: McDaniel- recused; Cutaiar -yes; Devine-yes; Kramer-yes. Motion passed. ACTION ITEM**

DISCUSSION:

Overview/short training on Quasi-Judicial Hearings and the Land Use Process. –

City Attorneys; Caitlin Kling and Jason Wing; and City Planner, Rand Wichman, wanted to take a few minutes to review Land Use hearings with the council. Some councilmembers are new to Quasi-Judicial Hearings and Land Use processes, so Caitlin first reminded that we cannot speak about any applications, just hypotheticals. The steps taken to notice a public hearing were discussed: posting on-site, in the newspaper, to property owners within 300 feet, and on the city website. Then the steps we will plan to take as we hold a public hearing. Mayor opens the hearing, the planner to introduce the case, the applicant to address the council, public comments for, neutral, and then against, and the applicant gets the chance to rebutt. The council then may deliberate and come to a decision. Think of yourself as a judge: based upon what city code requirements and the local land use planning act requires, if the application has enough to support the code requirements, then it should be approved. If it doesn't and you deny it, you then tell the applicant what they must do to gain approval. It's not an arbitrary process, it's an objective process or standard. The applicant is guaranteed a process, not an outcome. It is not acceptable to just say you don't want it. The standards of approval must be set out, that allows for one to follow procedures regardless of decision. City Attorney, Jason added about the concept of ex-parte communication. He explained that you can't talk to friends and neighbors or each other outside of this public hearing. In a small town that is hard, because these are people who voted you in and they want to talk to you. But the applicant would not be given the opportunity to rebut. City Attorney, Caitlin said the best advice she can give to anyone making public comment- is give comment that is related and meaningful to the city code

and relevant to the application. This is the council's time to get information. It's important to keep order during this hearing process because the hearing must be a transcribable recording. People who are loud or out of order, and not following the rules will make it hard to record. Mayor can ask for a break and allow for those to settle down or can ask them to leave. It was a good overall conversation on possible various circumstances and how the city may react or handle them. Council appreciated the information.

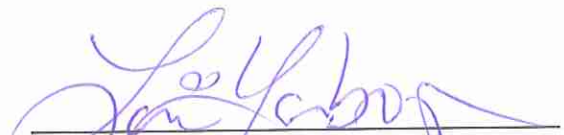
ANNOUNCEMENTS:

City Council – none. / Mayor – n/a. / Staff – Lori 1) For Costco renewal, needing to know who wants to be on the membership, let Lori know.

PUBLIC COMMENTS- 1) Mark Ellis, Kootenai County Sheriff's Office- shared the Sheriff will be contacting the city soon to discuss contracts. Athol's calls have been increasing and they want to talk about the services they provide. 2) Tim Greenwood, Owner of Keeping North Coffee House- shared a possible investor looking to build a new building suite in the city along Hwy 54 next to the Country Boy and that he hopes to move into it. He really appreciates smaller local businesses and coming into his shop is an experience.

ADJOURNMENT at 7:19pm

ATTEST:



Lori Yarbrough, City Clerk/Treasurer



Bill Hill, Mayor

Approved at Council on 2/1/2022

