



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

Tuesday, March 1, 2022
6:00pm Regular Council Meeting

Mayor Hill called the meeting to order at 6:00 P.M.

The meeting was posted to be held downstairs, but the Mayor determined after the notice was posted to move it to the gym again.

ROLL CALL: Present: Mayor Hill; Councilwoman Devine; Councilman McDaniel; Councilman Cutaiar; Councilwoman Kramer; Clerk/Treasurer-Lori Yarbrough; Jason Wing, Attorney; Rand Wichman, City Planner; Public Works-Anthony Brandt. Not Present: none.

REPORTS:

Public Works - February Report submitted by Anthony; Councilwoman Kramer had a few questions regarding the possibility or relocating the commercial water haulers.

PUBLIC HEARING: -On Proposed City Fee Resolution 2022-02

Mayor opened the hearing at 6:01pm. This hearing was to take and consider public comment on the adoption of City Fee Resolution 2022-02. This was a combination of new and increased municipal planning and zoning fees etc. The Mayor then asked if there was anyone wishing to speak and if so to come up to the podium and be sure to speak loud and clear as it is being recorded. No-one came up. The Mayor asked again if anyone wanted to speak regarding the proposed fee schedule. Hearing none, the Mayor closed the Public Hearing at 6:02pm.

ACTION ITEMS:

1) **DISCUSSION/ADOPTION of City Fee Resolution 2022-02, an update of the City Fee Schedule** – Council did not need a discussion and the following motion was made. **Motion by Cutaiar, to adopt the Fee Resolution as presented without changes, and to be effective March 1, 2022.**

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

ACTION ITEM

2) **COUNCIL DELIBERATIONS Continued from the Public Hearing Dated February 15th regarding the Active West PUD & Subdivision Applications** - The Mayor invited the council to one-by-one share their concerns and thoughts on the Active West application before them: First **Councilwoman Devine** spoke sharing that she does not feel there is a sufficient public benefit to be gained by approving this application. (Section 8-9-3A) She also was concerned with just how close this residential use is located to the wastewater facility. Next **Councilwoman Kramer** shared that she just did not think it fits the compatibility of this area to the rest of the city. (Section 9-3-1 H-4) Then **Councilman McDaniel** stated his numerous concerns: 1) The code speaks of creation and preservation of usable open space- (section 8-9-1A-C). He does not feel the swale at that size, is usable as open space and too small to do anything with; concerns of it being more a wetland. 2) Preserve the natural characteristic of the land. He does not feel anything will be preserved, it will just be built out with zero lot lines, with little room for

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.

public use. It is not near other neighborhoods or residential use. It's just not a public benefit to have it. 3) Too high of density and zero lot lines does not meet the PUD requirements of 8-9-3 A. And like he previously mentioned, it's just not consistent with the character of residential development we already have in the city, is just not acceptable. (Section 8—9-6 B, F.) 4) The impact on the school services—the school already mentioned the negative impacts of more kids in the already full schools. (Section 9-3-1 H5) 5) Lastly, the PUD requires a perimeter fence or transition, and he sees nothing addressing that. (Section 8-9-3A) **Councilman Cutaiar** shared 1) Questions affordable and wants to see what affordable means in writing ... to see it as a benefit to the general public. 2) Wants to see the CC & R's 3) Still unhappy with the Fire Department response not being very detailed, concerns on street size, etc. Overall, he feels there are too many things unknown, and wants to see everything in writing and then council will review and consider approval; not going back and forth with staff and still not having the information in the application. **After this the Mayor asked if council wanted to make a motion. A short discussion later the following motion was made: Motion by Devine, to deny based upon the comments just stated by each of the council.** *DISCUSSION Roll Call: Devine-yes; Kramer-yes; McDaniel-yes; Cutaiar-yes. **Motion passed. ACTION ITEM**

-----Mayor called for a short break at 6:11pm. He resumed the meeting at 6:21pm-----

3) APPROVAL OF THE February 15th REGULAR MEETING MINUTES:

Motion by Devine, that we approve the last regular meeting on the 15th, minutes without amendments. *DISCUSSION * All in favor-none opposed. **Motion passed. ACTION ITEM**

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

5) DISCUSSION/APPROVAL of the Annual Renewal for the Back Up Water Operator. Motion by Devine, to approve the contract agreement for Bob Wachter as the Back Up Water Operator for another year as presented, no changes. *DISCUSSION Roll Call: Kramer-yes; McDaniel-yes; Cutaiar-yes; Devine-yes; **Motion passed. ACTION ITEM**

6) DISCUSSION/APPROVAL to use Keller Associates for a Road Right-of-Way Survey for a Sidewalk on the North side of Menser Ave., from 3rd St. to the School, and for 2 sets of Rapid Flashing Crossing Beacons for 2 crossings on Hwy 54. – Staff to answer questions, and the City has been notified that we are being awarded a \$250,000.00 Child Pedestrian Safety Grant. **Motion by Kramer to accept the contract terms as presented for Keller Associates to complete the survey on Menser Ave. as necessary for the sidewalk project and authorize the Mayor's signature.** Note: The new grant money may not be used for the survey portion of the road. Lori said she did not think it covered any design or engineering either. **Roll Call: Devine-yes; Cutaiar-yes; McDaniel-yes; Kramer-yes. Motion passed. ACTION ITEM**

DISCUSSION ITEM:

Council review of the minutes they were provided as to how the establishment of a Joint Development Impact Fee Advisory Committee (DIFAC) with the Fire District and Emergency Medical Services (EMS) happened to this point and then discuss next steps. City Clerk Lori shared with the council the additional pages they were provided from Anne Wescott on behalf of the Timberlake Fire District (TFD) and the Development Impact Fee Advisory Committee Recommendation on Impact Fees. Really what the council needs to determine is if they are ready to endorse the process that was used to get the TFD to this point or if they want to see the process redone to include the city in the selection and redo the steps that have led them to this point. After a brief

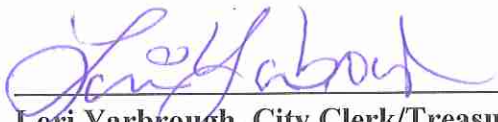
discussion it was determined that the outcome of reselecting a committee would not likely change the results of the survey provided by the consultant. **Lori explained the next steps would be to review the draft ordinance provided to the city by the fire district and let staff and the attorney review it, then bring to the council for their review and then post for a public hearing before potentially voting on the ordinance.**

ANNOUNCEMENTS City Council / Mayor / Staff Lori- 1) Second Athol Daze meeting set for Monday, March 14th at 1:00pm.

PUBLIC COMMENTS: 1) Lisa Bennett (city) – wanted to know if there was a date for the City-Wide Yard Sales yet. She was told nothing is scheduled yet. 2) Joe Scheably (county) – Asked the attorney if he could briefly outline the next steps or process regarding the denial of the Active West PUD. The City Attorney shared it really depends on the applicant. He could resubmit, seek reconsideration, or even a judicial review or appeal. There is a timeline with each but did not know them off the top of his head; it could be 45 days, just not sure, would need to look them up. His second question was related to a question of his regarding the city code being in violation of the state code and which the council said the city attorney could talk with him about that after the meeting. 3) Chief Brandon Hermenet with Timberlake Fire Department- Wanted to clarify for the council their process when approving new PUD or Subdivision. They too have a legal code to which they only get to verify if things in the application do or do not meet the code. It is pretty black and white for them; they don't get to vary or be selective of various applications or developments.

ADJOURNMENT at 7:00pm

ATTEST:



Lori Yarbrough, City Clerk/Treasurer



Bill Hill, Mayor

Approved at Council on 3/15/2022

